CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SPECIAL SESSIONS OF THE SENATE

OF THE

FORTY-SEVENTH CONGRESS.

VOLUME XII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1881.

NAMES AND POST-OFFICE ADDRESSES

OF

SENATORS AND OFFICERS OF THE SENATE

IN THE

SPECIAL SESSION OF THE FORTY-SEVENTH CONGRESS.

CHESTER A. ARTHUR, President of the Senate, New York, New York.

Name.	Post-office address.	Name.	Post-office address.
Allison, William B	Dubuque, Iowa.	Jackson, Howell E	Jackson, Tennessee.
Anthony, Henry B	Providence, Rhode Island.	Johnston, John W	Abingdon, Virginia.
Bayard, Thomas F	Wilmington, Delaware.	Jonas, Benjamin Franklin	New Orleans, Louisiana.
Beck, James B	Lexington, Kentucky.	Jones, Charles W	Pensacola, Florida.
Blaine, James G.[1]	Augusta, Maine.	Jones, John P	Gold Hill, Nevada.
Blair, Henry W	Plymouth, New Hampshire.	Kellogg, William Pitt	New Orleans, Louisiana.
Brown, Joseph E	Atlanta, Georgia.	Kirkwood, Samuel J.[3]	Iowa City, Iowa.
Burnside, Ambrose E	Providence, Rhode Island.	Lamar, Lucius Q. C	Oxford, Mississippi.
Butler, Manning C	Edgefield, South Carolina.	Logan, John A	Chicago, Illinois.
Call, Wilkinson	Jacksonville, Florida.	Mahone, William	Petersburgh, Virginia.
Camden, Johnson N	Parkersburgh, West Virginia.	Maxey, Samuel B	Paris, Texas.
Cameron, Angus	La Crosse, Wisconsin.	McDill, James W	Afton, Iowa.
Cameron, James D	Harrisburgh, Pennsylvania.	McMillan, Samuel J. R	Saint Paul, Minnesota.
Cockrell, Francis M	Warrensburgh, Missouri.	McPherson, John R	Jersey City, New Jersey.
Coke, Richard	Waco, Texas.	Miller, John F	San Francisco, California.
Conger, Omar D	Port Huron, Michigan.	Mitchell, John I	Wellsborough, Pennsylvania.
Conkling, Roscoe[2]	Utica, New York.	Morgan, John T	Selma, Alabama.
Davis, David	Bloomington, Illinois.	Morrill, Justin S	Strafford, Vermont.
Davis, Henry G	Piedmont, West Virginia.	Pendleton, George H	Cincinnati, Ohio.
Dawes, Henry L	Pittsfield, Massachusetts.	Platt, Orville H	Meriden, Connecticut.
Edgerton, A. J	Kasson, Minnesota.	Platt, Thomas C.[4]	——, New York.
Edmunds, George F	Burlington, Vermont.	Plumb, Preston B	Emporia, Kansas.
Fair, James G	Virginia City, Nevada.	Pugh, James L	Eufaula, Alabama.
Farley, James T	Jackson, California.	Ransom, Matt W	Weldon, North Carolina.
Ferry, Thomas W	Grand Haven, Michigan.	Rollins, Edward H	Concord, New Hampshire.
Frye, William P	Lewiston, Maine.	Saulsbury, Eli	Dover, Delaware.
Garland, Augustus H	Little Rock, Arkansas.	Saunders, Alvin	Omaha, Nebraska.
George, James Z	Jackson, Mississippi.	Sawyer, Philetus	Oshkosh, Wisconsin.
Gorman, Arthur P	Laurel, Maryland.	Sewell, William J	Camden, New Jersey.
Groome, James B	Elkton, Maryland.	Sherman, John	Mansfield, Ohio.
Grover, La Fayette	Salem, Oregon.	Slater, James H	La Grande, Oregon.
Hale, Eugene	Ellsworth, Maine.	Teller, Henry M	Central City, Colorado.
Hampton, Wade	Columbia, South Carolina.	Vance, Zebulon B	Charlotte, North Carolina.
Harris, Isham G	Memphis, Tennessee.	Van Wyck, Charles H	Nebraska City, Nebraska.
Harrison, Benjamin	Indianapolis, Indiana.	Vest, George G	Kansas City, Missouri.
Hawley, Joseph R	Hartford, Connecticut.	Voorhees, Daniel W	Terre Haute, Indiana.
Hill, Benjamin H	Atlanta, Georgia.	Walker, James D	Fayetteville, Arkansas.
Hill, Nathaniel P	Denver, Colorado.	Williams, John S	Mount Sterling, Kentucky.
Hoar, George F	Worcester, Massachusetts.	Windom, William[5]	Winona, Minnesota.
Ingalls, John J	Atchison, Kansas.		

OFFICERS OF THE SENATE.

John C. Burch	Secretary	Nashville, Tennessee.
Francis E. Shober	Chief Clerk	Salisbury, North Carolina.
Henry E. Peyton	Executive Clerk	Waterford, Virginia.
Richard J. Bright	Sergeant-at-Arms	Indianapolis, Indiana.
Isaac Bassett	Assistant Doorkeeper	Washington, District of Columbia.
W. P. McMichael	Postmaster	Bordentown, New Jersey.

[1] Resigned March 5, 1881. William P. Frye elected to fill vacancy.
[2] Resigned May 16, 1881.
[3] Resigned March 7, 1881. James W. McDill appointed to fill vacancy.
[4] Resigned May 16, 1881.
[5] Resigned March 7, 1881. A. J. Edgerton appointed to fill vacancy.

78236

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-SEVENTH CONGRESS.

SPECIAL SESSION OF THE SENATE.

IN SENATE.

FRIDAY, *March* 4, 1881.

Hon. CHESTER A. ARTHUR, Vice-President of the United States, having taken the oath of office at the close of the last regular session of the Forty-sixth Congress, took the chair.

PRAYER.

Rev. J. J. BULLOCK, Chaplain to the Senate, offered the following prayer:

Almighty and ever-living God, the Father of all our mercies and the Supreme Ruler of the Universe, whose power no creature can resist, as Thy dependent creatures and as the subjects of Thy moral government it becomes us to make acknowledgment of Thee in all our ways and to render obedience to all Thy commandments, ever remembering that all our prosperity comes from Thee. We thank Thee, O God, for all Thy great and continued goodness to us as a people, for Thou hast blessed us above all the nations of the earth; Thou hast given us this goodly land as our heritage, a land of light and of liberty and of rich abundance. We pray that we may never forfeit by our ingratitude and disobedience the inestimable blessings of civil and religious liberty bequeathed to us by our fathers and purchased with their blood; but may we long remain a united and godly and prosperous people, ever enjoying Thy favor, which is life, and Thy loving kindness, which is better than life.

And now, our Father, we would offer our sincere and earnest prayers for Thy servants, the President and Vice-President elect of the United States, who are this day to be inaugurated in the highest offices within the gift of this great people. May they be plenteously endowed with wisdom from on high to guide and assist them in the discharge of the high trust that has been committed to them; may they be a blessing and an honor to their country and to the whole world.

We would also pray for the Senators called to meet in executive session to co-operate in carrying on the affairs of this Government. May all that they do redound to Thy glory and the best interests of our common country.

These blessings we ask for Christ our Redeemer's sake. Amen.

PROCLAMATION.

The VICE-PRESIDENT. The Secretary will read the proclamation of the President convening the extraordinary session of the Senate.

The Secretary (Mr. JOHN C. BURCH) read as follows:

By the President of the United States of America.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the 4th of March next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Rutherford B. Hayes, President of the United States, have considered it to be my duty to issue this my proclamation declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 4th day of March next, at twelve o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 28th day of February, in the year of our Lord 1881, and of the Independence of the United States of America the one hundred and fifth.

[SEAL.] R. B. HAYES.

By the President:
WM. M. EVARTS,
Secretary of State.

SWEARING IN OF SENATORS.

The VICE-PRESIDENT. The Senators-elect will now be sworn. As their names are read by the Secretary they will advance to the chair to take the oath of office prescribed by law.

The Secretary called the names of—
Thomas F. Bayard, of Delaware.
Ambrose E. Burnside, of Rhode Island.
Omar D. Conger, of Michigan.
Henry L. Dawes, of Massachusetts.
George F. Edmunds, of Vermont.
James G. Fair, of Nevada.
Arthur P. Gorman, of Maryland.

As their names were called the respective Senators-elect, with the exception of Mr. EDMUNDS, of Vermont, who was absent, came forward, and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, were administered to them.

The Secretary called the names of—
Johnson N. Camden, of West Virginia.
Francis M. Cockrell, of Missouri.
James Z. George, of Mississippi.
Howell E. Jackson, of Tennessee.
Charles W. Jones, of Florida.
William Mahone, of Virginia.
Sam. Bell Maxey, of Texas.

As their names were called the respective Senators-elect, with the exception of Mr. MAHONE, of Virginia, who was absent, came forward, and the oath prescribed by the act of July 11, 1868, was administered to them.

The Secretary called the names of—
Eugene Hale, of Maine.
Benjamin Harrison, of Indiana.
Samuel J. R. McMillan, of Minnesota.
John F. Miller, of California.
John I. Mitchell, of Pennsylvania.
Thomas C. Platt, of New York.
Philetus Sawyer, of Wisconsin.
William J. Sewell, of New Jersey.
John Sherman, of Ohio.
Charles H. Van Wyck, of Nebraska.

As their names were called the respective Senators-elect came forward, and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, were administered to them.

The Senators-elect having been sworn and taken their seats in the Senate, the following Senators were present:

From the State of—
Alabama—John T. Morgan and James L. Pugh.
Arkansas—Augustus H. Garland and James D. Walker.
California—James T. Farley and John F. Miller.
Colorado—Nathaniel P. Hill and Henry M. Teller.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Florida—Wilkinson Call and Charles W. Jones.
Georgia—Joseph E. Brown and Benjamin H. Hill.
Illinois—David Davis and John A. Logan.
Indiana—Benjamin Harrison and Daniel W. Voorhees.
Iowa—Samuel J. Kirkwood.
Kansas—John J. Ingalls and Preston B. Plumb.
Kentucky—James B. Beck and John S. Williams.
Louisiana—Benjamin F. Jonas and William Pitt Kellogg.
Maine—James G. Blaine and Eugene Hale.
Maryland—Arthur P. Gorman and James B. Groome.
Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—Omar D. Conger and Thomas W. Ferry.

Minnesota—Samuel J. R. McMillan and William Windom.
Mississippi—James Z. George and Lucius Q. C. Lamar.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Alvin Saunders and Charles H. Van Wyck.
Nevada—James G. Fair and John P. Jones.
New Hampshire—Henry W. Blair and Edward H. Rollins.
New Jersey—John R. McPherson and William J. Sewell.
New York—Roscoe Conkling and Thomas C. Platt.
North Carolina—Matt. W. Ransom and Zebulon B. Vance.
Ohio—George H. Pendleton and John Sherman.
Oregon—La Fayette Grover and James H. Slater.
Pennsylvania—James Donald Cameron and John I. Mitchell.
Rhode Island—Henry B. Anthony and Ambrose E. Burnside.
South Carolina—M. C. Butler and Wade Hampton.
Tennessee—Isham G. Harris and Howell E. Jackson.
Texas—Richard Coke and Sam. Bell Maxey.
Vermont—Justin S. Morrill.
Virginia—John W. Johnston.
West Virginia—Johnson N. Camden and Henry G. Davis.
Wisconsin—Philetus Sawyer.

Mr. GARLAND. Mr. President, I am requested to state that the Hon. WILLIAM B. ALLISON, of Iowa, is confined to his room by indisposition.

INAUGURATION CEREMONIES.

The persons entitled to admission on the floor of the Senate Chamber having been admitted to the places reserved for them, the President, Hon. JAMES A. GARFIELD, of Ohio, entered the Senate Chamber, accompanied by the late President, Hon. RUTHERFORD B. HAYES, and Mr. PENDLETON, Mr. BAYARD, and Mr. ANTHONY, members of the committee of arrangements, and was escorted to a seat in front of the Secretary's desk, and the late President and the members of the committee were seated on his right and left.

The VICE-PRESIDENT. The Sergeant-at-Arms will now execute the order of the Senate relative to the inaugural ceremonies of the President of the United States.

Those in the Senate Chamber proceeded to the platform on the central portico of the Capitol in the following order:

The marshal of the District of Columbia and the marshal of the Supreme Court.
Ex-Presidents and ex-Vice-Presidents.
The Supreme Court.
The Sergeant-at-Arms of the Senate.
The Committee of Arrangements.
The President and the President-elect.
The Vice-President and the Secretary of the Senate.
Members of the Senate.
The Diplomatic Corps.
Heads of Departments.
Members of the House of Representatives and Members-elect, governors and ex-governors of States, officers of the Senate and officers of the House of Representatives.
All other persons who have been admitted to the floor of the Senate Chamber.

The President-elect delivered the following

INAUGURAL ADDRESS.

FELLOW-CITIZENS: We stand to-day upon an eminence which overlooks a hundred years of national life—a century crowded with perils, but crowned with the triumphs of liberty and law. Before continuing the onward march, let us pause on this height, for a moment, to strengthen our faith and to renew our hope by a glance at the pathway along which our people have traveled.

It is now three days more than a hundred years since the adoption of the first written Constitution of the United States—the articles of confederation and perpetual union. The new Republic was then beset with dangers on every hand. It had not conquered a place in the family of nations. The decisive battle of the war for independence, whose centennial anniversary will soon be gratefully celebrated at Yorktown, had not yet been fought. The colonists were struggling not only against the armies of a great nation, but against the settled opinions of mankind; for the world did not then believe that the supreme authority of government could be safely intrusted to the guardianship of the people themselves.

We cannot overestimate the fervent love of liberty, the intelligent courage, and the saving common sense with which our fathers made the great experiment of self-government. When they found, after a short trial, that the confederacy of States was too weak to meet the necessities of a vigorous and expanding Republic, they boldly set it aside, and in its stead established a national Union, founded directly upon the will of the people, and endowed with full power of self-preservation and with ample authority for the accomplishment of its great objects.

Under this Constitution, the boundaries of freedom have been enlarged; the foundations of order and peace have been strengthened; and the growth of our people, in all the better elements of national life, has vindicated the wisdom of the founders and given new hope to their descendants. Under this Constitution, our people, long ago, made themselves safe against danger from without, and secured for their mariners and flag equality of rights on all the seas. Under this Constitution, twenty-five States have been added to the Union, with constitutions and laws, framed and enforced by their own citizens, to secure the manifold blessings of local self-government.

The jurisdiction of this Constitution now covers an area fifty times greater than that of the original thirteen States, and a population twenty times greater than that of 1780.

The supreme trial of the Constitution came, at last, under the tremendous pressure of civil war. We ourselves are witnesses that the Union emerged from the blood and fire of that conflict purified and made stronger for all the beneficent purposes of good government.

And now, at the close of this first century of growth, with the inspirations of its history in their hearts, our people have lately reviewed the condition of the nation, passed judgment upon the conduct and opinions of political parties, and registered their will concerning the future administration of the Government. To interpret and to execute that will, in accordance with the Constitution, is the paramount duty of the Executive.

Even from this brief review it is manifest that the nation is resolutely facing to the front, resolved to employ its best energies in developing the great possibilities of the future. Sacredly preserving whatever has been gained to liberty and good government during the century, our people are determined to leave behind them all those bitter controversies concerning things which have been irrevocably settled, and the further discussion of which can only stir up strife and delay the onward march.

The supremacy of the nation and its laws, should be no longer a subject of debate. That discussion which, for half a century, threatened the existence of the Union, was closed at last, in the high court of war, by a decree from which there is no appeal, that the Constitution and the laws made in pursuance thereof are and shall continue to be the supreme law of the land, binding alike upon the States and upon the people. This decree does not disturb the autonomy of the States nor interfere with any of their necessary rights of local self-government; but it does fix and establish the permanent supremacy of the Union.

The will of the nation, speaking with the voice of battle and through the amended Constitution, has fulfilled the great promise of 1776 by proclaiming "liberty throughout the land to all the inhabitants thereof."

The elevation of the negro race from slavery to the full rights of citizenship, is the most important political change we have known since the adoption of the Constitution of 1787. No thoughtful man can fail to appreciate its beneficent effects upon our institutions and people. It has freed us from the perpetual danger of war and dissolution. It has added immensely to the moral and industrial forces of our people. It has liberated the master, as well as the slave, from a relation which wronged and enfeebled both. It has surrendered to their own guardianship the manhood of more than five million of people, and has opened to each one of them a career of freedom and usefulness. It has given new inspiration to the power of self-help in both races, by making labor more honorable to the one and more necessary to the other. The influence of this force will grow greater and bear richer fruit with the coming years.

No doubt this great change has caused serious disturbance to our southern communities. This is to be deplored; though it was perhaps unavoidable. But those who resisted the change should remember that, under our institutions, there was no middle ground for the negro race between slavery and equal citizenship. There can be no permanent, disfranchised peasantry in the United States. Freedom can never yield its fullness of blessings so long as the law, or its administration, places the smallest obstacle in the pathway of any virtuous citizen.

The emancipated race has already made remarkable progress. With unquestioning devotion to the Union, with a patience and gentleness not born of fear, they have "followed the light as God gave them to see the light." They are rapidly laying the material foundations of self-support, widening their circle of intelligence, and beginning to enjoy the blessings that gather around the homes of the industrious poor. They deserve the generous encouragement of all good men. So far as my authority lawfully extends, they shall enjoy the full and equal protection of the Constitution and the laws.

The free enjoyment of equal suffrage is still in question; and a frank statement of the issue may aid its solution. It is alleged that, in many communities, negro citizens are practically denied the freedom of the ballot. In so far as the truth of this allegation is admitted, it is answered that, in many places, honest local government is impossible if the mass of uneducated negroes are allowed to vote. These are grave allegations. So far as the latter is true, it is the only palliation that can be offered for opposing the freedom of the ballot. Bad local government is certainly a great evil, which ought to be prevented; but to violate the freedom and sanctity of the suffrage is more than an evil—it is a crime which, if persisted in, will destroy the Government itself. Suicide is not a remedy. If in other lands it be high treason to compass the death of the king, it should be counted no less a crime here to strangle our sovereign power and stifle its voice.

It has been said that unsettled questions have no pity for the repose of nations. It should be said, with the utmost emphasis, that this question of the suffrage will never give repose or safety to the State or to the nation until each, within its own jurisdiction, makes and keeps the ballot free and pure by the strong sanctions of the law.

But the danger which arises from ignorance in the voter, cannot be denied. It covers a field far wider than that of negro suffrage and the present condition of the race. It is a danger that lurks and hides in the sources and fountains of power in every State. We have no standard by which to measure the disaster that may be brought upon us by ignorance and vice in the citizen when joined to corruption and fraud in the suffrage.

The voters of the Union, who make and unmake constitutions, and upon whose will hang the destinies of our governments, can transmit their supreme authority to no successors save the coming generation of voters, who are the sole heirs of sovereign power. If that generation comes to its inheritance blinded by ignorance and corrupted by vice, the fall of the Republic will be certain and remediless.

The census has already sounded the alarm, in the appalling figures which mark how dangerously high the tide of illiteracy has risen among our voters and their children. To the South this question is of supreme importance. But the responsibility for the existence of slavery did not rest upon the South alone. The nation itself is responsible for the extension of the suffrage, and is under special obligations to aid in removing the illiteracy which it has added to the voting population. For the North and South alike, there is but one remedy. All the constitutional power of the nation and of the States and all the volunteer forces of the people should be summoned to meet this danger, by the saving influence of universal education.

It is the high privilege and sacred duty of those now living to educate their successors and fit them, by intelligence and virtue, for the inheritance which awaits them.

In this beneficent work, sections and races should be forgotten, and partisanship should be unknown. Let our people find a new meaning in the divine oracle which declares that "A little child shall lead them;" for our own little children will soon control the destinies of the Republic.

My countrymen, we do not now differ in our judgment concerning the controversies of past generations; and fifty years hence our children will not be divided in their opinions concerning our controversies. They will surely bless their fathers and their fathers' God, that the Union was preserved, that slavery was overthrown, and that both races were made equal before the law. We may hasten or we may retard, but we cannot prevent the final reconciliation. Is it not possible for us, now, to make a truce with time, by anticipating and accepting its inevitable verdict?

Enterprises of the highest importance to our moral and material well-being, invite us and offer ample employment for our best powers. Let all our people, leaving behind them the battle-fields of dead issues, move forward, and in the strength of liberty and the restored Union, win the grander victories of peace.

The prosperity which now prevails is without a parallel in our history. Fruitful seasons have done much to secure it; but they have not done all. The preservation of the public credit and the resumption of specie payments, so successfully attained by the administration of my predecessors, have enabled our people to secure the blessings which the seasons brought.

By the experience of commercial nations, in all ages, it has been found that gold and silver afford the only safe foundation for a monetary system. Confusion has recently been created by variations in the relative value of the two metals. But I confidently believe that arrangements can be made between the leading commercial nations which will secure the general use of both metals. Congress should provide that the compulsory coinage of silver now required by law may not disturb our monetary system, and that neither metal shall be driven out of circulation. If possible, such an adjustment should be made that the purchasing power of every coined dollar shall be exactly equal to its debt-paying power in all the markets of the world.

The chief duty of the National Government, in connection with the currency of the country, is to coin money and to declare its value. Grave doubts have been entertained whether Congress is authorized by the Constitution to make any form of paper money a legal tender. The present issue of United States notes has been sustained by the necessities of war; but such paper should depend for its value and currency upon its convenience in use and its prompt redemption in coin at the will of the holder, and not upon its compulsory circulation. These notes are not money, but promises to pay money. If the holders demand it, the promise should be kept.

The refunding of the national debt, at a lower rate of interest, should be accomplished without compelling the withdrawal of the national-bank notes, and thus disturbing the business of the country.

I venture to refer to the position I have occupied on financial questions, during a long service in Congress, and to say that time and experience have strengthened the opinions I have so often expressed on these subjects.

The finances of the Government shall suffer no detriment which it may be possible for my administration to prevent.

The interests of agriculture deserve more attention from the Government than they have yet received. The farms of the United States afford homes and employment for more than one-half our people, and furnish much the largest part of all our exports. As the Government lights our coasts for the protection of mariners and for the benefit of commerce, so it should give to the tillers of the soil the best lights of practical science and experience.

Our manufactures are rapidly making us industrially independent, and are opening to capital and labor new and profitable fields of employment. Their steady and healthy growth should still be maintained. Our facilities for transportation should be promoted by the continued improvement of our harbors and great interior water-ways and by the increase of our tonnage on the ocean.

The development of the world's commerce has led to an urgent demand for shortening the great sea voyage around Cape Horn by constructing ship-canals or railways across the Isthmus which unites the continents. Various plans to this end have been suggested and will need consideration; but none of them has been sufficiently matured to warrant the United States in extending pecuniary aid. The subject, however, is one which will immediately engage the attention of the Government with a view to a thorough protection of American interests. We shall urge no narrow policy, nor seek peculiar or exclusive privileges in any commercial route; but in the language of my predecessor, I believe it to be "the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests."

The Constitution guarantees absolute religious freedom. Congress is prohibited from making any law respecting an establishment of religion, or prohibiting the free exercise thereof. The Territories of the United States are subject to the direct legislative authority of Congress; and hence the General Government is responsible for the violation of the Constitution in any of them. It is, therefore, a reproach to the Government that, in the most populous of the Territories, the constitutional guarantee is not enjoyed by the people and the authority of Congress is set at naught. The Mormon Church not only offends the moral sense of mankind by sanctioning polygamy, but prevents the administration of justice through the ordinary instrumentalities of law.

In my judgment, it is the duty of Congress, while respecting to the uttermost the conscientious convictions and religious scruples of every citizen, to prohibit within its jurisdiction all criminal practices, especially of that class which destroy the family relations and endanger social order. Nor can any ecclesiastical organization be safely permitted to usurp, in the smallest degree, the functions and powers of the National Government.

The civil service can never be placed on a satisfactory basis until it is regulated by law. For the good of the service itself, for the protection of those, who are intrusted with the appointing power, against the waste of time and obstruction to the public business caused by the inordinate pressure for place, and for the protection of incumbents against intrigue and wrong, I shall, at the proper time, ask Congress to fix the tenure of the minor offices of the several Executive Departments, and to prescribe the grounds upon which removals shall be made during the terms for which incumbents have been appointed.

Finally, acting always within the authority and limitations of the Constitution, invading neither the rights of the States nor the reserved rights of the people, it shall be the purpose of my administration to maintain the authority of the nation in all places within its jurisdiction; to enforce obedience to all the laws of the Union in the interests of all the people; to demand rigid economy in all the expenditures of the Government; and to require the honest and faithful service of all executive officers, remembering that the offices were created not for the benefit of incumbents or their supporters, but for the service of the Government.

And now, fellow-citizens, I am about to assume the great trust which you have committed to my hands. I appeal to you for that earnest and thoughtful support which makes this Government in fact, as it is in law, a government of the people.

I shall greatly rely upon the wisdom and patriotism of Congress and of those who may share with me the responsibilities and duties of administration. And, above all, upon our efforts to promote the welfare of this great people and their Government, I reverently invoke the support and blessings of Almighty God.

The oath of office was then administered to the President by the Chief-Justice of the United States.

The Senate returned to their Chamber, and the Vice-President took the chair at twenty-five minutes past one o'clock p. m.

NOTIFICATION TO THE PRESIDENT.

Mr. PENDLETON. Mr. President, I offer the following resolution:

Resolved, That a committee of three members be appointed by the Vice-President to wait upon the President of the United States and inform him that a quorum of the Senate has assembled, and that the Senate is ready to receive any communication he may be pleased to make.

Mr. CONKLING. I wish to ask the Senator from Ohio whether this implies that we are to wait until we receive a return from this message? If so, I should be opposed to it. For one, I want to adjourn and adjourn till Monday to the end that we may have some sleep, some recess from the weariness of which we have had so much. If this is only to send a committee, I will not object; and after the resolution is acted on, if I can get the floor, I will move an adjournment until Monday.

The VICE-PRESIDENT. The question is on the resolution of the Senator from Ohio.

The resolution was agreed to.

The VICE-PRESIDENT appointed Mr. PENDLETON, Mr. DAVIS of Illinois, and Mr. TELLER as the committee.

ADJOURNMENT AND HOUR OF MEETING.

Mr. CONKLING. I move that the Senate do now adjourn until Monday next at twelve o'clock.

Mr. HOAR. Is not that an unusual motion, to adjourn two days after having ordered such a communication to the President as has just been authorized?

Mr. CONKLING. One of the days is Sunday.

Mr. HOAR. While it might be proper while the committee are gone to adjourn till to-morrow, yet the President may have a communication to make to us to-morrow that will require us to be here. I hope the adjournment will be until Saturday.

Mr. PENDLETON. I feel very certain that it will be more agreeable to the Executive that the Senate shall adjourn until to-morrow and not until Monday. I have no desire to move a substitute for the proposition of the Senator from New York, but I have reason to know that it will be agreeable to the Executive that there should be a session to-morrow.

Mr. CONKLING. Had the Senator from Ohio made that statement to me before he offered his resolution and had it acted upon I think I would have ventured to object to its consideration. I made an inquiry of him intending to elicit exactly that which he has now stated. I think that had the Senator understood the whole scope of my question he would have answered it. After what he has said I shall certainly not interpose any rest which I need or anybody else may need against what the Senator understands to be the convenience of the President. Therefore I change my motion and move that the Senate now adjourn and then it will meet to-morrow.

Mr. PENDLETON. I suggest that we had better fix the hour of meeting regularly at twelve o'clock, by resolution.

Mr. CONKLING. Then to satisfy all Senators, first I move that the hour of meeting of the Senate, until otherwise ordered, be twelve o'clock noon.

The VICE-PRESIDENT. The Senator from New York offers the following order:

Ordered, That the daily hour of meeting of the Senate, until otherwise ordered, be twelve o'clock meridian.

The order was agreed to.

Mr. CONKLING. Now I move that the Senate adjourn.

The motion was agreed to; and (at one o'clock and thirty-two minutes p. m.) the Senate adjourned.

SATURDAY, *March* 5, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair has certain petitions which have been placed in his hands to present to the Senate. They are petitions praying for special legislation. The Chair is of the opinion that such petitions cannot be received at an extraordinary session of the Senate. He finds that there are precedents to the effect that such petitions should be received and laid upon the table.

Mr. HARRIS. I suggest that the petitions be laid upon the table until such time as the Senate shall meet in legislative session.

The VICE-PRESIDENT. The last decision to which the Chair refers is to this effect:

It is not in order to present petitions or memorials praying for special legislation at a session of the Senate specially called by the President, in the recess of Congress, and which the Senate could not, without the co-operation of the House of Representatives, mature. (Special or called session of Senate, March 13, 1873.)

Under this decision it would not be in order for the Chair to present the petitions. The Chair being in doubt asks the Senate what order they choose to take, and he will take the sense of the Senate on the question.

Mr. HILL, of Georgia. My recollection is that this very question came up four years ago, and I think it was held by the Senate that the reception of petitions is always in order. They were received, and I think laid on the table. That is my recollection, and I think the Journal will show some such action as that.

Mr. COCKRELL. I move that the petitions which the Vice-President has received be retained in the hands of the Vice-President, to be presented at the beginning of the legislative session.

Mr. CONKLING. I suggest to my honorable friend from Missouri to make that as a suggestion, not as a formal motion.

Mr. COCKRELL. I make it as a suggestion, then, that they be retained by the Vice-President to be presented when the Senate meets in legislative session.

Mr. CONKLING. Nobody, I imagine, objects to that.

The VICE-PRESIDENT. If there be no objection the petitions will be so retained.

WINFIELD SCOTT HANCOCK.

Mr. HOAR. I ask unanimous consent for the present consideration of a resolution which I send to the desk, which I am sure it will give every member of the Senate pleasure to support.

The resolution was read, as follows:

Resolved, That Winfield Scott Hancock be entitled to the privileges of the floor of the Senate during his stay in Washington.

The resolution was considered by unanimous consent, and agreed to.

ELECTION OF PRESIDENT.

Mr. BLAINE. I gave notice some weeks ago in the Senate that at the spring session I would offer a resolution upon a subject then under discussion; and I now offer the following:

Resolved, That a special committee of five Senators be appointed by the Chair to take into consideration the mode of voting for President and Vice-President of the United States, and the mode of counting and certifying the same, and to report such propositions for change in the laws or Constitution as may seem to them expedient. That said committee have power to sit during the recess of Congress, and that they be directed to report on or before the second Wednesday of January, 1882.

The VICE-PRESIDENT. Is there objection to considering the resolution at this time?

Mr. DAVIS, of West Virginia. I suggest to my friend from Maine that he allow the resolution to lie on the table and be printed. That would be the better course, I think.

Mr. BLAINE. I have no objection to that course if there is objection to considering the resolution now.

The VICE-PRESIDENT. The resolution will lie on the table and be printed.

NOTIFICATION TO THE PRESIDENT.

Mr. PENDLETON. The committee which was appointed yesterday to wait upon the President of the United States and inform him that a quorum of this body had convened and was ready to receive any communication which he might desire to make, have performed that duty, and the President notified them that he would communicate to the Senate to-day at three o'clock. I move that the Senate take a recess until three o'clock.

WITHDRAWAL OF DUPLICATE CREDENTIALS.

Mr. FERRY. If the Senator will allow me, before he submits his motion, I desire to offer a resolution.

Mr. PENDLETON. Certainly.

Mr. FERRY. I ask for the following:

Ordered, That the duplicate credentials of Hon. OMAR D. CONGER be withdrawn from the files of the Senate.

Mr. DAVIS, of West Virginia. I should like to ask the object of the order.

Mr. FERRY. The original is on file, and the duplicate is not necessary, and the order is simply to withdraw it. Certainly there can be no objection, as the original is on file. I will say to the Senator that it may be a gratification to my colleague to obtain the duplicate, and, the original being on file, I trust the Senator from West Virginia will not object to this order.

Mr. DAVIS, of West Virginia. Do I understand that there are two sets on file?

Mr. FERRY. Two sets are on file, the original and the duplicate. I simply ask to withdraw the duplicate, leaving the original. Certainly there can be no objection to that.

Mr. DAVIS, of West Virginia. There is no objection to that.

The VICE-PRESIDENT. If there be no objection the order will be agreed to. It is agreed to.

RECESS.

Mr. PENDLETON. I now renew my motion to take a recess until three o'clock.

The motion was agreed to; and (at twelve o'clock and twenty minutes p. m.) the Senate took a recess until three o'clock.

At three o'clock the Vice-President entered the Senate Chamber, and was greeted with applause by the galleries, as had been Mr. BLAINE on his entrance a few moments before.

The VICE-PRESIDENT. The Senate will come to order.

Mr. ANTHONY. Mr. President, I presume that the galleries are filled with strangers, who are unacquainted with the rules and orders of the Senate. They should be made to understand that any manifestation of approbation or disapprobation is an insult to the body, and will lead immediately to the galleries being cleared.

The VICE-PRESIDENT. The Sergeant-at-Arms will see that order is maintained in the galleries.

EXECUTIVE BUSINESS.

Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below the bar of the Senate and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

Mr. CAMERON. I move that the Senate proceed now to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the doors were reopened, and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

MONDAY, *March* 7, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

WILLIAM B. ALLISON, a Senator from the State of Iowa, appeared in his seat to-day.

SWEARING IN OF A SENATOR.

Mr. JOHNSTON. Mr. President, the credentials of my colleague, Hon. William Mahone, have been read and placed on the files of the Senate. He is present, and I ask that he be now sworn.

The VICE-PRESIDENT. The Senator-elect will advance to the chair of the Vice-President, and the oath will be administered to him.

Mr. MAHONE advanced to the Vice-President's desk, escorted by Mr. JOHNSTON, and the oath prescribed by the act of July 11, 1868, having been administered to him he took his seat in the Senate.

Mr. PENDLETON. I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and fourteen minutes p. m.) the Senate adjourned.

TUESDAY, *March* 8, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF PAPERS.

On motion of Mr. ROLLINS, it was

Ordered, That Henry S. Wetmore have leave to withdraw his papers from the files of the Senate.

On motion of Mr. HOAR, it was

Ordered, That G. E. W. Sharretts have leave to withdraw the papers in his case from the files of the Senate.

On motion of Mr. BAYARD, it was

Ordered, That John Hunter have leave to withdraw his papers, which were referred to the Committee on Claims.

RESIGNATION OF SENATOR KIRKWOOD.

The VICE-PRESIDENT laid before the Senate the following communication; which was read:

UNITED STATES SENATE CHAMBER,
Washington, March 7, 1881.

SIR: I have forwarded to the governor of the State of Iowa my resignation of the office of Senator of the United States, to take effect from this date.

Very respectfully, your obedient servant,

S. J. KIRKWOOD.

Hon. CHESTER A. ARTHUR, *Vice-President*.

RESIGNATION OF SENATOR BLAINE.

The VICE-PRESIDENT laid before the Senate the following communication; which was read:

WASHINGTON, D. C., *March* 7, 1881.

SIR: You will please announce to the Senate that on the 5th of March I forwarded to the governor of Maine my resignation as Senator of the United States from that State.

Very respectfully, your obedient servant,

JAS. G. BLAINE.

To Hon. CHESTER A. ARTHUR,
Vice-President of the United States and President of the Senate.

The VICE-PRESIDENT. These communications will lie on the table.

Mr. HOAR. I suggest that they be placed on the files of the Senate.

The VICE-PRESIDENT. If there be no objection, it is so ordered.

EXECUTIVE SESSION.

A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. BAYARD. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at twelve o'clock and thirty-four minutes p. m.) the Senate adjourned.

WEDNESDAY, *March* 9, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM IOWA.

The VICE-PRESIDENT laid before the Senate the following communication; which was read and ordered to be filed:

[Telegram.]

DES MOINES, IOWA, *March* 8, 1881.

Hon. CHESTER A. ARTHUR,
President of the Senate, Washington, District of Columbia:

I have this day appointed as Senator Kirkwood's successor James W. McDill, of Afton, Union County.

JNO. H. GEAR, *Governor.*

EXECUTIVE SESSION.

A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened, and (at twelve o'clock and forty-five minutes p. m.) the Senate adjourned.

THURSDAY, *March* 10, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEES OF THE SENATE.

Mr. PENDLETON. I offer a resolution, and I will state frankly that it is a resolution for the appointment of the standing committees of the Senate. I am very well aware that it cannot be considered to-day except by unanimous consent. I hope that leave will be granted; but if it is intended to make objection I would suggest for the convenience of all parties that the list be not read, but printed and laid on the table. However, the Senate will pursue its own course in regard to the matter.

Mr. BAYARD, Mr. INGALLS, and others. Let it be read.

Mr. ANTHONY. Let it be read, subject to objection.

Mr. HILL, of Georgia. It can be read anyhow; the objection comes afterward.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the following be the standing committees of the Senate during the present session:

STANDING COMMITTEES.

On Privileges and Elections—Messrs. Saulsbury, (chairman,) Hill of Georgia, Vance, Pugh, Call, Hoar, Logan, Sherman, and Platt of New York.

On Foreign Relations—Messrs. Johnston, (chairman,) Morgan, Pendleton, Saulsbury, Jackson, Conkling, Hale, Miller, and Mitchell.

On Finance—Messrs. Bayard, (chairman,) Voorhees, Beck, McPherson, Grover, Morrill, Ferry, Jones of Nevada, and Allison.

On Appropriations—Messrs. Davis of West Virginia, (chairman,) Beck, Ransom, Cockrell, Harris, Allison, Sherman, Hawley, and Conger.

On Commerce—Messrs. Ransom, (chairman,) Coke, Farley, Vest, Brown, Conkling, McMillan, Jones of Nevada, and Harrison.

On Manufactures—Messrs. Williams, (chairman,) Grover, McPherson, Rollins, and Dawes.

On Agriculture—Messrs. Slater, (chairman,) Johnston, Davis of West Virginia, Brown, George, Blair, Van Wyck, Sawyer, and Mitchell.

On Military Affairs—Messrs. Grover, (chairman,) Cockrell, Maxey, Hampton, Mahone, Burnside, Plumb, Cameron, and Logan.

On Naval Affairs—Messrs. McPherson, (chairman,) Jones of Florida, Vance, Farley, Gorman, Anthony, Cameron, Ferry, and Platt of New York.

On the Judiciary—Messrs. Davis of Illinois, (chairman,) Garland, Bayard, Lamar, Hill of Georgia, Pendleton, Edmunds, Conkling, and Sherman.

On Post-Offices and Post-Roads—Messrs. Maxey, (chairman,) Saulsbury, Farley, Groome, Pugh, Ferry, Sewell, Sawyer, and Van Wyck.

On Public Lands—Messrs. Jones of Florida, (chairman,) McPherson, Walker, Fair, Camden, Plumb, Hill of Colorado, Van Wyck, and Miller.

On Private Land-Claims—Messrs. Edmunds, (chairman,) Allison, Hale, Jonas, and Call.

On Indian Affairs—Messrs. Coke, (chairman,) Pendleton, Walker, Slater, Williams, Allison, Ingalls, Saunders, and Logan.

On Pensions—Messrs. Groome, (chairman,) Slater, Jackson, Camden, George, Blair, Kellogg, Platt of Connecticut, and Hawley.

On Revolutionary Claims—Messrs. Anthony, (chairman,) Dawes, McMillan, Jones of Florida, and Davis of West Virginia.

On Claims—Messrs. Cockrell, (chairman,) Pugh, Jackson, George, Fair, McMillan, Teller, and Hoar.

On the District of Columbia—Messrs. Harris, (chairman,) Butler, Vance, Gorman, Camden, Ingalls, Rollins, McMillan, and Conger.

On Patents—Messrs. Call, (chairman,) Coke, Williams, Gorman, Hoar, Platt of Connecticut, and Ingalls.

On Territories—Messrs. Butler, (chairman,) Garland, Vest, Slater, Saunders, Kellogg, and Logan.

On Railroads—Messrs. Lamar, (chairman,) Grover, Williams, Jonas, Mahone, Fair, Dawes, Teller, Saunders, Sherman, and Harrison.

On Mines and Mining—Messrs. Farley, (chairman,) Hampton, Vest, Fair, Cameron, Plumb, and Hill of Colorado.

On the Revision of the Laws—Messrs. Garland, (chairman,) Pendleton, Davis of Illinois, Hoar, and McMillan.

On Education and Labor—Messrs. Brown, (chairman,) Maxey, Lamar, George, Mahone, Burnside, Morrill, Blair, and Hawley.

On Civil Service and Retrenchment—Messrs. Walker, (chairman,) Butler, Beck, Groome, Teller, Rollins, and Conger.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Vance, (chairman,) Davis of West Virginia, and Jones of Nevada.

On Rules—Messrs. Morgan, (chairman,) Call, Walker, Edmunds, and Hale.

On Engrossed Bills—Messrs. Conkling, (chairman,) Jones of Nevada, and Ransom.

On the Improvement of the Mississippi River and its Tributaries—Messrs. Jonas, (chairman,) Cockrell, Lamar, Jackson, Kellogg, Harrison, and Conger.

On Transportation Routes to the Seaboard—Messrs. Beck, (chairman,) Johnston, Voorhees, Hampton, Cameron, Blair, and Platt of New York.

Joint Committee on Public Printing—Messrs. Hill of Georgia, (chairman,) Gorman, and Anthony.

Joint Committee on Enrolled Bills—Messrs. Pugh, (chairman,) Call, and Rollins.

Joint Committee on the Library—Messrs. Voorhees, (chairman,) Ransom, and Edmunds.

Joint Committee on Public Buildings and Grounds—Messrs. Vest, (chairman,) Jones of Florida, Saulsbury, Dawes, and Morrill.

Joint Select Committee on additional accommodations for the Library of Congress—Messrs. Voorhees, (chairman,) Butler, and Morrill.

Mr. ANTHONY. I move that the resolution be laid on the table and printed.

Mr. PENDLETON. I suppose it goes over regularly under an objection and stands upon the Calendar. I have no objection to the order to print, but I desire if the resolution is not to be considered immediately that it go on the Calendar.

Mr. ANTHONY. It amounts to the same thing.

Mr. PENDLETON. Very well, let it lie on the table.

The VICE-PRESIDENT. Does the Senator from Rhode Island move to lay the resolution on the table?

Mr. ANTHONY. I do not move to lay it on the table if the Senator from Ohio objects. Let it go on the Calendar. The effect in either case is just the same.

Mr. PENDLETON. Let it lie on the table and be printed subject to be called up to-morrow. I think the Senator from Rhode Island desired that it should be printed.

Mr. ANTHONY. Yes, sir.

The VICE-PRESIDENT. The resolution will lie over one day under the rule. The order to print will be made.

Mr. PENDLETON. I offer the following resolution:

Resolved, That the following select committees be appointed for the present session, and that each committee thus created be vested with all the powers and authorities heretofore given to each of the select committees on the respective subjects to which they relate:

SELECT COMMITTEES.

To examine the several branches of the Civil Service—Messrs. Hampton, (chairman,) Groome, Mahone, Logan, and Dawes.

To take into consideration the state of the law respecting the ascertaining and declaration of the Result of the Elections of President and Vice-President of the United States—Messrs. Morgan, (chairman,) Bayard, Johnston, Garland, Maxey, Edmunds, Conkling, and Teller.

To make provision for taking the Tenth Census—Messrs. Pendleton, (chairman,) Morgan, Harris, Davis of Illinois, Hill of Georgia, and Morrill.

To investigate and report the best means of preventing the introduction and spread of Epidemic Diseases—Messrs. Harris, (chairman,) Lamar, Garland, Jonas, Platt of Connecticut, Miller, and Sewell.

Mr. ANTHONY. Let this resolution take the same direction as the former, Mr. President.

The VICE-PRESIDENT. The resolution goes over under the rule.

EXECUTIVE SESSION.

A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at twelve o'clock and thirty minutes p. m.) the Senate adjourned.

FRIDAY, *March* 11, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

A message in writing of an executive character was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

SWEARING IN OF A SENATOR.

Mr. MORRILL. Mr. President, my colleague is now present. I move that the oath of office be administered to him.

The VICE-PRESIDENT. The Senator-elect will advance to the chair of the Vice-President and the oaths of office will be administered to him.

Mr. EDMUNDS advanced to the Vice-President's desk, escorted by Mr. MORRILL, and the oaths prescribed by the acts of June 1, 1789, and July 1, 1862, having been administered to him, he took his seat in the Senate.

RESIGNATION OF SENATOR WINDOM.

The VICE-PRESIDENT laid before the Senate the following communication; which was read, and ordered to be filed:

TREASURY DEPARTMENT,
Washington, March 10, 1881.

SIR: I have forwarded to the governor of the State of Minnesota my resignation of the office of Senator of the United States to take effect on the 7th instant.

Very respectfully, your obedient servant,

WILLIAM WINDOM.

Hon. CHESTER A. ARTHUR, *Vice-President*.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

Mr. JOHNSTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to furnish the Senate copies of any reports made during the last session of Congress to the Department of Justice in relation to the conduct and operations of the United States marshal and his deputies, the district attorney, and the commissioners in the western district of Virginia.

COMMITTEES OF THE SENATE.

Mr. PENDLETON. I ask the Chair to lay before the Senate the resolution which I offered yesterday, and which went over on objection under the rule.

The VICE-PRESIDENT. The resolution offered yesterday by the Senator from Ohio will now be reported by the Clerk.

The Chief Clerk proceeded to read the resolution submitted yesterday by Mr. PENDLETON for the appointment of the standing committees of the Senate during the present session, and having read the list of the Committee on the Judiciary,

Mr. PENDLETON. I desire to say that by mistake in copying the name of my colleague [Mr. SHERMAN] was put upon the Judiciary Committee, whereas it ought to have been the Senator from Iowa, [Mr. ALLISON.] I ask the unanimous consent of the Senate to correct the clerical error of the copyist.

The VICE-PRESIDENT. The Chair hears no objection, and the correction will be made.

The Chief Clerk resumed and concluded the reading of the proposed list of standing committees.

Mr. DAVIS, of Illinois. Mr. President——

Mr. CONKLING. If my honorable friend will yield to me one moment, I understand the resolution offered yesterday is taken up on motion. I do not myself understand it to be in order, and although I have just entered the Senate and may be mistaken, I wish to reserve, in spite of the Senator's occupying the floor, any point of order to which it may be subject.

Mr. DAVIS, of Illinois. Mr. President, before casting my vote on this occasion, it is proper for me to state the reasons that determine it. In 1877 the Legislature of Illinois unexpectedly elected me Senator. I was not in any sense a candidate for this honor, and when applied to for the use of my name I declined to answer the request. Numerically the republicans had a plurality of that Legislature, and my distinguished colleague [Mr. LOGAN] was their nominee. The democrats stood next in strength, and a small body of independents held the balance of power. The two last united, and they voluntarily conferred upon me the distinction which I now hold. No man ever entered Congress freer from political committals or from personal obligations than I did four years ago. I had been identified with the republican party and still look back with pride to its grand achievements. The extreme measures after the war and the excesses incident to civil strife drove tens of thousands into the liberal movement of 1872. I found myself in company with Charles Francis Adams, Horace Greeley, Carl Schurz, Stanley Matthews, Reuben E. Fenton, Murat Halstead, Charles Sumner, Lyman Trumbull, Samuel Bowles, John Wentworth, Whitelaw Reid, Leonard Swett, and others known to fame, who had been conspicuous republicans. Some of them have returned to the fold from which they had separated, doubtless prompted by patriotic motives.

I have never acted distinctively with the democratic party, and unless its methods change and its wisdom is broadened there is little prospect of my revising opinions calmly formed. The country would be materially benefited by a reconstruction of parties, especially since the errors of one seem unhappily contrived to prolong possession of power in the other. Standing between these two great organizations, and exposed to the carpings of the organs of both, who regard independence of party as a crime, is not an agreeable position to occupy; but it has suited my politics, because I could not accept either extreme. I have voted on all public measures, without regard to their political origin, according to my convictions of right, and I propose to continue that course until the close of my senatorial term. Dreams of ambition do not disturb my sleep. When the day for retiring comes I shall go back to private life, as I came out of it, carrying with me the consciousness of having striven to discharge every duty.

An honorable recognition of the trust generously confided to my keeping by democratic votes in 1877 requires me to sustain the existing organization of the Senate, for which I disclaim all responsibility. Parts of it are neither agreeable to my taste nor to my judgment. I do not refer to the formation of committees.

In giving this vote it is proper to say, whatever may be the result, that I can accept no honor at the hands of either side. A new administration is starting out under exceptional circumstances. The States were numerically divided at the Presidential election. A few thousand votes separated the two principal candidates in a poll exceeding nine millions. Both branches of Congress are almost balanced. The country craves a respite from angry discord, and, most of all, it needs rest from sectional strife. The voice of patriotism demands peace and fraternal fellowship, North and South, East and West. Every good citizen should desire the success of the administration, for we all ought to have a common interest in the glory and in the greatness of the Republic. Measures intended to advance either shall have my cordial support. The President and his Cabinet are entitled to a fair hearing, and to be judged impartially by their acts. If they fail to justify the public confidence, it will be a misfortune which has overtaken other administrations having equally good intentions and prospects.

It follows from what I have said that I shall vote for the formation of all the committees as reported by the Senator from Ohio, except the Committee on the Judiciary. I wish to retain my old place on that committee; and profoundly thankful to my democratic friends for the distinguished honor of being placed at the head of that committee, I must decline that position.

Mr. HARRIS. I suggest to the honorable Senator from Illinois, if it is his purpose not to accept the position assigned him on the committee, that he himself move to amend the resolution of the Senator

from Ohio by striking his name from the head of the list of the committee and inserting it at some other place in the line of the committee.

Mr. DAVIS, of Illinois. The next person named on the committee is the Senator from Arkansas, [Mr. GARLAND.] I therefore move that Mr. GARLAND be placed at the head of the committee in my place.

The VICE-PRESIDENT. The Senator from Illinois asks that the name of the Senator from Arkansas [Mr. GARLAND] be substituted in the place of his own as chairman of the Committee on the Judiciary, and that he take the place which had been assigned to the Senator from Arkansas. If there be no objection the substitution will be made.

Mr. CONKLING. Mr. President, I ventured some time ago to save any point of order which lies against this proceeding. I do not understand that this is in order. There is a rule of the Senate which provides the mode in which the committees of the Senate may be elected, and that is the only mode. This resolution does not proceed under that, nor has notice of one day been given, as is required by one of the rules of the Senate, that a motion would be made to suspend the rule which stands in the way of this proceeding. Therefore, although the resolution has lain over one day, and as a resolution it is in order if no other rule of the Senate interferes with it, being a resolution proposing to construct the committees of the Senate in a way not tolerated by the rule, that rule must be suspended, and that suspension can happen only on notice—notice descriptive, in a way pointed out by the rule, and that notice must be at least one day. Unless there has been in the Senate something which has escaped my observation I respectfully submit that this resolution is not in order, and if it be not in order I do not wish it considered.

Mr. PENDLETON. On the question of order I desire to call the attention of the Chair to the forty-sixth rule:

> In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint, severally, the chairman of each committee, and then, by one ballot, the other members necessary to complete the same.

The rule in its terms contemplates the election by ballot unless the Senate takes other order. The other order, I submit, is contained in the resolution which is now under consideration by the Senate. It is not a suspension of the rule of the Senate; it is not a violation of the rule of the Senate; it is a proceeding provided for by the forty-sixth rule, which does itself contemplate that there are two modes of appointing the committees, both within the power of the Senate, and that the one shall be adopted unless the other shall be expressly ordered. So much upon that point.

As to the other point, if it were a suspension of the rules, I submit that the notice necessary has been given by the offering of the resolution itself. I call the attention of the Chair to the interpretation put upon language similar to this during very many years in the Senate, and notably during the last Congress, where upon both the Anthony rule and the Harris rule the very language of this rule, in so far as it applies, was adopted, and yet every Senator knows that without notice, under the words "unless otherwise ordered," we proceeded day by day, upon a vote of the Senate, to take up other business than that which was provided by the rule itself.

Mr. HARRIS. By a majority vote.

Mr. PENDLETON. By a majority vote.

Mr. CONKLING. I am aware that it is not in order for me to discuss this point of order,—no more in order than it was for my distinguished friend from Ohio to do the same thing; but as he has delighted the Senate by a few observations, they will endure I hope a few from me. This resolution proposes:

> That the following be the standing committees of the Senate during the present session.

"During the present session." If an apology is needed for the objection which I feel to that, it will be found, I think, in the circumstance that a majority, a constitutional majority of the Senate, is against that resolution, is against the formation of committees democratic in inspiration and persuasion, to which are to go for this session all executive matters, whether treaties or appointments, and to which if they be perpetuated are to go the great measures of legislation upon which policy and public concerns so much depend. I say a constitutional majority of the Senate is against that; and yet I do not forget that one Senator has been stricken and has left this Chamber forever, and that he who has been elected to succeed him has not yet reached here with his credentials in his hands. I do not forget that three other seats, by the transplantation of those who held them to another forum of public duty, are vacant, and that those who are to succeed to those seats are not all here with their credentials on file. Still I repeat that a constitutional majority of the Senate is against that management and régime which this resolution proposes.

So, Mr. President I stand for one to insist upon the execution and fruition of that political result which came from the last election, and which confided not to the democratic party but to another party the executive and the legislative branches of the Government.

Such being the attitude, and there being vacant chairs here, as I have not forgotten to remind the Senate, it is proposed on the Friday preceding that Tuesday when, if I am correctly informed, all of these seats will be filled, to elect for the present session all the committees of the Senate, the purpose of course being that the party which now prevails from the vacancy of chairs, that party which has sought, and sought in vain it seems, an alliance with the independent party of the Senate, shall by the force of its own votes do that which on Tuesday next or on Wednesday next it could not do.

It may be said, very likely I shall be found to say despite some criticism that I may make upon so saying in advance, that notwithstanding the words "during the present session," day after to-morrow or the day after that, if the majority then present in the Chamber changes, that majority may overthrow all this proceeding, obliterate it, and set up an organization of the Senate in conformity with and not in contradiction of the edict of the election. But I do not think that should be done if it can be avoided; I do not think that an organization of the Senate should be a game of bounce, that it should be a trip and twitch affair to be done in one way to-day and to-morrow, if for any reason one more vote is found on one side and one less on another, that an attempt should be made to change it. That, I think, should be the last resort in a contingency of this kind.

Therefore I have aimed my point of order at what I deem premature action, believing it to be the most decorous and convenient mode of letting the organization of the Senate, or the proposal to make it, wait that little interval of days, of which Sunday is one, until all these chairs are occupied, and until the organization can be made, not for a day, not to be put up in a raffle of political or coalition contingencies, but to remain, as the resolution proposes, "during the present session."

I have ventured to say so much to explain my reasons for interposing a point of order which ordinarily would not arise because unanimous consent would waive it; but now the honorable Senator from Ohio challenges that point, and I beg to submit in a very few words the ground on which I think it stands. Rule 46 provides:

> In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint.

Rule 61 declares—

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing—

And now I beg the attention of the honorable Senator from Ohio to the words I am about to read—

> specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

So that before you can otherwise order anything which a rule of the Senate prescribes, you must give one day's notice not merely, but the notice must specify "precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof."

> Any rule, except the eighteenth, may be suspended without notice by the unanimous consent of the Senate; and the rule proposed to be suspended shall precisely and distinctly be stated. The eighteenth rule shall never be suspended under any circumstances whatever.

I think the Senator from Ohio will hardly say that this rule has been at all complied with; manifestly I submit it has not. Therefore, if it be proposed that in the absence of Senators whose presence would change the complexion of the Senate we are to proceed to constitute committees, then it must be in that slow and I admit inconvenient manner pointed out by the rule; or else it must be by unanimous consent; or, in the mode prescribed in Rule 61, the rule itself must be suspended or modified.

Mr. PENDLETON. I have only to observe in relation to the argument made by the Senator from New York that in the view I entertain there is no suspension of a standing rule. It is only a different order provided for by the rule itself; and that is complied with by the fact that the resolution lay over for one day in accordance with another rule.

The VICE-PRESIDENT. The rule providing for the appointment of chairmen of committees and of the members of the committees by ballot unless otherwise ordered, the Chair is of the opinion that such order must be taken by the Senate first and separately before the resolution of the Senator from Ohio is in order; that it must be ordered by the Senate first that the appointment be made in some other way than by ballot; and then the resolution of the Senator from Ohio will be in order if the Senate, and after the Senate, has so ordered. The Chair does not understand that the Senate has now so ordered.

Mr. FERRY. Then on the part of the Senator from Ohio, or some other Senator, a resolution is required to otherwise order the election of the committees of the Senate?

The VICE-PRESIDENT. The Chair so understands.

Mr. PENDLETON. I respectfully appeal from the decision of the Chair upon that question of order.

The VICE-PRESIDENT. The Senator from Ohio appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. EDMUNDS. I do not feel very equal to discussing this matter, but inasmuch as I believe the Chair has decided the question correctly, and as the Senator from Ohio has appealed, I think it right to state the grounds on which I shall vote that the decision of the Chair stand as the judgment of the Senate. The forty-sixth rule is that—

> In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint.

The forty-sixth rule, therefore, is regulating a proceeding, not the accomplishment of a proceeding, but a process. That process shall

be by ballot unless the Senate direct that it shall be done in some other way. Now, in what way does my friend from Ohio think that the Senate has directed that it shall be done in some other way? He does not think that the Senate has directed anything of the kind, for the Senate has taken no vote upon the subject. He proposes to put it, from his point of view, that the Senate shall direct that it be in another way by proceeding to do the very thing the proceeding about which is to be regulated by another and different order of the Senate, if it is not to be by ballot; so that the argument is that the rule forbids the appointment of standing committees of the Senate by resolution unless the Senate shall have made a different provision for proceeding to the election, in the very language of the rule. Now the Senator says, do not mind that; proceed to the election, and do it, and when you have accomplished your election and not before, you then by inference will have decided that you will not do it by ballot. Mr. President, that will not stand. That, I submit with great deference, is neither law nor logic.

Then when we turn to the other rule which bears upon the subject, the thirty-third, we find that all resolutions shall lie over one day for consideration. This resolution has lain over; but what is it? It is not a resolution that so much of the forty-sixth rule as requires an election by ballot be dispensed with for this occasion, but it is this and nothing more:

That the following be the standing committees of the Senate during the present session.

It acts upon the committee and not upon the process, or mode, or way of selecting it. It makes a direction. It is the edict and order of the Senate upon the thing itself and not upon the means of accomplishing that thing. To be sure, when you have accomplished the thing you can say then we have agreed to the means by which we have accomplished it, after having accomplished it, because otherwise it would not be legal; but you can make that argument to every case in which you violate the rules.

Therefore, with great deference I submit that the ruling of the Chair is clearly right. If my honorable friend from Ohio had intended to dispense with this ballot rule he should have preceded his resolution by another, something in this way:

Resolved, That so much of the forty-sixth rule of the Senate as requires the election of standing committees to be by ballot be dispensed with for this occasion.
Resolved further, That the following be the standing committees of the Senate for the present session.

Then having adopted your first resolution you are lawfully authorized to proceed to vote upon the second.

Mr. BAYARD. Mr. President, I will agree if the sixty-first rule is violated by the present proposed action of the Senator from Ohio, to follow the suggestions made by the Senators from New York and Vermont. Rule 61 provides that:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

Is this motion now by the resolution to appoint standing committees of the Senate for the present session otherwise than by ballot an infraction of that rule? In other words, do we suspend that rule, do we modify it, or amend it, or do we act directly under its authority and provisions? That is the question. I assume that where Rule 46 provides for the appointment of the standing committees of the Senate in a certain way unless otherwise ordered by the Senate, there is a plain, manifest signification of authority in the Senate to make that order in the usual way, and how is that done? By a vote of the majority of the Senate on one day's notice having been given. Was that notice given? The record answers it. Yesterday the resolution was offered, read, and ordered to be printed for the information of the Senate providing otherwise, in direct accordance with Rule 46, that we were to execute the authority therein contained to appoint the standing committees of the Senate. How? In accordance with Rule 46, and how is that? By ballot, unless the Senate shall otherwise order.

So, then, there is not only no modification, suspension, or amendment of Rule 61, but there is the simple and manifest execution of Rule 46. It is just as lawful for us upon one day's notice, which has been given, to proceed to appoint standing committees by resolution as it is for us to vote for them by ballot.

Will it be denied that if the proposition were now before the Senate to elect committees by ballot and that that had been the resolution of yesterday, it would be in order? Will any gentleman say that? Then, if it is in order for us to proceed by ballot upon giving notice one day by resolution, it is in order for us to appoint the committees otherwise by resolution. If, therefore, I say to the Senate, there was under Rule 46 the authority to appoint these committees to-day by ballot, a resolution to ballot having been offered yesterday, there is the power to do it otherwise, and that is by the resolution submitted to the Senate and now before it.

I submit with due respect to the Chair, desiring that we should hold these rules in the most strict observance, that the provision of Rule 46 allowing the appointment to be otherwise than by ballot and the Senate now being called upon to decide whether it will otherwise appoint the committees than by ballot, it is just as lawful and proper for us to appoint them otherwise as it would be by ballot if notice had been yesterday that ballot would be the method of choice.

I did not fully understand the decision of the Chair or how far my friend from Ohio appealed. I ask respectfully, therefore, that the Chair will restate his decision in order that, an appeal being taken, we may know how to vote. It seems to me clear that this is not an infraction of Rule 61; that there is neither suspension, modification, nor amendment of Rule 46; that this is the simplest authorized action under Rule 46, that committees can be appointed by ballot or otherwise, as the voice of the Senate shall indicate.

Mr. GARLAND. Mr. President, the forty-sixth rule and the sixty-first rule should be read together and construed as far as possible, so that both may stand. I do not see myself after close reading of them that there is any difficulty in this question.

At the last session of Congress, toward the latter part of it, we passed a resolution at the suggestion of the Senator from Colorado [Mr. TELLER] that on and after the 17th of February the Senate should daily take a recess and meet again at half past seven for a certain purpose, unless otherwise ordered by the Senate. If the construction placed on this proposition is correct, as claimed by the Senator from Vermont and the Senator from New York, before the Senate could have adjourned over and passed a night some one would have had to give notice in writing specifying that that rule in so many words and so many letters was proposed to be changed, and that he would make the motion the next day. But no such construction was ever put upon that rule or could have been put upon it.

When you say in a rule "unless otherwise ordered," that, by all the parliamentary proceedings that I can call to my mind, means to dispense to that extent with the notice required in Rule 61 and get rid of that rule; and you cannot make, according to the English language, anything else out of it. You will notice that there are few rules in the Manual that have that phraseology. The question now is, Why was that phraseology put into this rule? For the obvious purpose and reason that the Senate might at any time that suited its convenience dispense with the one day's notice in writing required to be specific under Rule 61, as specific as an indictment is required to be under the law of any State to convict a person of a crime of which he is accused. So when this resolution comes in and says resolved that the committees are so and so, that of its own vigor is the "otherwise ordered" under Rule 46, avoiding necessarily the notice contemplated in Rule 61 which would apply if these words "unless otherwise ordered" were not in Rule 46.

The sole and only purpose of putting in these words was to hold the matter within the convenience and within the control of the Senate as it sees proper. If these words were not there, it is true we should have to give a written notice and specify that we expected to change this rule, and would claim the attention of the Senate for that purpose at a particular time, and specify particularly the point we desired to suspend. But here is the rule that leaves it in the grasp of the Senate all the time by the words "unless otherwise ordered." We propose now to order otherwise and elect these committees by resolution. I suppose the Chair in his ruling had this point in his mind, (in which he is eminently correct according to my opinion,) that the resolution standing as it does is divisible, first, there is a displacement of the vote by ballot; and next comes the election of the particular persons to fill the committees.

Mr. FERRY. Will the Senator allow me a moment?

Mr. GARLAND. With great pleasure.

Mr. FERRY. The Senator has just stated that the Senate now proposes to elect the committees otherwise than by ballot, and therefore that resolution is submitted at the present time. Objection is made to that, and the rule requires that a resolution of that kind or any resolution shall lie over one day. Now if the Senator admits that the Senate takes order otherwise than by election, certainly the rule requires that that resolution shall go over one day.

Mr. GARLAND. It did lie over one day; it was offered yesterday.

Mr. FERRY. Let me say, then, if the Senator rests upon the resolution as printed here, it is simply a declaration that the committees be so and so. Now the Senator has from his lips just dropped the expression that the Senate declares that it will elect its committees otherwise than by ballot, to wit, by resolution. If that be the case, then under objection the rule requires that a resolution go over one day.

Mr. GARLAND. But the Senator from Michigan will bear in mind that the Senate is moved now to do that under a resolution proposed yesterday, which is twenty-four hours' notice.

Mr. FERRY. My friend fails to see, and if he will look at the resolution itself he will find, that it does not declare that the election shall be so and so by resolution, or that it shall be now, but it simply declares that the committees shall be so and so. If nothing else had been said, the regular order would have been to elect them by ballot; but now the Senator comes in and proposes, or the Senator from Ohio does, to elect committees by resolution. The resolution submitted yesterday is simply a statement that the committees shall be as printed; but when it comes to the form of election, if the Senator from Arkansas or the Senator from Ohio desires to do differently from the mode pointed out by the rules of the Senate they must give the proper notice which the rule requires that a resolution shall lie over one day.

Mr. GARLAND. Then it comes back to where we started. If the Senator from Michigan be correct in that proposition, he reads out the force and effect altogether of the words in the forty-sixth rule,

"unless otherwise ordered," which were put there for the express purpose I have stated.

Mr. HOAR. Will the Senator from Arkansas allow me to ask him a question?

Mr. GARLAND. I will.

Mr. HOAR. As I understand, his proposition is that the Senate, having one day's notice, may proceed to elect its committees in any way it chooses, and that an election in another way than by ballot is ordering otherwise within the meaning of this rule. If that be true, what earthly effect has the forty-sixth rule? Here is an elaborate rule that the Senate shall proceed first to elect chairmen and then to appoint committees, when, according to him, it is in the power of the Senate, in spite of it, to proceed to elect committees in any way it chooses, or to appoint them at any time without regard to the rule. Suppose this forty-sixth rule had set forth any other of a thousand methods of electing committees; it would have been precisely the same as a constraint upon the Senate that it is now; that is, no constraint at all.

Mr. GARLAND. The question of the Senator from Massachusetts simply brings to mind in a pointed manner another proposition to which I was going to refer; and I may as well do it now.

The duty that we are now seeking to address ourselves to is a duty of high constitutional privilege, or, more properly speaking, it is a high constitutional duty; that is to proceed to the organization of the Senate to properly discharge the business for which the Executive has seen fit to call us together. The balloting process existing before the adoption of this rule, or whatever process might have existed, this rule saw proper to provide that the balloting process should be continued unless otherwise ordered. Emergencies might take place, circumstances might occur which might require a quicker organization of the Senate than would be obtained by proceeding in the tedious plan of balloting.

Mr. McMILLAN. Will the Senator from Arkansas permit me to ask him a question?

Mr. GARLAND. I have not got through answering this; but I will put them both together, and perhaps I can get along better then.

Mr. McMILLAN. In Rule 46 it is provided that—

In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint, severally, the chairman of each committee, and then, by one ballot, the other members necessary to complete the same.

Now, what order has the Senate taken, whether to elect the committees as a whole by ballot, or has it determined to elect the chairman by ballot and the others severally by resolution? What order has the Senate taken in regard to the several provisions of this rule? because there is more than one provision in it. It is not confined to the election by ballot merely, but covers the severance of committees, separating the chairman from the choice of the rest of a committee.

Mr. GARLAND. To answer the Senator from Minnesota directly, the Senate unfortunately has taken no order——

Mr. McMILLAN. What order will they take?

Mr. GARLAND. I am now trying to persuade the Senate to take some order which will hasten matters as the propriety of the circumstances and the occasion seems to demand.

Mr. FERRY. The Senator again repeats that the Senate has taken no order and now proposes to take order, and the practice of the Senate has always been to elect by ballot unless by common consent it was done by resolution. Now the Senate proposes to take order by the Senate as to the form of election. If that be the case, it is avoiding the rule which requires an election by ballot, and asking the Senate by resolution to elect by order of the Senate. If that be the case, and the Senator is correct, as I believe he is in that respect, then certainly the rule requires that the order shall lie over one day.

Mr. GARLAND. Now, Mr. President, let me go back a little; I try to keep all these questions in mind. The order that I would have the Senate take is the order now asked for; and when Rule 46 says, "unless otherwise ordered," it did not limit itself to any specific form or to any specific language. It might have said, "by division of the Senate, to be counted by the President or by the Secretary of the Senate;" and in the midst of this shower of interrogatories put to me, I want some Senator, wise in the laws of parliamentary procedure and parliamentary usage, to tell me what is the meaning of the language here "unless otherwise ordered," and what it was put in the rule for?

Mr. FERRY. If the Senator desires an answer, as he appeals to the Senate, how can you "otherwise order" except by resolution of the Senate? I repeat, the rule requires that the appointment shall be by election, by ballot. If the Senate proposes to order otherwise under the rule, it must be by resolution; and if it be by resolution (and there can be no "otherwise ordered" except by resolution) then the rule requires that that resolution shall lie over one day.

Mr. GARLAND. Now, Mr. President——

Mr. SHERMAN. Will the Senator from Arkansas allow me to make a suggestion?

Mr. GARLAND. With great pleasure.

Mr. SHERMAN. I think this being a question of order we ought to get at the precedents. The construction of rules of order is fixed and settled by precedents. The last precedent that I remember is that of the appointment of committees four years ago; and I am told the same precedent has been adopted always under this rule. In that instance three different, distinct resolutions were adopted, and I think these resolutions were usually of a formal character prepared by the old Chief Clerk of the Senate, Mr. McDonald. This is the order in which it was done when I was a member of the Senate before:

On motion by Mr. SARGENT,
Ordered, That the Senate now proceed to the appointment of the standing and other committees of the Senate.

That was adopted. Second:

On motion by Mr. SARGENT,
Ordered, That so much of the forty-sixth rule of the Senate as requires the appointment of the standing and other committees to be made by ballot be suspended.

Third:

On motion by Mr. SARGENT,
Resolved, That the standing committees of the Senate be constituted as follows, &c.

The trouble with my colleague is that he did not precede the motion that is now pending with the two preliminary motions that have always been adopted, as a matter of form, separately. It does seem to me, therefore, that according to the precedents the point of order made by the Senator from New York is correct, and that the precedents require that the order to suspend the rule be first made; and that is the orderly way. Under the resolution now pending, undoubtedly a ballot might be demanded under the rule. If it is the desire of the Senate to adopt this list of committees, it must be done by adopting a resolution such as I have mentioned, which can only be done, if objected to, after one day's delay. That is the precedent of four years ago, as I have read, and I presume of all similar occasions.

Mr. GARLAND. I recollect that that was done on the motion of Mr. Sargent four years ago; but I recollect also that Mr. Wallace brought in two years ago a resolution precisely similar to this for the appointment of committees. True, there was no objection raised to it; but it is perfectly clear that in each case the drafter or mover of the resolution, as in this instance, thought that when it was done it complied with the language of the forty-sixth rule, "unless otherwise ordered."

I referred just now to a resolution of the Senator from Colorado, [Mr. TELLER,] adopted at the last session as to a recess:

Resolved, That on and after Thursday, the 17th instant, unless otherwise ordered, the Senate will take a recess and meet again at half past seven p. m. of the same day to consider the cases on the Calendar, unless, upon motion, the Senate shall otherwise order.

According to the construction now urged, a gentleman would have had to give notice that "I will move that the Senate adjourn" twenty-four hours in advance, and specify the particular time, the particular rule, and all that, and ask to have it temporarily set aside. But that is not all. The well-known and celebrated Anthony rule, which was the only protection to the Calendar, declared—

That at the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar.

There is a rule that we proceeded under for nearly the entire session which so recently ended. If under that rule I desired to displace the Calendar and take up the Geneva award bill, for instance, was I required to file a notice in writing and have it read to the Senate, "that to-morrow I will move to displace the Calendar and take up the Geneva award bill, and to that extent suspend the operation of the Anthony rule?" That will not hold water; that is not according to the meaning of the English language. Now tell me the difference, if you please, between proceeding to execute any such order and a rule which says "unless otherwise ordered by the Senate," exceptional in itself and put in for the very purpose of avoiding the circumlocution and necessity of a notice of twenty-four hours in writing? Unless some Senator can draw a distinction between the practice of the Senate under rules standing here for some time and under this Rule 46, the question is settled. I am satisfied that unless those words were in the rule notice would be necessary; but those words are in the rule and they leave the matter within the grasp of the Senate whenever it sees proper, and for the reason that I stated some moments ago that it might in an emergency be important to organize the Senate quicker than a ballot would permit.

And referring now to the proposition submitted by the Senator from Massachusetts, this is a high constitutional duty that we are discussing—to organize the committees of the Senate that it may proceed to the work of the session in a proper manner.

Mr. CONKLING. Will the Senator allow me a moment? What shall I understand him to say is a constitutional duty?

Mr. GARLAND. To organize this Senate.

Mr. CONKLING. Does the Senator mean by that to organize this Senate (borrowing his phrase) to-day?

Mr. GARLAND. No; I will come to that.

Mr. CONKLING. I wish, when the honorable Senator does come to it, that he will be kind enough to enlighten my darkness on this point: is it a high constitutional or any other sort of duty for a majority, a momentary majority, to seize a day when one chair is vacant from death and three others from the formation of a cabinet, to make an organization which on Tuesday next they will have no power to make? [Applause in galleries.]

The VICE-PRESIDENT rapped to order.

Mr. GARLAND. Mr. President, I could answer the Senator in a

sort of political combating way, but I do not care to indulge in such things here. When I get to that branch of the subject I will answer, I think, to the Senator's satisfaction and to the satisfaction of all reasonable men.

The Senator from New York misunderstood me. I did not say it was important to organize to-day. I am discussing the mere question of whether we have the right to proceed in this way. I was proceeding to say why the words "unless otherwise ordered" were incorporated in Rule 46, because of the importance of the duty of organizing the Senate, because it might be deemed necessary to organize in some method quicker than that of ballot. So far as the rule itself is concerned, I feel that my position upon it is correct; but while that is so, and while I feel that it cannot be answered according to the precedents before me, yet I wish to say in response to the Senator from New York that I do not care particularly about this matter. While I believe the position I assume upon it is correct, I am in no hot haste about organizing this Senate.

At the close of the last session of Congress the democrats had the organization of the Senate. We were called together in the wisdom of the Executive to meet on the 4th of March. Some organization had to be effected. We upon the democratic side have proceeded to present that organization as we thought it ought to be had. We have not been unduly hasty about it, it seems to me. There was no other course for us to take. If the Senator from New York or any other Senator desires some other organization, it can be proposed by amendment, or by resolution, or under whatever rule we adopt, and I do not care for one, nor do I think my party friends care to put themselves and the other side in this important matter in the attitude of two hungry individuals scrambling at the table to see who shall sit nearest the head. We know painfully—and I for one—of the vacancies here; indeed, three of them we on this side helped to make. I do not propose to take any advantage of these vacancies. But we have proposed the organization. Let the Senator from New York respond to me as frankly now, (and he will respond frankly if he responds at all,) and state when does he suppose we can proceed with this matter, when all the voices naturally belonging to this Chamber shall be here to be heard?

Mr. CONKLING. Does the Senator wish me to answer?

Mr. GARLAND. I do, because I want to proceed in this matter so as to take no advantage. I do not wish to present either party before this country as scrambling for these positions. If the organization belongs to the democracy, they want it; if it belongs to the republican party I, for one, want them to have it.

Mr. CONKLING. If it is in order for me to respond to my honorable friend, I am instructed by others who know in each instance that one of the absentees will be here to-morrow, two of them probably on Monday, and the last of them by either Tuesday night sometime or Wednesday morning, so that really the whole question is whether we should attempt to anticipate by four-and-twenty or eight-and-forty hours the moment when the Senate will be full. That is the question I understood the honorable Senator to ask me, and I have answered it according to the best information I have.

Mr. GARLAND. The organization as contemplated by this side of the Chamber, so to speak, is presented to the Senate and is before the country for what it is worth; and while I do not desire to make a mere political convenience of this matter, it might in some aspects of the case be a serious question as to how long we should wait upon vacancies. Other seats may become vacant on the other side and on this, and so the matter may be indefinitely postponed in that way. I am perfectly willing, and I think this side of the Chamber is, that if within any reasonable time this matter can be tested and give the power where it belongs, there is no objection to a brief delay; but it is our duty, I think, with due respect to all gentlemen who may differ with me, to present this organization as we think it should be made. I am in no haste either as an individual or a public man about it, and I wish the Senator from New York to so understand as far as that matter is concerned; and if in the spirit of peace and harmony this subject is approached, I see no difficulty in settling it at an early day and sending the power where it belongs.

Mr. FERRY. Will the Senator from Arkansas allow me a word? Setting aside the merits of the question of organization, would it not be well for the Senator to suggest and propose that the rules be not violated and that the ordinary precedents be followed? If the Senator from Arkansas or the Senator from Ohio who made the motion does not propose to make this appointment by election, but under the rule now proposes to order otherwise, will not the Senator follow the rules and not antagonize them and the invariable precedents? Will he not allow the notice to go over one day?

Mr. GARLAND. I repeat—and I can say no more than that—to do the thing decently and in order, I am willing to wait any reasonable time. I am not strenuous about acting to-day particularly. It is due, I think, to the country and to the Senate, as the Senator from New York has claimed by implication that you will have the power to do this, that you of the other side should signify when you expect to have that power, for I do not want to put together a piece of cloth to-day and take it apart next Monday, or next week, or any other time. I have relieved myself of all responsibility about the matter, and have taken a proper position for myself and those friends who are with me, and I disclaim again any intention, so far as the Senator from New York attempted to make that appear before the Senate and the country, that we were clutching at power that does not belong to us. I disclaim it. The truth is as to the matter of committees that individually to me the arrangement of them is of no particular concern. I had the fortune, good or bad, in the confederate congress to be upon the committee on territories. I have been upon that committee here, and have been on that committee long enough to have got my rights in the Territories; or if I have not got them it is my fault, and therefore I am not solicitous about any more committees, and I have no more to say on this subject.

Mr. HILL, of Georgia. Mr. President, whether these committees shall be organized to-day or next week is an exceedingly small question. Whether the committees organized to-day or next week shall have upon them a majority of democrats or republicans is, in view of the work they are now to do, unworthy of a contest in this Senate. No appointments to office will be made during this executive session which will not be made on the nomination of a republican President; and I suppose whether the committees appointed be democratic or republican will not affect the confirmation or rejection of the nominations made by the President of the United States, who happens not to be a democrat. This whole question, then, gentlemen will pardon me for saying, as to whether the committees shall be organized to-day or not is too small to discuss. Beside, if the committees were organized to-day and should go on with the proper work of this session and as organized to-day a majority of them should be democratic, and if, as the Senator from New York assumes with such very remarkable confidence, when this Senate shall be full the other side will have the majority, a fact of which I do not know, but if it be true, assuming the Senator's confidence is well founded, it will be in the power of the Senate to change its committees whenever it shall see proper to do so. So I can see no result practical in its character of organizing the Senate to-day except to enable us to go on with the work of this session at once. That is the only practical result I can see.

But, Mr. President, the question which has been raised is purely a legal one, is purely one of construction, and one which may not affect or be affected by the other question in the slightest degree. If the motion now made be in order, the gentlemen can make their proposition to postpone its execution just as well without making this point of order as with making it. The only effect of making this point of order is to work delay and to produce delay. A question of construction of one of the rules of this body is made, and to that I wish to address myself one moment; for I must confess it is a surprise to me that any two legal minds in this body should have two opinions upon this question. The real question is, and there is but one involved in this point of order, can committees be appointed by this Senate under Rule 46 as it now stands otherwise than by ballot? That is the only question. If the committees can be appointed otherwise than by ballot, then Rule 61 has nothing to do with the question, for there is no necessity to change Rule 46. If we can as the rule now stands appoint committees otherwise than by ballot, then there is no necessity to change the rule or to modify the rule or to amend the rule or to suspend the rule; and therefore Rule 61 has no application to the question, and all that has been said on the subject of that rule is wholly irrelevant.

Mr. CONKLING. Or, if the Senator will allow me, no necessity whatever to maintain the rule because the rule is the merest absurdity that ever was in the world.

Mr. HILL, of Georgia. The Senator will pardon me; that does not follow. He is only jumping ahead of the argument. If the Senator will allow me to go on he will see it, for I know his clear mind cannot fail to see it. If we cannot appoint committees under this rule as it now stands otherwise than by ballot, then to appoint them otherwise than by ballot does involve the necessity of a change. Then Rule 61 would come in play, and would have to be followed; that is all. So the simple question is, under Rule 46 as it now stands with its wording, can this Senate appoint committees otherwise than by ballot?

Mr. FERRY. No question of that.

Mr. HILL, of Georgia. Then there is no question in your point of order.

Mr. FERRY. The Senator will allow me right there. If that be the case, when the Senate seeks to appoint otherwise than by ballot, it must be by resolution certainly, and then another rule requires that that resolution shall go over one day.

Mr. HILL, of Georgia. But that is required under Rule 33, and not under Rule 61. Under Rule 33 all orders and resolutions must go over one day unless considered at once by unanimous consent. And because of that Rule 33 this resolution to appoint the committees did go over one day. Unanimous consent to consider it was asked yesterday and it was refused, and therefore it was not considered yesterday. The whole argument on the other side has assumed that Rule 61 is necessarily to be brought into application in this case when that is the real question in discussion.

So the whole question comes back, can we appoint committees under Rule 46, as that rule is now worded, otherwise than by ballot? If so, the point of order is worth nothing. Now, this question is clearly answered by the plain reading of the rule itself.

If Rule 46 read, "in the appointment of the standing committees the Senate shall proceed by ballot," then, of course, before you could appoint in any other method you would have to change the rule; and if you had to change the rule you would have to resort to Rule 61,

and change Rule 46 in the manner prescribed by Rule 61. But Rule 46 does not read that way; Rule 46 reads this way:

In the appointment of the standing committees the Senate, *unless otherwise ordered*, shall proceed by ballot.

Then, under Rule 46, as it now stands, the Senate can otherwise order. You need not change Rule 46 in order to appoint otherwise than by ballot. The rule already says you can appoint otherwise; the rule already says you may order otherwise. Then no change of the rule is necessary. Your power is complete under the present wording to appoint the committees otherwise than by ballot. Unless this is so, the words "unless otherwise ordered" have no meaning.

Then when do you make the order? That is the question, and that is the point raised by the Senator from Michigan in his repeated questions—when do you make the order? If you can, as the rule now stands, appoint committees otherwise than by ballot, when may you order otherwise?

The Chair has ruled that you must first pass an order that it must be done otherwise, and you must pass that order under Rule 61. Surely, there is no necessity to pass any order under Rule 61 unless a change in Rule 46 is necessary, and I have just shown that is not necessary. Where do you get the authority to-day to say that it must order beforehand? Can it not order simultaneously? Is not the appointment of committees otherwise than by ballot itself an order? Will any Senator deny that? When you pass this resolution declaring that the committees for this session shall be as named, is not that an order of the Senate? Will any Senator say it is not an order? If, then, the Senate has the power to order the appointment otherwise than by ballot, and if this appointment is itself that order, where is the rule violated?

Besides, my argument at last is nothing but the language of the rule, for Rule 46 says when you may make the order; it settles that very question, I say to the Senator from Michigan:

In the appointment of the standing committees the Senate, unless otherwise ordered, shall proceed by ballot.

Order otherwise when? *In the appointment*, in the act of appointing your committees. The *manner* of appointing is fixed by the order appointing the committees. If that manner is by ballot it is authorized by Rule 46. If that manner is by resolution it is otherwise than by ballot, and is equally authorized by Rule 46.

This very resolution proposed by the Senator from Ohio is a proposition to appoint the committees by resolution—otherwise than by ballot—and if this resolution be adopted it is clearly the order of the Senate. There can be no escape from this conclusion, unless you say the resolution of the Senate is not an order of the Senate.

The junior Senator from Ohio [Mr. SHERMAN] talks about the form of the resolution passed four years ago. I will not stop to discuss the construction put upon it by the honorable Senator nor does it sustain the point of order made in this case, but I call the Senator's attention to the fact that the order now proposed to be voted on is *in totidem verbis* the order adopted two years ago by the unanimous votes of the Senate. It was not then discovered to be in violation of Rule 46.

Mr. CONKLING. The Senator will allow me in return to remind him that if he will look at the RECORD he will see that an appeal was made for the unanimous consent of the Senate to suspend this rule and to do this thing, thus clearly implying the admission not only of him who asked but of the Senate who gave consent, that without that unanimous consent it could not be done.

Mr. HILL, of Georgia. Mr. President, I am really astonished——

Mr. SHERMAN. Mr. President——

Mr. HILL, of Georgia. Let me answer one at a time. I must confess my surprise at that remark of the Senator from New York, for that appeal to the Senate for unanimous consent was to adopt the order on the day on which it was offered, which, under Rule 33, applies to all resolutions in the Senate. It was not to change this Rule 46 in order to avoid Rule 61. It was under Rule 33, which requires that no rule, no order, no resolution can be passed in the Senate, except by unanimous consent, on the day on which it is offered. Yesterday this resolution was offered, and unanimous consent for its consideration at once was asked by the Senator from Ohio, [Mr. PENDLETON.] The Senator from Rhode Island [Mr. ANTHONY] then objected, and it went over, under the very rule the Senator now mentions, until to-day.

Mr. FERRY. Will the Senator allow me one moment?

Mr. HILL, of Georgia. The Senator from Ohio rose first.

Mr. SHERMAN. Mr. President, the only question, my friend from Georgia will allow me to say, is whether the resolution to provide another mode than by ballot should first be adopted, before the general resolution naming the committees is offered. Now, I will say to him that, having looked further into the precedents, I believe there is no case in our history since the adoption of this rule where this motion of my colleague has not been preceded by a motion to suspend the rule. The Senator from Arkansas said he thought it was done differently in 1879, but I have the case here before me, and Mr. Wallace, the Senator from Pennsylvania, pursued the very course previously adopted by all other Senators. So it was in 1880; the Senator who had charge of the matter then offered the three separate resolutions I before quoted, in their consecutive order, and they were adopted separately. Thus it appears that from the beginning, from the adoption of this rule, in every case the motion that is now pending as offered by my colleague was preceded by a resolution which declared that the rule was to be suspended so as to enable the Senate to proceed to elect by motion or by general vote instead of by ballot.

I think, therefore, as this is purely a question of order, we had better follow the precedents, which are a construction of the rule by all who have preceded us since the rule was adopted.

Mr. HILL, of Georgia. The Senator will see in a moment, with all due deference, how utterly faulty is his argument, and—I do not mean to be offensive—as a logical argument how utterly worthless it is. Almost every law that passes a legislative body says that "all laws in conflict herewith are hereby repealed;" but does any lawyer ever hold that that clause is necessary? Does not the passage of a law *proprio vigore* repeal those in conflict with it? And when we pass an order in the Senate, declaring solemnly by this Senate that the committees shall be appointed in this case otherwise than by ballot, is not that an order by the Senate that they shall not be appointed by ballot? Because the Senator can show innumerable acts containing the repealing clause, would he therefore conclude a repealing clause is necessary to make the repeal valid? Because the Senate has sometimes or often proceeded by a formal declaration that it proceeded otherwise than by ballot, can that make an actual proceeding otherwise than by ballot without that formal declaration void or out of order?

Who can escape that argument? The unanimous consent referred to is asked under another rule, Rule 33. As my friend from North Carolina [Mr. RANSOM] suggests to me, which everybody knows to be true, every time you introduce a bill in this body, if you want it referred on the day on which you introduce it, it can be done only by unanimous consent. If anybody objects you cannot do it. That is not under Rule 61; that does not involve the necessity of offering a resolution to change a standing rule of the Senate.

No, sir; there is no escape that under Rule 46 the Senate does in express language have the power to order the appointment of committees otherwise than by ballot, and every lawyer knows that the actual passage of a resolution appointing committees is an order making the appointment otherwise than by ballot. The power to order otherwise being clearly expressed, the method of exercising that power is with the Senate, and the form is not of substance.

Mr. FERRY. Will the Senator allow me a moment? I desire to call his attention. I am surprised that so gifted a lawyer as the Senator from Georgia should make no difference between the statement on the part of the Senator from Ohio, [Mr. PENDLETON,] as being chairman of the committee who reports this list of committees, that these be the committees, and the further proposition of defining the mode of appointment. If the Senator will turn his attention to the resolution of the Senator from Ohio he will see that there is nothing in it indicating the mode of appointment, but it is simply declaring that these be the standing committees of the Senate, now for the first time before the Chair, upon which he has ruled. The proposition is made that, not under the rule by ballot, but otherwise under the rule, not suspending the rule—I do not take that ground—but otherwise by resolution, and the Chair has ruled that upon that proposition to appoint otherwise there must be a day's notice.

Mr. HILL, of Georgia. The Senator has made no new point. The question is simply this: Is not the appointment now proposed by the senior Senator from Ohio now pending, as it stands, an appointment of committees otherwise than by ballot? And if that resolution shall be adopted, is it not adopted by the Senate? Is it not an order of the Senate, therefore, otherwise than by ballot?

Mr. FERRY. Yes; but, if the Senator will allow me, that resolution cannot be entertained upon an objection until it has laid over one day.

Mr. HILL, of Georgia. It has gone over one day.

Mr. FERRY. That is the point the Senator assumes.

Mr. HILL, of Georgia. That point was made yesterday. I suppose the Senator was either not here or without meaning to be offensive he was asleep or not noticing because that very point was made yesterday. This order of the Senate, proposed by the Senator from Ohio, was offered yesterday, and it went over one day under that very rule, because of the objection to its immediate consideration made by the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. FERRY. I call the attention of the Senator to the wording of the resolution of the Senator from Ohio. If the Senator will show that he is not asleep now he will read the resolution of the Senator from Ohio and thus relieve me of the imputation which he has cast.

Mr. HILL, of Georgia. I will read it. It is very short.

Mr. FERRY. So short that you can read it while awake.

Mr. HILL, of Georgia. I did not mean to be offensive to the good Senator by the word asleep. It was in good humor. He seemed to be oblivious of the fact that yesterday the Senator from Rhode Island did make the very point that he now makes, that the resolution must go over one day. It did go over one day under that objection.

Mr. FERRY. The Senator misapprehends the position of the Senator from Rhode Island. He objected to entertaining the resolution. That is proper. No resolution can be entertained if there is an objection.

Mr. HILL, of Georgia. Now, Mr. President, I will read the order proposed by the Senator from Ohio. It is this:

Resolved, That the following be the standing committees of the Senate during the present session.

Now, my point is this: If the Senate passes that resolution, is it not an order appointing committees otherwise than by ballot? Would it not be precisely the same if, instead of saying "*Resolved*, That the following be the standing committees of the Senate," the Senate were to say "*Ordered*, That the following be the standing committees of the Senate?"

Mr. FERRY. Now, if the Senator will allow me, I will just draw the distinction. If the Senator from Ohio had offered this and added "that the committees be appointed by resolution of the Senate under the forty-sixth rule," then one day's notice would have been given to the Senate, but the resolution simply declared that these shall be the committees of the Senate, not declaring what the form of election shall be; therefore the appointment must be under the rule of the Senate, which would be under the forty-sixth rule. Then the Senate declining to appoint by election, preferring to appoint by resolution, certainly the resolution must have one day's notice.

Mr. HILL, of Georgia. Then the resolution is itself an order, and *proprio vigore* inconsistent with appointment by ballot. It is an appointment otherwise than by ballot.

Mr. McMILLAN. Will the Senator allow me?

Mr. HILL, of Georgia. I prefer not to give way any further. I do not wish to be offensive to my friend, but I cannot give way to such questions further, with all due deference. I did not intend to detain the Senate half so long. I must get through.

I repeat that this resolution, when passed, will be an order by this Senate appointing the committees in the method here specified—that is, by resolution, and not by ballot. That has been offered a day in advance, has gone over a day, and is now in order.

But, Mr. President, I wish to say something more, though not on this point of order. The distinguished Senator from New York [Mr. CONKLING] has taken occasion two or three times—I will not attempt to quote the distinguished Senator's language—to intimate that there is a purpose or that it looks like a movement on the part of this side of the Chamber to take what we call sometimes a snap judgment, to snatch the organization of the committees at a time when we know that there are several vacant seats on the other side of the Chamber, and when we know—I believe that was the Senator's language—that if we would only wait a few days we should not have the power to make these appointments.

Mr. President, that is very singular language to come from one so distinguished as the Senator from New York, and it implies a very unjust charge, and yet it was so pungently put that it brought down the galleries.

Sir, did not an outgoing republican President issue his proclamation ordering this Senate to convene on the 4th of March? Did he not issue that proclamation after consulting the incoming President? Did he not issue that proclamation after he knew that Providence had interposed and sadly made a vacancy on that side of the Chamber in the person of the Senator from Wisconsin? What did the outgoing and incoming republican Presidents mean by calling this Senate together at twelve o'clock meridian on the 4th of March? Did they mean for us to meet here and fold our hands until the vacancy was filled, and do nothing in the mean time?

That is not all. I presume the incoming President knew when we were called together on the 4th of March that he, in addition to the vacancy created by Providence, would create three more vacancies. Did the democratic party or the democratic Senators call this Senate together? Did the democratic party take three members from that side and put them in the Cabinet, and thereby make three vacant seats on that side of the Chamber? Are we responsible for that? Were we even consulted as to the day we should be called together, or as to what seats should be made vacant by calls to the Cabinet?

The Senator says wait, wait, wait till these chairs are filled, in his very strong language. Well, could we not with equal propriety have said to the President who called this Senate on the 4th of March, wait, wait, wait until these vacancies are filled, or if he chose to call it on the 4th of March, could we not have said wait, wait until these committees are appointed before you take three members from this body and put them in your Cabinet. If any Senators were consulted on these points they were not democratic Senators. We came promptly on the day we were called, and when the President named the Senators he desired for his advisers we most cheerfully consented that he take them without even waiting for committees.

That is not all. On the very second day of the assembling of the Senate, the day after the inauguration, the President sent us a message, a very important message, in executive session making nominations to high and important offices. Did he expect us to act on those nominations or not? Did he send in those nominations on the 5th of the month intending that if we could not act upon them in the ordinary and proper way through committees we should be charged with trying to snatch the organization of the Senate? If he wanted his nominations not acted on until the vacancies were filled, why did he not forbear to send them in? We cannot act upon them until he sends them. That is sure.

That is not all. On Monday, on Tuesday, on Wednesday, on every day this Senate has been in session, the President of the United States has been sending nominations to this body. Nominations of an important character are pending here now.

Mr. CONKLING. Would it interrupt the Senator if I were to ask him to give way to me for a moment to call his attention to a statement of his own which I thought then, and I know now, was very erroneous?

Mr. HILL, of Georgia. Certainly.

Mr. CONKLING. The honorable Senator was kind enough to express his amazement—I believe that was the word—that the Senator from New York should suppose that when the organ of the democratic majority, or more exactly speaking the chairman of the democratic caucus, rose in the Senate and appealed for unanimous consent, that unanimous consent was to suspend Rule 46. That the Senator from New York should have fallen into such a blunder as that excited the amazement of the honorable Senator from Georgia.

Mr. HILL, of Georgia. Suspend which rule did you say? I did not catch it.

Mr. CONKLING. The Senator will catch it if he will allow me and I shall detain him but a single moment. I stated that heretofore, and including the last time the appeal had been to the Senate for unanimous consent to suspend Rule 46 as I understood it; and my ignorance in so understanding it, I repeat, excited the amazement of the astute Senator from Georgia. In order that that amazement may be somewhat diminished, I now call the attention of the honorable Senator to the CONGRESSIONAL RECORD in which in the proceedings of March 19, 1879, stand these words:

> Mr. WALLACE. I ask that unanimous consent be given to the suspending of the forty-sixth rule so far as it requires the appointment of the standing and other committees of the Senate to be by ballot.
> The VICE-PRESIDENT. Is there objection? The Chair hears none.

I wonder how much amazement the honorable Senator from Georgia, one of the leaders and ornaments of his party, experienced when the chairman of the democratic caucus then, the charioteer of the democrats of this body, rose and pointed out the forty-sixth rule by name and number and demanded the unanimous consent of the Senate that it might be suspended in that it required the election of committees by ballot. When that Senator, thus authorized, thus speaking for the whole body of the democrats, rose here and, according to the Senator from Georgia now, so stultified himself, so associates, where did the constitutional sword of the distinguished Senator from Georgia sleep? Was he dozing as he thought a moment ago one of the Senators from Michigan might have been, or was it a case of presence of body but absence of mind? Now I rather think the honorable Senator from Georgia will withdraw that somewhat effusive expression of amazement at the stupidity of a Senator coming only from New York, one of the unillumined sections of this Union. I hope he will withdraw his effusive statement of surprise that one coming even from a region so little enlightened as that should have fallen into the error of supposing that the thing took place which there stands stereotyped in the RECORD. It took place, the distinguished Senator from Georgia being an accessory both before and after the fact and principal in the second degree. [Laughter and applause in the galleries.]

Mr. HILL, of Georgia. Mr. President——

Mr. DAVIS, of West Virginia. Mr. President, I call the attention of the Chair to the violations of order in the galleries. It is against the rules of the Senate to have applause in the galleries, and I hope it will not be continued.

The VICE-PRESIDENT. The Sergeant-at-Arms will see that order is preserved in the galleries.

Mr. HILL, of Georgia. Mr. President, did anybody in this vast assemblage, even in the galleries, suppose for one moment that I was so thoughtless as to charge the distinguished Senator from New York with ignorance or stupidity? Can it be possible that anybody but the Senator himself thought that? Does anybody suppose that the Senator did himself think so? Why, sir, I may be guilty of a great many thoughtless things; I may have been guilty of a good-humored thoughtlessness in dealing with my friend from Michigan over the way when I said in relation to what occurred that he either did not know it or might have been asleep or not noticing. I did not know that that was going to be taken up by the distinguished Senator from New York as though I would imply that he slept too. No, Mr. President; I may be guilty of a great many thoughtless things; I may be guilty of saying good-humoredly that my friend from Michigan might possibly sleep—and we have in good old classical history that Homer himself nodded—but I would never be so thoughtless as to suppose that the brilliant Senator from New York ever nods day or night. The sun may be dimmed somewhat by dark spots, but the Senator from New York is brilliant perfectly and always. [Mr. CONKLING nodded assent.] I am glad that the Senator approves one thing I have said.

Mr. CONKLING. I always approve the Senator when he is right. [Laughter.]

Mr. HILL, of Georgia. Then I am sure the Senator will withdraw his point of order before I am done, for I am certain I am right now.

Mr. CONKLING. Well, Mr. President, the Senator will allow me to say that there is no knowing that I shall be here when the Senator is through.

Mr. HILL, of Georgia. Ah, well, if the Senator leaves me it will not be for the purpose of taking a nap. Never, no, never!

Now, Mr. President, I made no such comment as the Senator has stated and none to justify the interruption which the Senator has made. I spoke of what occurred yesterday as actuating the Senator from Ohio in offering the resolution which he offered yesterday, and

that when he submitted it he asked unanimous consent for its immediate consideration and objection being made it had to lie over one day, not under Rule 61 nor for the purpose of suspending Rule 46, but under Rule 33, as the Senator showed in his remarks, made at the time. The Senator from Ohio yesterday in offering the resolution said:

I offer a resolution, and I will state frankly that it is a resolution for the appointment of the standing committees of the Senate. I am very well aware that it cannot be considered to-day except by unanimous consent.

That he did in pursuance of Rule 33, which is in this language:

All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

By the way, Mr. President, there is an argument suggested by that very language. Here is the rule:

All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate *shall otherwise direct*.

Must you before the Senate can otherwise direct give notice for a day under Rule 61? Cannot the Senate that very day otherwise direct? And yet if the point of order be good that you cannot appoint committees otherwise than by ballot without first amending Rule 46 as provided by Rule 61, then the Senate cannot otherwise direct and by unanimous consent consider a resolution on the day it is offered, unless notice is given a day in advance that that rule will be amended as provided in Rule 61. But I will pass on. I had passed from this point before the interruption by the Senator from New York, and was in the midst of another branch of the debate.

Mr. FERRY. Will the Senator allow me a word there, as he has addressed himself to other Senators, for if we keep silent it is an admission of the position the Senator takes. How can the Senate otherwise direct except by resolution? And the Senator in his own remarks states that no resolution can be submitted to the Senate if objection is made, unless it goes over to the next day.

Mr. HILL, of Georgia. Here is the resolution:

Resolved, That the following be the standing committees of the Senate during the present session.

Here is the resolution.

Mr. FERRY. I am talking to the point the Senator made. If the resolution says "otherwise direct," how can that order be made? The Senator says, unless it lies over. I state that it cannot, if objection is made to it, for every resolution of the Senate must be by order.

Mr. HILL, of Georgia. The Senator will excuse me; I was arguing to show the fallacy of his position. If his position be correct, that wherever the Senate must do a thing in a certain way unless it otherwise orders, it cannot otherwise order without changing that rule according to Rule 61, then you cannot "otherwise direct" under Rule 33 without first changing it by Rule 61. That is my point. My point is to show you that your point of order is not good, that it is not necessary to change Rule 33 according to Rule 61, and therefore it is not necessary to change Rule 46 by Rule 61, in order to enable the Senate to "direct otherwise" under Rule 33, or to "order otherwise" under Rule 46.

The Senator from New York interrupted me to read what Mr. Wallace said two years ago, which certainly has nothing to do with this question. I have great respect for whatever Mr. Wallace might have said at any time. The question now made was never before made, I believe, since Rule 46 has existed. Perhaps there was never before a necessity for making it. When I was interrupted, I was saying that the Senator from New York had been taunting this side of the Chamber with trying to get the organization of the committees now while certain seats were vacant; and I was answering that. A republican President called us together on the 4th of March; a republican President sent messages here for action on the 5th of March, he sent them on the 7th of March, on the 8th of March, on the 9th of March, and he has sent messages here every day we have been in session, and I expect there is one now lying on your table sent to-day. Did not the able and excellent President of the United States know, with all his familiarity with congressional proceedings, that those messages had to be referred to committees? Are there not nominations on your table, sir, that, by every precedent and every rule of propriety, cannot be acted on until committees are appointed? If the President did not expect us to appoint committees and act upon his nominations, pray why did he send those nominations in? Why does he continue to send them in? Why does he send them in every day? And because we on this side of the Chamber are going forward in the regular and orderly way of acting upon a republican President's nominations by the appointment of committees, are we to be taunted to the amusement of the galleries with a charge that we want to be organizing committees now in hot haste because certain seats are empty? Whose seats are empty? Providence emptied one; a republican President emptied three. Suppose we wait until these four seats are filled, may not the republican President the next day empty some more? May he not send the distinguished Senator from New York himself to grace some foreign court?

Mr. CONKLING. May I inquire of the honorable Senator from Georgia is he encouraging and delighting himself with any such hope as that? [Laughter.]

Mr. HILL, of Georgia. Oh, no; no, sir; no. I would be glad to furnish foreign courts with a distinguished example of ability, grace, and courtesy combined in the person of the distinguished Senator from New York, but I would dislike very much to be deprived of the brilliant presence of that Senator in this body. Still I will say this——

Mr. CONKLING. If the Senator is really in earnest in that good will toward foreign courts, I suggest that he go himself. [Laughter.]

Mr. HILL, of Georgia. No, Mr. President, I cannot consent to go for two reasons: It would not please the republican President to send me and it would please the republican Senators, especially the Senator from New York, too well to have me go. [Laughter.] So there are two difficulties in the way of my going; but if the Senator from New York will not go, are there not other Senators there who might be willing to go? Who knows but that before the sun is down the President may vacate some more seats on that side of the Chamber, and if he should do so, must we wait two weeks longer, must we all sit here with our fingers in our mouths refusing to act upon a republican President's nominations until that republican President shall give us notice that he will vacate no more seats on the republican side of the Chamber, and that now we may go on? Can it be possible that the country is to be tickled with this farce? Suppose we did not go on, with the President sending his nominations here every day, nominations for judgeships, nominations for foreign missions, and nominations for all the high offices in the Government at home and abroad—he sends them here daily—suppose the democratic majority of the Senate, as now organized, should refuse to act upon them and adjourn from day to day, doing nothing, what complaint would then be made! Ah, the gentlemen would raise something more than a point of order; they would all be wide awake, and say that the democratic majority of the Senate were clogging the wheels of Government and suspending the administration of the Government by refusing to act upon the nominations of the President! If we act we are charged with seeking an advantage by hot haste though we only act when and as a republican President requires. If we do not act we are charged with obstructing administration!

Sir, there is but one course for Senators on this floor to pursue; and that is to go straight forward in the discharge of the ordinary duties of this body according to customary methods and with the proper dispatch of business consistent with its efficiency. It is idle to attempt to please those who do not intend to be pleased with anything we do.

We have shown no disposition on this side to make these little partisan political points. As the President called us to meet on the 4th of March, we assumed that he wanted us to meet on that day. As he sent in nominations on the 5th, on the 7th, on the 8th, on the 9th, and every day of our session, I assume that he expects us to act on those nominations. He knows that many of those nominations cannot be wisely or properly or according to custom acted on without the investigation of committees of this body. He knows that there are now no committees. The only way, then, to go on in the proper discharge of our duties is to appoint the committees. We are not making haste to appoint committees that will last a year; we are appointing committees that will last only as long as a majority of the Senate shall order. We are appointing committees that can perform no function except to pass upon the nominations of a republican President. We are anxious to throw no obstruction in the way of the republican President. We trust, and some of us desire to believe, that his inauguration is the inauguration of a better day; that it is the inauguration of a gentleman whose administration we sincerely trust will command the confidence of every portion of this country—North, South, East, and West.

We hope we have an administration that shall be an administration for the whole country, and for every man in our whole country. That it may be so, as he called us together and sends in his nominations we propose to act on them. We have already been delayed longer than usual. The delay in acting on his nominations shall not come from this side of the Chamber. If gentlemen on the other side choose to obstruct business as they are now doing they ought not to taunt us unjustly, untruly, unfairly, ungenerously, with being actuated with any partisan motive in this case because they are moved by such motives. They know that if we did not act we should subject ourselves to a graver charge than this one, because evils might ensue which could not be corrected if we did not act, whereas by going forward and acting upon these nominations now whatever evils may exist in the constitution of the committees can be cured any day even in the present session of this body. If action on nominations is delayed, the country shall see who is responsible for that delay and the petty motive that produces the delay.

All I have to say is that we propose to go straight along as Senators have usually gone, appoint the committees, and let them act upon the nominations. No democrat is going to get office by it. That is sure. The idea that anybody could think that there is any advantage in getting a majority of a committee for a few days, as I said before, is too small for notice. Such a charge is not fit to be made or answered.

I simply rose, Mr. President, for the purpose of submitting a few remarks upon the construction of Rule 46. If I have detained the Senate too long, I hope it will be charged upon the gentlemen who have interrupted me with so many questions.

Mr. McPHERSON. Mr. President, all discussion under the pending question is entirely out of order. ["No!" "No!"] I hope the Sen-

ate will indulge me for a moment while I call attention to one or two things which appear to have been overlooked in the discussion. In the first place I desire to call the attention of the Senator from New York to the exceptional character of Rule 46. There cannot be found another rule in the whole list of the standing rules of the Senate that is so exceptional in its wording. There cannot be found another rule in which the statement is made that we shall proceed in a certain form unless otherwise ordered, save, perhaps, one rule, with which the Senator from New York is very conversant. I call his attention now to the so-called Anthony rule; precisely the same phraseology is used in the Anthony rule, which was also one of the standing rules of the Senate so long as the session lasted, that is found in Rule 46.

Mr. CONKLING. It never was a standing rule.

Mr. McPHERSON. Why was it not a standing rule of the Senate?

Mr. CONKLING. Simply because it was not.

Mr. McPHERSON. It was a rule of the Senate.

Mr. CONKLING. It was an order of the Senate.

Mr. McPHERSON. Well, let it be an order of the Senate. I accept the Senator's phraseology. It was an order of the Senate, and a continuing order of the Senate, with all the potency, with all the force of any rule of the Senate, and so considered. Now, what was the ruling of the Chair at that time, what was the ruling of the honorable Senator from Michigan, [Mr. FERRY,] who many times occupied the chair when the question came up on the Anthony rule, as to whether it was necessary to give one day's notice before moving to proceed to the consideration of a subject? The ruling of the Chair was in every case that it was not necessary so to do. The long and unbroken practice of the Senate has been simply to conform to the course proposed by the honorable Senator from Ohio. The Anthony rule many times was sought to be enforced; it was sought to be enforced on two or three occasions by myself, when I objected to the consideration of a particular measure and demanded that we proceed with the Calendar. The Chair in every case ruled that a vote of the Senate could proceed to consider the case proposed by some other Senator.

As I say, it has been the long and unbroken practice of the Senate, and until to-day I have never in four years of service here known of a ruling of this character. I have never known heretofore that we could not proceed under an express rule, to wit, Rule 46, when there was a provision in the rule providing explicitly that the Senate might otherwise order. I have never yet known that it had not been the course of the Senate to proceed under the rule.

Mr. BURNSIDE. I move that when the Senate adjourns to-day it be until Monday at twelve o'clock. ["No!" "No!"]

Mr. DAVIS, of West Virginia. I hope not.

Mr. BURNSIDE. I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn, and the question recurs on the appeal taken by the Senator from Ohio, [Mr. PENDLETON.] Shall the decision of the Chair stand as the judgment of the Senate?

Mr. JONES, of Florida. Nothing can be of more importance, at least in this body, than a right understanding of those rules which regulate its public proceedings. Above everything else, uniformity of decision is important. I wish to state in a few brief words the reasons why I dissent from the judgment of the Chair, which I do with very great reluctance. The forty-sixth rule, which has been so greatly commented upon, is in the following words:

> In the appointment of the standing committees the Senate, unless otherwise ordered, shall proceed by ballot to appoint, severally, the chairman of each committee, and then, by one ballot, the other members necessary to complete the same.

It is contended, with some show of reason, that Rule 61 must be complied with in order to elect members of committees in accordance with Rule 46. Rule 61 reads as follows:

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

Mr. President, this is simply a question of construction of two rules which were framed for two different and distinct objects. In construing Rule 46 it must be observed that it was the purpose of its framers to give to the body, as was so well argued by the Senator from Georgia, [Mr. HILL,] the right to elect chairmen of committees in a way otherwise than by ballot, and that there was no sense in incorporating the language "unless otherwise ordered" into the rule if it were intended that Rule 61 should have any application whatever to the subject. Let me read Rule 46 as it would stand if the words "unless otherwise ordered" were omitted, because in considering human language and making all necessary allowance for its imperfection, we cannot say in this body that it was the intention of the men who incorporated this language into the rule that it should have no operation or effect. Let me read the rule leaving out the words "unless otherwise ordered:"

> In the appointment of the standing committees, the Senate shall proceed by ballot to appoint, severally, the chairman of each committee, and then, by one ballot, the other members necessary to complete the same.

What would be necessary in order to elect in the manner now proposed if the rule stood in the way that I have read it? Nothing but a simple conformity with Rule 61. If the language "unless otherwise ordered" was omitted from Rule 46 you would have nothing to do in order to effect an election in the manner now proposed but to pursue the very course which is suggested by the distinguished Senator from New York. I ask him and those who take the view that he does, whether the language "unless otherwise ordered" is to have any effect, because in the view that I take of it, it is clear surplusage and amounts to nothing unless it is intended to do away with the very requirement which the Senator insists ought to be observed under Rule 61.

This is a simple question of construction, and I have stated in a few brief terms the reasons why I cannot support the judgment of the Chair.

Mr. FERRY. If I understand the question now pending before the Senate it is not the appointment of the committees, but the administration of the rules. Upon the resolution of the Senator from Ohio, which he moved yesterday, to which objection was made and which went over until to-day, we have to-day the first intimation of the manner in which the appointment is to take place.

Under the rules of the Senate (I may comprehend them all) there are but two methods of election, one by ballot, the other by resolution; and I repeat, until to-day the Senate was not aware of the method of appointment by which the majority proposed to install the committees of the Senate. When the Senator from Ohio disclosed that the method was to be by resolution, an objection was made to it under the rule requiring a resolution to go over until the next day, and the Chair, in my judgment, properly ruled that it should go over. An appeal was taken from the decision of the Chair, and I understand that the question now pending is, Shall the decision of the Chair stand as the judgment of the Senate?

I am very clear, and my object in calling the attention of the Senator from Georgia to the language of the resolution of the Senator from Ohio was to show to the Senate that in that report no expression was made as to the method of election or appointment. The Chair was not apprised of that; no Senator beyond the Senator's own moving was apprised of the method of appointment.

I do not deem it necessary, as some Senators even on this side of the Chamber have expressed, that Rule 46 should be suspended. The rule itself covers the whole ground. It provides itself the method of appointment by election or, if by the order of the Senate, otherwise; but if not by election, that order must be by the rules of the Senate. If the Senator from Ohio had moved the election by ballot, it would have been in order under Rule 46; no exception could have been taken, no interruption, no delay; but when the Senator proposed by resolution under the clause that an appointment might be otherwise than by election, he subjected himself to the one day's delay.

I am here simply contending for the correct administration of the rules of the Senate, and I believe that to be the only question now pending. When the merits of the election of the committees shall come up, that will be another question; but I feel it to be my duty, and I believe it is the duty of every Senator, to affirm and stand by the proper rulings of the Chair. There can be no order, there can be no efficiency, there can be no proper administration of the rules of the Senate, unless on a question so clear to my judgment as this is the Chair should be sustained, the question being upon an appeal from his decision. I draw the distinction, which must be clear, between a resolution to appoint and the question of the method of appointment. When the Senator from Ohio, after his resolution having been properly introduced to the Senate, proposes a method of appointment under a clause of Rule 46, he subjects himself to one day's delay. By words I cannot add to the clearness of the case, and I believe the Senate will sustain the ruling of the Chair.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. While the doors were closed, Mr. PENDLETON, by unanimous consent, withdrew his appeal from the decision of the Chair; and Mr. CONKLING, by unanimous consent, withdrew the point of order submitted by him this morning; and the resolution submitted by Mr. PENDLETON was considered to be the pending business.

When the doors were reopened, after having been closed one hour and thirty-four minutes, the Senate (at four o'clock and three minutes p. m.) adjourned to Monday next.

MONDAY, *March* 14, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS.

Mr. ALLISON presented the credentials of James W. McDill, appointed by the governor of the State of Iowa a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the resignation of Samuel J. Kirkwood.

The credentials were read.

Mr. SAWYER presented the credentials of Angus Cameron, elected by the Legislature of Wisconsin a Senator from that State, to fill the

vacancy caused by the death of Matt. H. Carpenter, for the term ending March 3, 1885.

The credentials were read.

The VICE-PRESIDENT. The Senators-elect will advance to the chair of the Vice-President, and the oaths of office will be administered to them.

Mr. McDILL and Mr. CAMERON advanced to the Vice-President's desk, escorted respectively by Mr. ALLISON and Mr. SAWYER, and the oaths prescribed by the acts of June 1, 1789, and July 1, 1862, having been administered to them, they took their seats in the Senate.

COMMITTEES OF THE SENATE.

Mr. PENDLETON. I call up the resolution offered by me on Thursday last and upon which we adjourned on Friday.

The VICE-PRESIDENT. The Senator from Ohio calls up the resolution which was the unfinished business at the last session of the Senate.

The Chief Clerk proceeded to read the resolution submitted by Mr. PENDLETON on the 10th instant forming the standing committees of the Senate.

Mr. PENDLETON. I think it is hardly necessary to read the whole of the resolution. It has been read repeatedly in the hearing of the Senate.

The VICE-PRESIDENT. If there be no objection, the reading of the remainder of the resolution will be omitted.

Mr. PENDLETON. Mr. President, the course of the debate on Friday induces me to ask the indulgence of the Senate for a few moments this morning.

It was stated with a great show of confidence and with a very evident satisfaction that when the vacant chairs on the other side of the Chamber should be filled, the republican party would have a majority in this Hall; and there was more than an intimation that the democratic party was proceeding with unseemly haste to take advantage of the accidental and temporary absence of gentlemen of that majority to seize the political power and the pleasant places of the organization of the Senate, when a delay of three or four days would prevent their doing it at all. I do not know, and therefore I do not controvert the assertion of fact, but I do know, and therefore I repel the imputation. The remarks made by the distinguished and honorable Senator from Illinois [Mr. DAVIS] on Friday show that it is utterly impossible in the present condition of parties that the republicans should have a majority of the duly-elected members of this Senate. They show further that it would be in the power of the democrats, if they choose to enter upon the ways of abstention from voting and of obstruction to which they have been invited by the occurrences of the last few days, to prevent any discharge of the public business at all.

I do not know whether or not an effective working majority under the Constitution and laws will be given to that side of the Chamber when the vacancies are filled; I have no means of knowing. I do not know what arrangements or proffers or suggestions have been made or accepted; but those omnipresent and omniscient gentlemen of the press have whispered about the Capitol, and have put it in their newspapers, that there have been unusual and extraordinary visits to the other end of the Avenue, and they have connected oddly the name of a distinguished Senator who sits near me (certainly it was out of the exuberance of their imagination, for there could be no foundation in fact for it) with the dispensation of Federal patronage and the organization of the Senate. It has been whispered by them in and out of their papers that there have been conferences in the Capitol in which champagne and satisfaction were equally enjoyed, and that, too, has been connected with the statement as to the organization of the Senate. As I said, I do not know what truth there can be in these suggestions, but they have filled the air for the last few days.

I say that the imputation which was made upon the democratic members of the Senate is without foundation in fact; it is without justification; and it is without palliation in any single act of any single member of that party during this session of the Senate. It is a wrong to us at whom it was leveled, and it is a greater wrong on the part of gentlemen who have so unwarrantably made it.

If it be true that within the next three or four days the gentlemen who sit on the other side of the Chamber will have a majority and be charged with the responsibility of the due transaction of the business of the country, then it is a still greater wrong, for if they stand and know they stand in that responsible attitude to the country it was their duty, I humbly submit, to seek conference and consultation and co-operation and harmony of action instead of repelling as they have done our overtures for all.

I say that this attempt to organize the Senate is an honest attempt to do a great public duty, a duty enjoined by the Constitution, enjoined by the rules, enjoined by a patriotic desire to execute speedily and properly and intelligently that business for which a President elected by the republican party has chosen to convene us and which he commits every day to our consideration. It is an effort to discharge a public duty, the failure to do which would have properly subjected us to the merited criticism of the country and to its merciless scourging for a willingness to paralyze or permit to be paralyzed one great body in the State by reason of our imbecility or something worse.

The Constitution of the United States provides that the President shall, by and with the advice and consent of the Senate, make treaties, and by and with the advice and consent of the Senate appoint public officers. "Advice and consent;" these words imply more than inaction, more than quietly registering the opinion and formulating into decisions the actions of the Secretary of State in making treaties or the action of the President in making nominations. They imply an intelligent, conscientious discharge of the duty of investigation and examination as to the honesty, integrity and capacity for the particular place which will enable us not only to give our consent but actively to give our advice and participation in the duties thus confided to us.

In the early history of this Government the Senate contented itself with special committees appointed to take charge of a special bill or to examine into a special nomination; but as early as 1816 the system of standing committees was adopted by the Senate, and since then it has been uniformly followed. Since then it has become so interwoven with the transaction of all the business of the Senate that, as every Senator here knows, the committees of the Senate are the only machinery by which the Senate investigates either questions of law or questions of fact. Every Senator upon this floor knows with what speed, when a doubtful question comes up, it is inquired whether it has been examined by a committee, and a call is made for its report. Every Senator knows what great weight the conclusion of any standing or select committee of the Senate exercises upon the mind and the judgment of members save only in merely partisan questions. Every Senator knows that the working machinery of this body depends upon the formation and intelligent action of the committees.

So much has this become the common law of this body that our rules provide that without objection bills may be read twice on the same day in order that they may be referred. When we come to the executive sessions of the Senate rules are provided (and these are the public rules published and known to the world, and therefore I violate none of the secrecies of the Senate by appealing to them) by which when a treaty is sent here for consideration the only motion that is in order is to refer it to a committee, and it cannot fairly be considered by the body until the committees are formed and the appropriate committee reports it to the Senate for its intelligent action. When nominations are made our rules provide that they shall go of course to the proper committees of the Senate, and that after a report is made they shall lie over one day for consideration. I hazard nothing in stating in this presence that the working machinery of this body is so incomplete without the formation of committees that no action satisfactory to the Senate except that which can be done by unanimous consent is ever taken.

Mr. EDMUNDS. Will the Senator from Ohio permit me to interrupt him?

Mr. PENDLETON. Certainly, sir.

Mr. EDMUNDS. The Senator, if I correctly understand him, has just stated that the rules of the Senate made a blockade of executive business, for instance, without the formation of committees, and that the rules forbid our doing anything with a treaty until it should be referred. I do not so read them. The sixty-ninth rule provides that—

> When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee or to print it, in confidence, for the use of the Senate.

That is on its first reading. It is therefore, I submit with great confidence, both upon this rule and upon practice, if I may speak of that, perfectly within the competence of the Senate not to refer a treaty, but to print it in confidence on the first reading, consider it as in Committee of the Whole, exactly as it is with every bill, with every nomination, with every other thing which the Senate has to do.

Mr. PENDLETON. It was upon the authority of that rule, Mr. President, that I made the statement I did.

[At this point a message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. PENDLETON. I was saying, and I repeat it, that the rules have been so formed, the proceedings of the Senate have been so adjusted to a reference to the standing or select committees of the Senate that except that business which can be done by unanimous consent none is done to the satisfaction of the Senate except through the agency of committees.

From the very beginning of the adoption of this system these committees have been formed. I have before me the history of the committees of this body. Since the year 1833 there has not been a single executive session of the Senate called upon the incoming of a new Administration in which the standing committees have not been formed, and never have we reached the 14th day of the month of March that the Senate committees were not all in working order. A Senator suggests that I should read the paper. It would take too long. Never have we gone beyond the 12th day of March without the Senate being put in its proper working trim by the appointment of committees.

As is well known to the country, certainly to the Senate, the adjournment of the last Congress found us with more than a hundred nominations on our table. It found us with treaties upon our table. Daily since we have been in session the President of the United States has sent us nominations for the judiciary, which require the inter-

vention of the Judiciary Committee; nominations for the Army, which require the examination of the Military Committee; nominations for the Navy, which require the intervention of the Naval Committee; nominations innumerable almost for the Post-Office, which require the intervention of the Post-Office Committee; and here we are upon the tenth day of the session and not one particle of business has been done except that by unanimous consent, and that unanimous consent has been usually asked by our brothers on the other side of the Chamber.

This is the condition in which we found ourselves placed. Three courses were open to us: to organize the Senate and put it in working order; to cease attention to public business; or to abdicate the duty of performing it intelligently and upon investigation. I submit that if our friends upon the other side of the Chamber knew that they were in a majority it was their duty to seek consultation, to seek co-operation, to make suggestions in order to do this duty properly. They neither took the initiative nor sought co-operation. They made no suggestion; they seemed to be perfectly willing to sit inactively and silently by and see this paralysis of the powers of the Senate. It then became the obvious, the manifest duty of those in the temporary majority, if it were temporary, in the Senate to endeavor to put it in a condition to do the public business with which we were charged. There was no escape for it. We would have received, as I said before, a merited criticism and a merciless scourging if we had silently sat here and permitted the condition of affairs I have stated to be continued. We have had the responsible majority here; we have to-day the responsible majority in this Chamber. When it may terminate I do not know; but as long as it does exist, even if it be for an hour, it is the bounden duty of the majority to move forward in the straight line of intelligently executing the public duty committed to it. So we determined to go forward, and so we have gone forward, and to-day we stand again before the country and the Senate begging the Senate to organize itself in order that the business of the country may be conscientiously and properly discharged.

Since I have been speaking there has come from the President of the United States a message which, if all the signs do not fail, is again committing to us the nominations of persons to offices which the President thinks essential to carry on the Government.

I have been told that in the early years, those at least which for a good while have passed by, the Senate was accustomed to exercise an iron rule in the formation of its committees; that the majority designated throughout the membership of the committees; but in these later days a gentler, a better, and a more courteous rule has sprung up, until it is now the accepted custom for the majority of the Senate, or those who suppose they are the majority of the Senate, to seek conference with the minority, to compare views with them, to discuss with them not only which Senators belonging to the minority shall be placed upon particular committees, but also to take advice and counsel with them as to the number of representatives that the minority shall have and the number of committees the entire control of which shall be confided to them.

Following this courteous and proper rule of the common law of the Senate, I was charged with the duty of inviting that conference. I did so. I went to the father of the Senate who is charged as I understand with that duty by our friends on the other side. I invited consultation; I invited a suggestion as to all these various points; and I was met with the statement that the republican party on the floor declined to take any part in the organization. Not to be thrown out of the regular course of informal communication of this kind between the two parties here, I communicated in writing our views upon the subject, and begged from him a statement of his own. I indicated the number of representatives upon the committees which it seemed to us the minority should have, and I indicated also our views as to the number of committees which should be confided to them.

I was again informed that the minority would have nothing to do with the organization of the Senate; and upon that occasion it was said that it was unfair in the absence of certain gentlemen not yet elected, Senators in prospective, to proceed with the organization. When I put the question, as I did, "When they are all here will you then be able to organize the Senate?" I was answered that there was no assurance of that fact. I was advised at the same interview that the republican party would make no suggestion as to the members whom they desired to have upon the committees; that they would designate no names; and it was put upon the majority in the Chamber to select the names of the minority to go upon the committees. Then, seeking to do entire justice, seeking to obviate every possible objection, the names were taken of those who stood upon the committees at the last session of Congress—selected by a republican caucus, voted for by all the party—and assigned to the same committees. The duty to which we confined ourselves was to fill vacancies with new members as intelligently, according to their reputation before the country and their tastes, as we could. Out of these proceedings came the resolution which I had the honor to submit forming the standing committees of the Senate.

We were met on the first day with an objection which carried it over. We were met on the second day with a point of order which consumed the whole day in its discussion, and we are now met by a proposition on the part of the republicans that if we will withhold a number of votes of Senators who are here present on this floor equal to the vacancies that exist on that side, pair our active Senators with gentlemen not yet elected, and who it is supposed will be some time or other Senators, men who are to be elected or appointed in the extremes of the country who, if they are not here now, will have to travel each a thousand or more miles before they can get here—the proposition is that if we agree to this extraordinary concession, that if we pair living, active, vigorous members against members in expectancy, members who would not to-day have any right to admission to these doors if they should present themselves, then, then this duty of organizing the Senate can be performed.

Here we are presenting ourselves to the Senate with a list of committees made up in this way, with an actual necessity for having the committees appointed, following precedent, following the extremest laws of courtesy, actively pressing to put this Senate in working order, and we are told that these powers must be paralyzed unless we of the majority will consent to forego the votes of our members for those whom it is only expected some time or other will be members, and as to whom, in the possibilities of life, in the possibilities of the circumstances by which we are every day surrounded, no man can say whether they ever will be members of the Senate.

This, then, is the course that the democratic party has pursued. This, then, is the foundation for the imputation that we are seizing with undue haste and a wrongful spirit upon the powers that the organization of the Senate gives. These considerations induced our endeavors to organize the Senate, to put it in working trim, to proceed with the business confided to us by the President under the Constitution. We are met, first by obstructions under the rules, next by points of order, and lastly by this proposition which is unparalleled in the history of Congress or any legislative body of which I ever heard.

Sir, it is not for me to say at this moment how this proposition will be received. I say that it is a most extraordinary one. I say that it is calculated to form a most dangerous precedent in our history. I say it is carrying the pairing system, already gotten to be so enormous an abuse, to the point of pairing with men who may never be elected, and may well awaken our apprehension, and may well upon the highest grounds of patriotism compel this majority as it is to-day in the Senate to pause and reflect before they agree to it. If it shall be hereafter accepted, I for one do now and here enter my solemn warning in order that it may not grow into a precedent which shall be dangerous to the State.

But I rose mainly, Mr. President, for the purpose of putting the history of the action of myself and my associates in its true light before the country, to vindicate their action, to show that it was in accordance with all the rules of this body, in accordance with the highest conceptions of public duty, that it had nothing in it of an undue desire to grasp the powers of the organization, but that it was commended to us by our patriotic desire faithfully, fairly, conscientiously to weigh the treaties that have been sent to us and the nominations which lie on our table. [Mr. PENDLETON here took his seat. After a pause he rose and said:] If nobody desires to continue the discussion, perhaps we had better take the vote.

Mr. CONKLING, (in his seat.) Or adjourn.

Mr. PENDLETON. The Senator thinks it would be better to adjourn?

Mr. CONKLING. I merely made that suggestion, because I supposed the Senator had knowledge of some fellow-member who was not ready to proceed. An adjournment would enable him not to be as elaborate, perhaps, as my honorable friend from Ohio has been, but nevertheless he delights the Senate and the galleries.

Mr. PLUMB. Mr. President, I ask that the resolution be read for information.

The VICE-PRESIDENT. The resolution of the Senator from Ohio will be reported by the Secretary.

The Chief Clerk commenced to read the resolution with the list of standing committees as proposed by Mr. PENDLETON on the 10th instant.

Mr. DAVIS, of West Virginia. I understand the reading of the resolution only was called for and not the list of committees.

Mr. PLUMB. I called for the reading of the whole resolution. The committees are a part of the resolution.

Mr. DAVIS, of West Virginia. Do you want the names?

The Chief Clerk resumed and concluded the reading.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. CONKLING. What is the question, Mr. President?

The VICE-PRESIDENT. The question is on the resolution which has just been read.

Mr. DAVIS, of West Virginia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I trust that we shall not be pressed to a vote on this question immediately, and I submit to our friends on the other side that we go into executive session and see what is on the table. Therefore I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. I hope not, and I ask for the yeas and nays.

Mr. BAYARD. I hope the motion will be withdrawn, as I believe it is not debatable.

Mr. ALLISON. I will withdraw it with pleasure if the Senator from Delaware desires to be heard.

Mr. BAYARD. Mr. President, I desire to submit to the Senate with all respect my views of our duty at the present time, quite irrespective of our party associations. I do not propose in what I have now to say to lay down a rule for a republican minority, if minority it be, that I should not lay down for a minority of the party with whom I act. Let us consider for a moment where we stand and what are our duties in respect of the existing condition of affairs.

It must not be forgotten that underlying all councils whether those convened under a republican form of government or no—under all councils there is an ultimate power, and that power is the voice of the majority. It is the *lex majoris partis*, and this I say is not confined to legislative assemblies under a republican system of government, but it is a law of all councils and all assemblies where it is not otherwise expressly provided.

On the morning of the 4th of March in this Chamber assembled a Senate. There was a majority of about nine votes on this, the democratic side of the Chamber. For two years that majority had arranged the committees of this body and conducted the business, and there stands the record of how it performed its duty. By twelve o'clock meridian on that day under the action of the outgoing Executive, a republican President, the new Senate, or to speak more accurately the Senate of the first session of the Forty-seventh Congress, was convened. By no consultation with the majority, upon no request or representation of the democratic members of this body, but with the supposed advice and consent of the incoming republican Executive, the Senate was brought again into session. It was, I say, with his approval that we were here brought; and what has happened since? He has performed the functions of his office by sending to us nominations of a Cabinet of his constitutional advisers, and we, believing still that the responsibility and duty rested upon us as a numerical majority, have acted in the due spirit of comity that should distinguish the co-ordinate branches of this Government, promptly and without hesitation have given to the Executive who was not of our choice the Cabinet selected by himself. Unanimously it has been said to him "As upon you rests the responsibility for the execution of the laws of this land, we shall couple with it the power to carry out that responsibility." So far we have moved along in accordance with rule, with order, with precedent, with the spirit that should control the performance of high public duty by American representatives.

What else has occurred? The President of the United States, by his independent action, and not ours, has created three vacancies in his own party ranks in this Chamber. He has taken three of our distinguished associates and placed them in his Cabinet council. Death has stricken from the ranks of our associates another able and distinguished man, the one as the other entirely beyond the reach or the control of those who were in the majority in this Chamber on the 4th of March, and who if they be in the majority to-day cannot disrobe themselves of their responsibilities and stand before the country ciphers and not men in the performance of grave public duties.

We have, I say, therefore assumed that which we believed to be true that the majority of the last session, although diminished in numbers, was not absolutely annihilated. Senators, if we are in error in that fact, come forward and show it to us and we will readily, without demur, without irregular opposition, without filibustering, hand over to you the power that we have exercised as a party for the last two years and hold to-day. I beg you will not think so poorly of us as to suppose that we stand here seeking for the nominal power and control of this body for a few poor days, poor weeks, or months if you will. What is there that we have done or proposed to do? By the express terms of this resolution this organization of the committees is to last only during the present session. Is there a man here who does not wish that session to be as short as is consistent with our duty? You know, my associates on the other side, and you my associates on this side, how much of personal and private inconvenience, nay of distress there is that we should be kept here unexpectedly, here away from duties that call loudly for our presence elsewhere.

Now, what is there in this? What have we to gain by the control of the Senate for the next ten days or two weeks, which I trust will enable us to wind up our portion of the public duty and go to our homes? Is there money? Not one farthing. Is there power? Nothing more than simply to confirm the nominations of your Executive—at least yours in a party sense, for I hold that he is the President of the United States. What, then, is to be gained? What is the object? I profess to you that I know of none but the performance of the usual public duties attendant upon an executive session. I profess to you that I have yet to hear privately, publicly, anywhere, a suggestion on the part of any member of the party with whom I act in this Chamber that there was any other object or intent, or that any can be divined or imagined, except that we should exert our power as a majority to the extent of our responsibility and not one inch beyond it.

Mr. President, we are not here engaged in a petty scramble for the control of offices. It is an unworthy suggestion that such an idea should prevail. We have had the control of this Senate, after a certain fashion, for the last two years; and until it is changed, and changed by a vote of the Senate, we still hold it. It is not a new acquisition of power. We are simply asking you to-day, gentlemen, to decide whether or not the numerical majority is with you or with us.

But it has been suggested that individuals not members of this body and who never were chosen or sworn in and who may never be chosen or sworn in, shall yet be counted in the composition of this body. Senators, is there any precedent for such a suggestion? And is there not something rather dangerous in stretching the rules of comity of a legislative assembly and in agreeing to count those men as members who are not, who may never be, and upon whom the responsibility of action may never rest? Is there, I ask you, any precedent for this? If there be one, I have yet to hear it. If any man on that side told me that he was called hence by the illness of his family, by some supervenient trouble that he could not control, and asked me to pair with him—an arrangement which is usually allowed to enable us to conduct business on those terms of comity and courtesy which are as essential as the spirit of law itself—I would instantly assent to it. I see before me the face of many an associate who would only have to suggest to me that extreme personal inconvenience or ill-health led him to desire to make a pair with me in order that he should obtain it and obtain it instantly. But when did it ever occur, or when was it ever before suggested, that we have the right to call and count a man a member of the body who is not so in point of fact and who may never be? If it happens that the ranks in this Chamber (and it can only be on one side) may further be depleted by official nominations, there again new vacancies occur and with new vacancies new delays—pending which no business can be conducted in an orderly and proper manner for want of organized committees to whom nominations by the President can be referred.

Now, gentlemen, how long does it take to organize the committees of the Senate? It could have been done a week ago or to-day before the hand of that clock reached ten minutes past twelve. If on the day after to-morrow we should be in session or on Friday or on Saturday and these memberships which we expect to see filled were filled, I should expect a resolution in the same form *mutatis mutandis*, the names of republican majorities where now they are minorities upon the list of committees, presented to the Senate and that we should vote upon that as regularly and straightforwardly as I would wish to see us proceed to-day.

And it must be remembered Mr. President that this is not a change in the control of the committees as proposed, it is a continuance, a lapping over of the organization of the Senate from the former session to the present. We are not changing the organization and we are not changing the control; we are simply asking to continue it in the name and for the sole purpose of the orderly and decorous conduct of public business.

What dream of ambition, what hope, what expectancy is there to any member of the democratic party in a special session of the Senate called for executive business only at the hands of a republican Executive? Why, look at it Senators! There can be none, and therefore I say to you, if it shall be that after Tuesday or Wednesday or any other day in the future we sit in this Chamber with you equal in numbers, with a majority on your part, and the Senate organize under that majority, I propose for one to throw no obstacle in the way of your performance of your duties and responsibilities that I would ask you to remove from our way now when we are as I believe charged with the duties that attach to a numerical majority in this Chamber, and of which they are not warranted to divest themselves.

It is not a question of permanent organization and control. It is so temporary that the ebb and flow of party numbers will quickly change the balance to one side or the other, and what I desire to say for myself, and for those with whom I act, and in saying which I believe I speak for them, and to say to Senators on the other side of the Chamber—what I desire to say is, let us deal with this important public question in a spirit worthy of it. It is not just, it is not right to make the imputation of snatches and clutches at temporary power. Nothing of the kind is intended. Ever since the Senate met on the 4th of March the usual motions that signify numerical control have come from this side of the Chamber; the ordinary questions that have been submitted to the body of adjournment, of consideration of executive business, and the like, have been controlled without opposition by suggestions from this side of the Chamber. That was in accordance with the majority that has existed for the last two years, and that in my opinion does exist to-day. If to-morrow or the next day, as I say, the tide of party numbers shall carry the majority over to that side, I shall bow to it and to its orders under the rules and regulations of the Senate; but I do not think that there ought to be any hesitancy in the regular, orderly, unobstructed action of the Senate in accordance with the precedents of our body spread upon our records.

My friend from Ohio stated the historical fact which I ask Senators not to forget and I restate it upon his authority knowing that he has carefully examined the matter, that never, in the history of our Government up to the present time has the formation of committees for the purpose of transacting the business of the Senate been delayed as long as it has been at the present session. To-day is the 14th day of March. I have seen the committees organized on the 8th, the meeting being on the 5th; on the 10th, on the 11th, but never before so late as the 14th.

Therefore it is, sir, that I trust, speaking in a spirit which I hope has been appreciated of perfect fairness, of perfect candor, a spirit I think worthy of the subject with which I deal, that there may be no resort to irregularities, no resort to dilatory motions, but let us con-

stitute the Senate committees; and when, as I say, the tide of numbers shall bear power to you, there is no man in your own party that you can call upon with more confidence to sustain you than myself to recognize the responsibility and place there the power of a majority and present to our countrymen of all parties the proof of subordination to the rules and precedents, and the meaning of the rules and precedents of this Senate.

The VICE-PRESIDENT. The question is on the resolution of the Senator from Ohio, [Mr. PENDLETON.]

Mr. ALLISON. I now renew my motion that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

Mr. BAYARD and others called for the yeas and nays, and they were ordered.

Mr. HILL, of Georgia. I will say to the Senator from Iowa that as we cannot do anything when we get into executive session, cannot even refer a nomination made by the President, why go there?

Mr. CONKLING. How does the Senator know we cannot do anything?

Mr. HILL, of Georgia. Because we cannot even refer a nomination made by the President, for there is no committee to whom to refer it.

Mr. CONKLING. I remind the honorable Senator that the newspapers say we have done a good deal in executive session.

Mr. HILL, of Georgia. Yes; we have done all kinds of business; but we have given that up.

Mr. BUTLER. I rise to a point of order. The motion is not debatable.

The VICE-PRESIDENT. The point of order is well taken. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) On this question I am paired with the Senator from Vermont [Mr. EDMUNDS] who a few moments ago told me that he was too unwell to stay in the Chamber, and requested me to pair with him on all political questions. Considering this a political question, I paired with him. If he were here, I should vote "nay" and I presume he would vote "yea."

The roll-call having been concluded, the result was announced—yeas 35, nays 37; as follows:

YEAS—35.

Allison,	Ferry,	Logan,	Plumb,
Anthony,	Hale,	Mahone,	Rollins,
Blair,	Harrison,	McDill,	Saunders,
Burnside,	Hawley,	McMillan,	Sawyer,
Cameron of Pa.,	Hill of Colorado,	Miller,	Sewell,
Cameron of Wis.,	Hoar,	Mitchell,	Sherman,
Conger,	Ingalls,	Morrill,	Teller,
Conkling,	Jones of Nevada,	Platt of Conn.,	Van Wyck.
Dawes,	Kellogg,	Platt of N. Y.,	

NAYS—37.

Bayard,	Fair,	Johnston,	Saulsbury,
Beck,	Farley,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vance,
Butler,	Gorman,	Lamar,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Camden,	Grover,	Maxey,	Walker,
Cockrell,	Hampton,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	
Davis of Illinois,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

ABSENT—2.

Edmunds, Garland.

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the resolution of the Senator from Ohio, [Mr. PENDLETON,] on which the yeas and nays have been ordered.

Mr. CONKLING. Mr. President, an astute Frenchman said, and the world has often repeated, that he accuses who excuses. Who has cast imputation upon the honorable Senator from Ohio? Who has cast imputation on any Senator? The great master of human nature has said "thus conscience does make cowards of us all." I do not say that these words have application here; and yet the honorable Senator from Ohio who conducts this proceeding with so much ability and skill on the democratic behalf, seems, if he will allow me, to "flee when no man pursueth."

I must think, Mr. President, (and I feel sure I shall offend nobody in uttering the thought,) that it is effect beyond these galleries which democratic Senators seek. They need no vindication here; they need no exoneration from injurious charges. Surely they do not doubt or suspect each other; and we who sit on this side, knowing them and appreciating them and regarding them as we do, need not be told how far they are from questionable aims. I must believe that, either because of a feeling that some explanation or exposition of what has been done or attempted is needed, or because of a hope that some impression beneficial to their party may be made elsewhere, honorable Senators are moved to justify or modify positions which have not yet been assailed.

The honorable Senator from Ohio some days ago in order to effect a formation of the Senate's committees, proposed a resolution, as I believed then and as I believe now, in plain violation of the rules of the Senate. The resolution violated not an order of the Senate, or merely the settled practice of the Senate, but one of the standing rules of the Senate which, as the by-laws of a corporation govern the corporation, govern the Senate and provide for their own modification or suspension.

Hearing this novel resolution read, I ventured in the absence of another Senator who more appropriately and persuasively might have interposed, to suggest a point of order, and on that point and on the decision of it some debate ensued. I heard no accusation, I heard nothing said of or touching the honorable Senator from Ohio which had it been said of me would have suggested a need either of resentment or defense. I do not mean that the honorable Senator has manifested resentment, but I do mean that for some reason it has pleased him on charges on which he has never been arraigned to make an elaborate disclaimer, the seeming purpose of which was to purge the party which so ably he leads.

Without attempting to follow the honorable Senator in the realm either of historic or of high constitutional discourse, I wish to bring the matter in hand to the attention of the Senate and of all whom it may concern, and therein I include so many as may read my words of that vast multitude who will scan the speech of the honorable Senator; I ask the attention of all these to the simple matter which detains the Senate now.

Just before the expiration of the constitutional term of the last administration, with a suddenness which sharpened the grief with which all were filled, tidings came that the gifted Senator from Wisconsin who so long sat immediately behind me, and who wherever he sat was so near to all of us, had passed the dread bound which is never recrossed by returning steps—he had retreated from the din of the Senate and of the world, and the gates had forever closed behind him.

Immediately afterward, the outgoing Executive for reasons no doubt sufficient for him convened a session of the Senate to meet at the expiring moment of the preceding session. We come here. If I mistake not I have heard from two Senators that this called session at high noon on the 4th of March was the act, at least as a privy if not as an author, of the new President of the United States. Disclaiming authority to speak in that regard, I allude to it to doubt whether adequate evidence of that allegation has been so generally distributed as would appear among a portion of the members of this body. Be that as it may, the Senate assembled. Mr. Carpenter was gone; a statute of our own deferred the day when his successor could be seated. There came on the second day the nomination of three members of the Senate to become members of the Cabinet, and because confirmations are public property, unsheltered by the rules of secrecy, I have a right to say that these three nominations were promptly confirmed, those who took part in that proceeding of whatever politics knowing of course that the acceptance of the commissions which awaited them would vacate three seats.

Mr. President, for fear of a defense against other unmade charges, I pause to say that it never occurred to me that we were dealing with "gift-bearing Greeks." If the democratic members of the Senate concurred or led in the confirmation of three Senators and a vacation of three seats on the republican side, never have I supposed that the purpose was to leave us on this side naked to the adversary, suppliants either for mercy or delay. I had no idea, I wish more explicitly to affirm, that we should ever be compelled to fight for sun-down or Blucher because the generosity of our adversaries had vacated three of our seats. Indeed in the beginning there was nothing to suggest such a strait. Several days elapsed during which the constitutional sword of the Senator from Ohio was sluggard in its scabbard; for several days that honorable Senator did not feel the sides of his intent pricked by the spur of the Constitution. Day after day passed while rumor and newspapers chronicled the easy stages of that ecumenical council, that congregation of variegated infallibility commonly called a democratic caucus, sitting with leave to sit again, and weary with the fatigue of suspended judgment,—perplexed and jaded with the question how the independent party in the Senate was to be captivated, weary in continuing the enginery and allurements which were to make conquest of the distinguished Senator from Illinois and lead him captive at the wheel of the democratic chariot. Having in the language of a national democratic platform exhausted the resources of statesmanship, they at last came in with a belated report, a report fearfully and wonderfully made,—a report defective in some regards, but in others abounding in the very affluence of sagacity.

For example both the Senators from Ohio were put on one and the same committee, the Judiciary Committee, in order probably that the great State of Ohio might not only give the country the land of the law but the law of the land. [Laughter.] There were other curiosities and marvels in this report which one need not consult the signs in the zodiac to discover: indeed the performance so far resembled divine peace, that it somewhat passed understanding. This report being made, I will not say it turned out—for should I say that I should be much more amenable than I am, or than any other republican Senator is to the allegation that we have cast imputations at the honorable Senator from Ohio—I will not say it turned out, but I say that appearances suggested that although several days had been allowed quietly to elapse, although it had been held by the Senate that the Cabinet ministers, the heads of all the great Departments, not only those who had been members of the Senate but those who were never members of the Senate, might be properly confirmed and

the President might decently and in order be advised; although the Senate had held in the instance of other important officers that without committees the Senate might discreetly and conclusively proceed,—after many days in which proceedings had proved the power of the Senate, without the formation of committees, to dispatch its business, appearances, I say, suggested that full organization was to be effected in the absence of four republican Senators every one of whom was constructively here, not one of whom was absent save either by a stroke of Providence or by a temporary vacation of a seat certain to be filled by a republican: I say certain, because although a Senator may die the States never die. This being—I wish to shade very nicely all these phrases, and therefore I will not say the apparent intention of the other side, but it being possible that there was danger that by accident or design we might inadvertently find ourselves going to trial on so important an issue with four of our seats temporarily vacant, and that thus the scepter of power might be handed over to you democratic Senators who sit here, it seemed to this side, certainly it seemed to me, that nothing of which the case admitted would be more lacking in utility, more scant in propriety, than for us to consent to the organization of the Senate against the constitutional majority. This seemed inadmissible, albeit as has been suggested this morning we might on Wednesday next—I am told that on Wednesday in the ordinary course of trains a Senator from distant Minnesota will be here—on Wednesday or on Thursday, a little space of time to be measured rather in hours than in days, the majority, now temporarily disabled, might, if I caught the phrase aright, by a motion in the very words of the resolution of the Senator from Ohio overturn the organization which would not then have lasted long enough for the riders to take their seats in the saddle and put their feet in the stirrups.

I say it seemed to me that such a proceeding would be not only beside the purpose but beneath the dignity of the Senate, as the Senate was before we knew it, and as I am glad to say the Senate still is, and as I wish to believe every democratic Senator intends that during his service it shall remain.

So it occurred to republican Senators that not only for reasons of good understanding, of courtesy, and good sense, it would hardly be right during the absence of Senators who had been transferred by the votes of the Senate to another forum, to take action prompt if not hasty which would annex to the occasion an awkward and injurious predicament.

It seemed to me, not only for such reasons but for reasons rising higher and spreading broader, that it would be only fair that the thus momentarily apparent majority of the Chamber should wait that little lapse of time which in the language of lawyers would put the Senate *in statu quo*.

The honorable Senator from Ohio was pleased to speak, calling it a most extraordinary suggestion, (I think that was his phrase,) of the proposal that if those to-day commanding the most votes in the Senate wish for convenience to utilize economically time, if they really wish to anticipate by a day or two the visible presence of these absent Senators to be, they should one of them or two of them, as the case may be, withhold their votes as the offset of these votes so soon to arrive. My honorable friend thinks the suggestion so surprising that it requires a superlative properly to describe it. In order to defend myself at this point, without trenching upon private conversations, without feeling that unpermitted I may detail at length in the Senate a long private conversation, or rather my understanding of it, I may venture to say that the suggestion of withholding a vote to correspond with a temporarily absent vote of ours did not originate on this side of the Chamber, but came from a democratic Senator now in my eye—one quite able both to judge of the proprieties of an occasion and to vindicate the judgment he forms.

Upon that suggestion the Senate stood over until this morning, and now comes the honorable Senator from Ohio with a sort of comment of which I will hazard this assertion: when that honorable Senator shall take the RECORD and read coldly some of his sayings he will be likely to reflect that the democratic party and the necessities of this occasion might have been rescued from destruction without going quite so far. If my ears did not deceive me, the Senator talked about meetings held by Senators in the Capitol at which "champagne and satisfaction" were the arguments employed. I have no knowledge, no means of suspicion, to what the honorable Senator refers; but knowing him as I do, it must be indeed a dire party necessity which so overpasses the barriers which guard personal and private intercourse. I know of no meeting either in the Capitol or at any man's dinner-table or in any other private place where either champagne or satisfaction, still less both of them, have appeared as the ministers of senatorial affairs. I trust the honorable Senator will pardon my saying that it might be due to various considerations that the Senator should not put afloat an insinuation so gross and vague and likely to be random and injurious perhaps by reason of its vagueness. It is said that mystery is one of the elements of the sublime in writing and in speech, and so mystery and an irresponsible and nebulous inexactness sometimes become one of the most virulent, one of the most vicious, and one of the most poisonous ingredients of an accusation. I incline to think the honorable Senator from Ohio on his own account may see fit to at least fix some limits or give some direction if not some qualification to such a remark.

Coming over to Monday morning we are within a few hours of that day on which every seat on this side is to be filled, that day on which once for all this question may be decided. I do not believe that the Senators I face seriously mean, after the lapse of all the days between the 4th of March and this day, for the sake of saving or under guise of saving a few remaining hours, both to refuse pairs to absent Senators and persist in an attempt to consummate a result. I do not believe that; I have no right to believe it. The mode in which the democratic members of this body have conducted this proceeding thus far gives no warrant to me to so believe. On the contrary, I feel quite easy.

The Senate having listened to the instructive and eloquent oration of the honorable Senator from Ohio, having listened to another very careful speech on the other side, and having been subjected to the discomfort of listening for a while as they have done now, when it shall be relieved and refreshed by such other observations as may fall from other Senators, should go into executive session or adjourn, unless two democratic Senators will proffer the courtesy of a vote withheld to balance a vote not here for the moment, but so soon to be here.

One Senator spoke of the organization of the Senate as if speaking of a paltry and insignificant affair. If I caught his words aright he said, "Come and show us your majority, and we will hand over the possession of power." Considering the selection of this day for that offer, it is a little suggestive. The only thing we want is an opportunity in a constitutional way to match numbers against numbers, to have the men whom the people have sent to sit on this side of the Chamber vote their judgment, at the same time that the vote is given by those who sit on the other side; but on a day when three or four of them are found absent a Senator rises and says, "Come forward and show us your majority and we will release our hold on power."

The hold on power which perhaps is to be released and perhaps is to be retained is a very important affair, and for reasons not such as those to which reference has been made. The organization of the Senate now, must, not conclusively to be sure but in large degree, determine the organization which is to remain; and therefore in practical effect and intendment the inquiry is whether all the instrumentalities of legislation and of constitutional action and policy for which committees are formed, shall be deposited with committees of democrats governed by democratic Senators. It was the saying of an old parliamentarian that a child is not to be given to a nurse who will strangle it, a mode he took of stating that legislative, administrative, political, or parliamentary measures are not to be given into the custody of those who are against them.

It therefore becomes largely important, particularly as a republican national administration is just launched, to know whether not only appointments to office, not only treaties with foreign powers, but in the future, and possibly in the very near future, legislative measures of all descriptions are to be delivered, I will not say delivered up, to the tender mercies of democratic committees. My friend from Florida, [Mr. JONES,] who is a good democrat, knows how much that means. He knows how small the chance would be of all the measures distinctively republican if like the lamb to be delivered for guardianship to the wolf they were to be given over to Senators who share his convictions and who believe in the party aims into some sort of belief in which he seems to have been beguiled.

Mr. President, that is this case as I understand it, better stated had it been more briefly stated. The question is whether anticipating by a few hours, after the lapse of many days, the accidental temporary majority of the Senate shall seize its organization, and I beg to say that by the word "seize" I intend to convey nothing offensive whatever—take, I will not say carry away as the Senator from Georgia, who is a lawyer, might add, but take the organization of the Senate. That is the question.

I submit to Senators on the other side that it will neither save time to attempt it, nor augment the democratic power to attempt it, nor conserve the success of the democratic party to attempt it, nor foster the good relations of members of the Senate to attempt it. It is more than possible that a day may come within the reach of all of us, when an example of this sort might lead some majority made a majority by the sickness or the casualty which had vacated a seat or two for a day to proceed upon the Rob Roy doctrine, "Let them take who have the power and let them keep who can." I believe it is not wise.

As the honorable Senator from Ohio when he bended his bow made me a mark for his arrow, I have chosen to avail myself of the currency and buoyancy which would be given to our proceedings to-day by the speech of the honorable Senator to have go along with his speech a statement which may in some sort exonerate me from having cast imputations upon anybody or having done anything which requires explanation, defense, or ill-feeling between Senators, neighbors or parties.

This is a very plain practical matter, and I am willing to hazard my reputation as a guesser—I have none as a prophet—upon the prediction that if our honorable friends will let us go into executive session or will in some other way arrange this temporary inequality, they will in the end gain all they can possibly gain, and they will gain it upon terms more satisfactory to them afterward than to have attempted by a proceeding (which I will not characterize lest the honorable Senator might think there was something caustic in my terms) which seems to me quite beside the purpose, not likely to save time and not likely to preserve what I am willing to assume every Senator at least as much as I is willing and anxious to preserve of the character, the decorum, and the prestige of the Senate.

DEATH OF THE CZAR OF RUSSIA.

Mr. MORGAN. I ask unanimous consent to offer a resolution and to have it read for information at this time, when I shall ask that it lie on the table.

The VICE-PRESIDENT. The resolution will be reported.

The resolution was read, as follows:

Whereas the Senate of the United States of America, now convened in special session, has been informed of the death, by unlawful and inhuman violence, of His Majesty the Emperor Alexander II of Russia:

Resolved, That the Senate unites its voice with that of all civilized people in denouncing assassination as a means of redress for any grievances, either real or imaginary.

2. That, remembering and cherishing with satisfaction the relations of genuine friendship that have always existed between the people and the Governments of Russia and of the United States, to the strengthening and maintenance of which the late emperor has earnestly contributed his great influence, the Senate extends to the Government and people of Russia its sincere condolence in this sad national bereavement.

Resolved, That the Secretary of the Senate deliver a copy of these resolutions to the President of the United States, with the request that he communicate the same to the Russian Government.

The VICE-PRESIDENT. The resolution will lie on the table.

Mr. EDMUNDS. And be printed.

The VICE-PRESIDENT. And be printed.

Mr. MORGAN subsequently said: At the suggestion of various Senators, I wish to call up the resolution I offered to-day. I ask that the resolution be reported.

The VICE-PRESIDENT. The resolution will be read by the Secretary.

Mr. MORGAN. I understand that the resolution I offered this morning has gone to the printer, and is not now in the possession of the Secretary of the Senate. That being the case, I suppose we can have no action to-day, and I withdraw my motion.

Mr. HOAR. Mr. President, I desire to suggest that the resolution offered by the honorable Senator from Alabama will have double force in the eyes of the people with whom it expresses sympathy if it can be promptly passed, and I hope the request that it shall go over for consideration until to-morrow will be withdrawn, and that it may be now taken up.

Mr. MORGAN. The resolution is not now present.

Mr. HOAR. It has been heard by every one.

Mr. MORGAN. I move, then, the present consideration of the resolution.

The VICE-PRESIDENT. The Senator from Alabama asks for the present consideration of the resolution which was offered by him. The Chair hears no objection.

The resolution was agreed to unanimously.

DEPUTY MARSHALS AT INDIANA ELECTION.

Mr. VOORHEES. I offer the following resolution and ask for its present consideration:

Resolved, That the Attorney-General of the United States be directed to communicate to the Senate the names of the deputy United States marshals appointed in the State of Indiana to attend the polls at the October election for the year 1880, in said State, together with the respective localities where such deputy marshals were placed on duty, and also the names of such general deputies as were appointed with reference to said election.

Mr. HOAR. Let that resolution go over.

Mr. EDMUNDS. I object to its present consideration.

The VICE-PRESIDENT. The resolution goes over under the rule.

COMMITTEES OF THE SENATE.

The Senate resumed the consideration of the resolution submitted by Mr. PENDLETON March 10 for the appointment of standing committees.

Mr. HILL, of Georgia. Mr. President, whatever else may be said of the Senate of the United States, I think on all hands it will be agreed that it should be a place where no masquerading ought to be tolerated. Senators should deal candidly with each other as well as with the country. We owe it not only to ourselves but to the place in which we are assembled. No man in this body has a right to put members of the body in a false position even if we concede that any Senator has a right to put himself in a false position.

I for one have favored the organization of the Senate without delay. I am aware, as all other Senators are aware, that the Senate cannot proceed with the discharge of its duties, duties which the President of the United States is constantly and daily exacting of us, without that organization, and because it is our duty to transact the business of the Senate I have favored the organization of the committees.

The country is witnessing a most singular exhibition, an exhibition for which there ought to be a very strong and controlling reason. For the first time in the history of the United States Senate the regular, orderly, timely, proper organization of the committees is resisted, resisted by an entire party, resisted by a great party. But one reason has been given or intimated. That reason, if I understand Senators correctly, is that by waiting a few days the Senate committees would be organized in a manner different from the organization that must result if they are organized now; and therefore to get what they claim to be their legitimate party advantage in the organization of the Senate gentlemen on the other side insist that the organization shall be postponed. The only reason given why they would have an advantage a few days hence that they do not now have is the fact they state that no less than four seats on this floor have been vacated, one by death and three by the action of the President. That is true.

Mr. President, let us come to the point. The Senator from New York has repeated over and over again in language too plain to be misunderstood, (he has not stated it as his opinion; if I understand his language he has affirmed as a fact,) that within a few days the republicans will control a constitutional majority of the Senate, and that that constitutional majority will have it in its power to select the committees. If not his language, at least what we have regarded as the imputations of the distinguished Senator are to the effect that we on this side are seeking to precipitate the organization now, because we may procure an organization now for a few days which we cannot procure when the Senate is full.

Let us come to the fact; it is the great fact. I have believed that when every seat shall be filled the Senate will be democratic, precisely as it is now. If I am wrong in that belief I have been deceived; if the Senator from New York is correct in his statement, I have been deceived. I owe it to myself, I owe it to the country, I owe it to those with whom I am associated on this floor, to state distinctly to the country and in this presence why I say the Senate will continue to be democratic when all the seats shall be filled. If I am right in that conclusion, the Senator has no right to say that we are seeking an advantage now which we cannot have when the Senate is full.

Mr. CONKLING, (in his seat.) Suppose you wait and see.

Mr. HILL, of Georgia. I have no doubt the Senator is anxious for us to wait. That is what he says. We have heard that before, and he has a most apt way of interrupting a gentleman's argument by putting in something that does not belong to it. He seeks, I suppose, thereby to break the force of it.

I have a list of the Senators before me chosen by the Legislatures of the several States to the Forty-seventh Congress, except the few the Senator mentioned who have not yet arrived. I assume what I believe is true, that every Senator yet to arrive will be a republican; I believe all the seats vacated will be filled by republicans; but when full how will the Senate stand? That is the question. I have the list before me. I state what every man knows, that the Senate when full consists of seventy-six members. Thirty-eight members of the body now sitting here were elected to the body as democrats. Let that fact go to the country. Thirty-eight members of the Senate now in the hearing of my voice were sent here commissioned to sit here as democrats. They hold no commission that was not given to them as democrats and by democrats. That thirty-eight amounts to precisely half the Senate. One member of the Senate, the distinguished Senator from Illinois, [Mr. DAVIS,] was not sent here as a democrat. He was sent here by democratic votes, and in words of high and lofty patriotism and fidelity to trust worthy of the very best days of this Republic he announced on Friday that he would be true to the trust that sent him here and which he agreed to fulfill.

Mr. HOAR. I understood him to announce that he thought the democratic organization was contrary to his taste and his judgment.

Mr. CONKLING. And his conscience too.

Mr. HILL, of Georgia. Mr. President, I shall be excused if I do not reply to that statement. The Senator from Illinois needs no defense. His words are on record; his words have gone to the country; and if the country has not lost its reverence for high fidelity and manly patriotism they will electrify the country with pleasure and delight. In this day, when so many evils have afflicted us, fidelity at least ought to be cherished and have its reward—fidelity in this high, conspicuous place, which stands the very focus of the nation's blaze, where no man can dare to be treacherous.

This being true, I challenge contradiction to the statement I make when I say there are thirty-nine members of the Senate now sitting here commissioned by democrats, elected by democratic votes. Thirty-nine constitute two majority of this body when full. Yet in the face of this high presence, in the face of the nation, the leading Senator on the other side, the great Senator from the great State of New York, rises and repeats over and over again that when the Senate shall be full it will have a constitutional majority of republicans. How has that been accomplished? That is the question. It was not accomplished by the people. It was not accomplished by the Legislatures of the States. How? By whom? When? For what purpose has that wonderful coalition been accomplished by which somebody sent here as a democrat has been seized on—no, I will not say seized; I will imitate the words of the distinguished Senator from New York—taken and carried away to the republican party? Who did it? The Senator from New York did not; I acquit him; I know him too well. Who did it? Who has seized, who has taken and carried away? How is it that we on this side have no right to act on the assumption that thirty-eight members who were sent to this body as democrats are not still democrats? Sir, I say they are, and I stand here to vindicate the honor, the integrity, the fidelity to State, to people, and to principle of all the thirty-eight who were sent here as democrats, and I deny that either has proven treacherous to his constituents or has falsified the commission that lies upon your table. The Senator from New York has done injustice to some democrat——

Mr. CONKLING. Does the Senator make it personal to himself?

Mr. HILL, of Georgia. No, sir, and the Senator knows it; but I have a right to say, as I do say, that I assume that every man whom the Legislatures of the States sent to this body, worthy to hold a seat

in this body, is true to the mission and the trust with which they clothed him, and when the Senator from New York intimates that somebody is false I say the Senator from New York does injustice to that somebody.

Mr. CONKLING. Mr. President, I think I ought to ask the Senator to allow me to interrupt him, as he refers to me so pointedly. I interrupt him to deny what the honorable Senator has said. I have neither stated nor implied that anybody was to be false to any understanding——

Mr. HILL, of Georgia. Mr. President, I will not yield further to the gentleman. He understands that I am not charging him with that.

Mr. CONKLING. I understood the honorable Senator to say that I had implied or charged that somebody was to be false, and I think it is quite fair and just, without being generous, that the Senator should allow me to interpose to say that my meaning, my statement, my implication, my belief is that everybody is to be true, and therefore that somebody is to be true to the opposition to a reigning element in this country, opposition to which sent him to this body. That is what I mean. [Applause in the galleries.]

Mr. EDMUNDS. Order, order, Mr. President.

The VICE-PRESIDENT. The Sergeant-at-Arms will see that order is enforced in the galleries.

Mr. HILL, of Georgia. I was not astonished at the interruption, or the length of it, or the manner of it; nor do I object, nor will I complain; but I have said what the Senator will not dispute, that there are thirty-eight members of this body elected by democratic votes and sent here as democrats.

Mr. CONKLING. I do deny it.

Mr. HILL, of Georgia. Thirty-eight sent as democrats, and one as an independent by democratic votes.

Mr. CONKLING. I do deny it.

Mr. HILL, of Georgia. Very well; the records of the country must settle that with the Senator. The Senator will say who was elected as a republican from any of the States to which I allude. I say what the whole world knows, that there are thirty-eight men on this floor elected as democrats, declaring themselves to be democrats, who supported Hancock, and who have supported the democratic ticket in every election that has occurred, and who were elected, moreover, by democratic Legislatures, elected by Legislatures which were largely democratic; and the Senator from New York will not deny it. One other Senator who was elected, not as a democrat, but as an independent, has announced his purpose to vote with us on this question. That makes thirty-nine, unless some man of the thirty-eight who was elected by a democratic Legislature proves false to his trust. Now, the Senator from New York does not say that somebody has been bought. No; I have not said that. He does not say somebody has been taken and carried away. No; I have not said that. But the Senator has said, and here is his language, and I hope he will not find it necessary to correct it:

> It may be said, very likely I shall be found to say despite some criticism that I may make upon so saying in advance, that notwithstanding the words "during the present session," day after to-morrow or the day after that, if the majority then present in the Chamber changes, that majority may overthrow all this proceeding, obliterate it, and set up an organization of the Senate in conformity with and not in contradiction of the edict of the election.

The presidential election he was referring to—

> If an apology is needed for the objection which I feel to that, it will be found I think in the circumstance that a majority, a constitutional majority of the Senate, is against that resolution, is against the formation of committees democratic in inspiration and persuasion, to which are to go for this session all executive matters.

The Senator has announced to-day that the majority on this side of the Chamber was only temporary. He has announced over and over that it was to be a temporary majority. I meet him on the fact. I say there are thirty-eight members sitting in this Hall to-day who were elected by democratic Legislatures and as democrats, and one distinguished Senator who was not elected as a democrat, but by democratic votes, the distinguished Senator from Illinois, [Mr. DAVIS,] has announced his purpose to vote with these thirty-eight democrats. Where, then, have I misrepresented? If that be true, and if those who were elected as democrats are not faithless to the constituency that elected them, you will not have the majority when the Senate is full.

Again, so far from charging the Senator from New York with being a personal party to this arrangement, I acquitted him boldly and fearlessly, for I undertake to say what I stated before, and I repeat it, to his credit, he is no party to an arrangement by which any man chosen by a democratic Legislature and as a democrat is not going to vote for the party that sent him here. Sir, I know too well what frowns would gather with lightning fierceness upon the brow of the Senator from New York if I were to intimate or any other man were to intimate that he, elected as a republican, because he happened to have a controlling vote was going to vote with the democrats on the organization. What would be insulting to him he cannot, he will not respect in another.

Now, sir, I say the Senator has been unjust in the conclusion which he has drawn, because it necessarily makes somebody who was chosen as a democrat ally himself with the republicans, not on great questions of policy, but on a question of organization, on a question of mere political organization. I assume that that has not been done. No man can charge that I have come forward and assumed that his fidelity was in question. I have assumed that the Senator from New York was wrong in his statement. Why? Because if any gentleman who was chosen to this body as a democrat has concluded not to vote with the democrats on the organization, he has not given us notice, and I take it for granted that when a gentleman changes his opinions, as every Senator has a right to change his opinions, his first duty is to give notice of that change to those with whom he has been associated. He has not given that notice; no democrat of the thirty-eight has given that notice to this side of the House. I therefore assume that no such change has occurred.

But there is another obligation. While I concede the right of any gentleman to change his opinions and change his party affiliations, yet I say that when he has arrived at the conclusion that duty requires him to make that change he must give notice to the constituency that sent him here. I have heard of no such notice. If the people of any of these democratic States, who through democratic Legislatures have sent thirty-eight democrats to this body and one more by democratic votes, have received notice of a change of party opinion or a change of party affiliations by any of those they sent here, I have not heard of it; the evidence of it has not been produced.

Sir, I concede the right of every man to change his opinions; I concede the right of every man to change his party affiliations; I concede the right of any man who was elected to the high place of a seat in this Senate as a democrat to change and become a republican; but I deny in the presence of this Senate, I deny in the hearing of this people, that any man has a right to accept a commission from one party and execute the trust confided to him in the interest of another party. Demoralized as this country has become, though every wind bears to us charges of fraud and bargain and corruption; though the highest positions in the land, we fear, have been degraded by being occupied by persons who procured them otherwise than by the popular will, yet I deny that the people of either party in this country have yet given any man a right to be faithless to a trust. They have given no man a right to accept a commission as a democrat and hold that commission and act with the republicans. Manhood, bravery, courage, fidelity, morality, respect for the opinions of mankind requires that whenever a man has arrived at the conclusion that he cannot carry out the trusts which was confided to him, he should return the commission and tell his constituents, "I have changed my mind and therefore return you the commission you gave me." Sir, I do not believe that a single one of the thirty-eight gentlemen who were elected as democrats and whose names are before me here, will hold in his pocket a commission conferred by democrats, conferred on him as a democrat, and without giving notice to his constituency, without giving notice to his associates, will execute that commission in the interest of the adversary party and go and communicate his conclusions, first of all, and only, to the members of the adversary party.

Sir, who is it that has changed? Whom of these thirty-eight does the Senator rely upon to vote with the republicans? That one has not notified us; he has not notified his constituency. Therefore I say it is not true, and I cannot sit here quietly and allow a gentleman on the other side of the Chamber, however distinguished, to get up here and assume and asseverate over and over that somebody elected as a democrat is faithless to his trust, and not repel it. No, gentlemen, you are deceived; you will be disappointed. I vindicate the character of American citizenship, I vindicate the honor of human nature when I say you will be disappointed, and no man elected as a democrat is going to help you organize the committees of this Senate. I do not say so because I know. No, I have no personal information, but I will stand here and affirm that no man who has been deemed by any constituency in this country to be worthy of a place in this body will be guilty of that treachery. And how is the Senator's majority to come? How many are there? He has not told us. The papers said this morning that there were two or three, and they named my good friend from Tennessee, [Mr. HARRIS.] When I saw that I knew the whole thing was absurd. The idea that anybody in this world would ever believe that my friend from Tennessee could possibly be guilty of such a thing, and my colleague [Mr. BROWN] also was named—gentlemen who were born and reared in the school of fidelity to their party. How many? Have you one? If you have but one that was elected as a democrat and who has concluded to go with the republicans, then you have only half, you have 38 to 38, and I suppose you count upon the vote of the Vice-President. Has that been arranged? Sir, I will not blame you if you vote for voting according to the sentiment that elected you, for voting according to the professions of your principles which you avowed when you were elected. I deny myself the right of the Vice-President to take part in the constitution and organization of this Senate; but I shall not make the question. If you have got one, the vote will be 38 to 38. Who is the one? Who is ambitious to do what no man in the history of this country has ever done, to be the first man to stand up in this high presence, after this country has reached fifty million people, and proclaim from this proud eminence that he disgraces the commission he holds. [Applause in the galleries.]

The VICE-PRESIDENT rapped to order.

Mr. HILL, of Georgia. Who is it? Who can he be? Do you receive him with affection? Do you receive him with respect? Is such a man worthy of your association? Such a man is not worthy to be a democrat. Is he worthy to be a republican? If my friend from Illinois, my friend from Kansas, or my friend from New York,

were to come to me holding a republican commission in his pocket, sent here by a republican Legislature, and whisper to me "I will vote with the democrats on organization," I would tell him that if he so came he would be expelled with ignominy from the ranks of the party.

And why do you beg us to wait? If all who were elected as democrats are to remain democrats, what good will waiting do you? You will still be in a minority of two, the same minority you are in this morning.

Mr. President, I affirm that no man elected and sent here by a democratic Legislature as a democrat, whatever may have been local issues, whatever may have been the divisions of factions, and above all no man who professed to be a democrat when he was elected and who procured his election by professing to be a democrat, in the name of democracy and republicanism as well, in the name of American nature, I charge that no such man will prove false to his trust; and therefore why wait? Why delay the business of the country? Why should the nominations lie on the table unacted on? Why should we spend days and days here with the party on the other side filibustering for time to get delay, to get a few days? Why should we do that when upon the assumption that the Senate is not to blush at an exhibition of treachery the result will be the same one week, two weeks, six months, two years from now that it is now?

Sir, I know that there is a great deal in this question. The American people have had much to humiliate them; all peoples have much to humiliate them. I know that the patronage of this Government has become very great. I know that the distinguished gentleman who presides at the other end of the Avenue holds in his hand millions and hundreds of millions of patronage. To our shame be it said it has been whispered a hundred times all through the country by the presses of both parties until it has become absolutely familiar to American ears that the patronage of the Federal Government has been used to buy votes and control elections to keep one party in power. It is a question that confronts every honest statesman whether something shall not be done to lessen that patronage. I respond to the sentiment of the President in his inaugural when I say there ought to be a rule in even the civil service by which this patronage shall be placed where it cannot be used for such purposes. If it is not done, I do not know what humiliations are in store for us all.

But, Mr. President, here are facts that no man can escape. Gentlemen of the republican party of this Senate, you cannot organize the Senate unless you can get the vote of some man who was elected as a democrat. You cannot escape that. Have you gotten it? If so, how? If you have, nobody knows it but yourselves. How? There is no effect without a cause there is no change without a purpose; there is no bargain without a consideration. What is the cause? If there has been a change, why a change? How does it happen that you know the change and we do not? What induced the change? I deny that there has been a change. I maintain that all the distinguished gentlemen who make up the thirty-eight democrats on this side of the Chamber are firm, firm to the principles that sent them here, firm to the professions that sent them here, and firm to the constituencies that sent them here. They were elected as democrats. Now on the question of organization, which is nothing in the world but a pure political question and a party question at that, they will act with the democratic party, and you, gentlemen, will be deceived if you calculate otherwise. Therefore, there is no necessity for you to enter into all this filibustering and producing this delay for the purpose of getting the organization.

Mr. President, as I said before, the Senate should be a place where there should be no masquerading; men should deal frankly with each other. If I were to charge any gentleman on the republican side of the Chamber who was elected as a republican, who professed to be a republican when he was elected, with having made arrangements with the democrats to vote with them, I should insult him and he would resent it as an insult, and gentlemen excuse me for repelling the charge which if made against you, you would repel as an insult. I repel as an insult the charge made against any democrat that he would be false to his colors and is intending to vote with you on the organization.

Mr. HARRIS. Mr. President, I rise only to say that I regret that the honorable Senator from Georgia should have deemed it proper to dignify the miserable newspaper twaddle in respect to my political position——

Mr. HILL, of Georgia. I will say to my friend I did not intend——

Mr. HARRIS. I am quite sure the Senator did not intend anything unkind to me; yet, by mentioning the matter here, he gives a dignity to it that it never could have had otherwise, and one that it is not worthy of, especially in view of the fact, as I very well know, that there is not a democrat or a republican in America, who knows me, who has ever doubted, or doubts to-day, what my political position is. It is unworthy of further notice, and I will notice it no more.

Mr. MAHONE. Mr. President, I do not propose to detain you and the Senate more than a few minutes. The distinguished Senator from Georgia has manifestly engaged in an effort to disclose my position on this floor.

Mr. HILL, of Georgia. I do not know what your position is. How could I disclose it?

Mr. MAHONE. Sir, the Senator might be a little more direct as he might well have been in the course of his remarks in asking my position; and that I will give him.

Now, Mr. President, the Senator has assumed not only to be the custodian here of the democratic party of this nation, but he has dared to assert his right to speak for a constituency that I have the privilege, the proud and honorable privilege on this floor, of representing [applause in the galleries] without his assent, without the assent of such democracy as that he speaks for. [Applause in the galleries.] I owe them, sir, I owe you [addressing Mr. HILL] and those for whom you undertake to speak nothing in this Chamber. [Applause in the galleries.] I came here, sir, as a Virginian to represent my people, not to represent that democracy for which you stand. [Applause in the galleries.] I come with as proud a claim to represent that people as you to represent the people of Georgia, won on fields where I have vied with Georgians whom I commanded and others in the cause of my people and of their section in the late unhappy contest; but thank God for the peace and the good of the country that contest is over, and as one of those who engaged in it, and who has neither here nor elsewhere any apology to make for the part taken, I am here by my humble efforts to bring peace to this whole country, peace and good will between the sections, not here as a partisan, not here to represent that Bourbonism which has done so much injury to my section of the country. [Applause in the galleries.]

Now, sir, the gentleman undertakes to say what constitutes a democrat. A democrat! I hold, sir, that to-day I am a better democrat than he, infinitely better—he who stands nominally committed to a full vote, a free ballot, and an honest count. I should like to know how he stands for these things where tissue ballots are fashionable. [Laughter, and applause in the galleries.]

Now, sir, I serve notice on you that I intend to be here the custodian of my own democracy. I do not intend to be run by your caucus. I am in every sense a free man here. I trust I am able to protect my own rights and to defend those of the people whom I represent, and certainly to take care of my own. I do not intend that any Senator on this floor shall undertake to criticise my conduct by innuendoes, a method not becoming this body or a straightforward legitimate line of pursuit in argument.

I wish the Senator from Georgia to understand just here that we may get along in the future harmoniously, that the way to deal with me is to deal directly. We want no bills of discovery. Now, sir, you will find out how I am going to vote in a little while. [Applause.]

Mr. DAVIS, of West Virginia. Mr. President, during this temporary suspension——

Mr. MAHONE. I have not yielded the floor. I am waiting for a little order.

Mr. DAVIS, of West Virginia. I wish to call the attention of the Chair to the disorder in the Senate both when my friend from Georgia was speaking and now. I believe it has been some time since we have had as much disorder as we have had to-day in the galleries. I hope the Chair will enforce order.

Mr. TELLER. I should like to say that much of the disorder originated in the first place from the cheering on the democratic side of the Chamber.

The VICE-PRESIDENT. The Chair announces that order must be maintained in the galleries; otherwise the Sergeant-at-Arms will be directed to clear the galleries.

Mr. MAHONE. I promised not to detain the Senate, and I regret that so early after my appearance here I should find it necessary to intrude any remarks whatsoever upon the attention of this body. I would prefer to be a little modest; I would prefer to listen and to learn; but I cannot feel content after what has passed in this presence, when the gentleman by all manner of methods, all manner of insinuations, direct and indirect, has sought to do that which would have been better done and more bravely pursued if he had gone directly to the question itself. He has sought to discover where the democrat was who should here choose to exercise his right to cast his vote as he pleased, who should here exercise the liberty of manhood to differ with his caucus. Why, sir, the gentleman seems to have forgotten that I refused positively to attend his little lovefeast; not only that, I refused to take part in a caucus which represents a party that has not only waged war upon me but upon those whom I represent on this floor. They have not only intruded within the boundaries of my own State, without provocation, to teach honesty and true democracy, but they would now pursue my people further by intruding their unsolicited advice and admonition to their representative in this Chamber. Yes, sir, you have been notified, duly notified that I would take no part or lot in any political machinery.

Further than that, you have been notified that I was supremely indifferent to what you did; that I had no wish to prefer, and was indifferent to your performances; that I should stand on this floor representing in part the people of the State of Virginia, for whom I have the right to speak (and not the Senator from Georgia) even of their democracy. The gentleman may not be advised that the Legislature which elected me did not require that I should state either that I was a democrat or anything else. I suppose he could not get here from Georgia unless he was to say that he was a democrat, anyhow. [Laughter.] I come here without being required to state to my people what I am. They were willing to trust me, sir, and I was elected by the people, and not by a legislature, for it was an issue in the can-

vass. There was no man elected by the party with which I am identified that did not go to the Legislature instructed by the sovereigns to vote for me for the position I occupy on this floor. It required no oath of allegiance blindly given to stand by your democracy, such as it is, [laughter,] that makes a platform and practices another thing. That is the democracy they have in some of the Southern States.

Now, I hope the gentleman will be relieved. He has been chassezing all around this Chamber to see if he could not find a partner somewhere; he has been looking around in every direction; occasionally he would refer to some other Senator to know exactly where the Senator was who stood here as a democrat that had the manhood and the boldness to assert his opinions in this Chamber free from the dictation of a mere caucus. Now, I want the gentleman to know henceforth and forever here is a man, sir, that dares stand up [applause] and speak for himself without regard to caucus in all matters. [Applause, long continued, in the galleries and on the floor.] Mr. President, pardon me; I have done.

Mr. HILL, of Georgia. Mr. President——

The VICE-PRESIDENT. The Senate will be in order. Gentlemen on the floor not members of the Senate will take seats.

Mr. HILL, of Georgia. Mr. President, I hope nobody imagines that I rise to make any particular reply to the remarkable exhibition we have just seen. I rise to say a few things in justification of myself. I certainly did not say one word to justify the gentleman in the statement that I made an assault upon him, unless he was the one man who had been elected as a democrat and was not going to vote with his party. I never saw that gentleman before the other day. I have not the slightest unkind feeling for him. I never alluded to him by name; I never alluded to his State; and I cannot understand how the gentleman says that I alluded to him except upon the rule laid down by the distinguished Senator from New York, that a guilty conscience needs no accuser. [Applause and hisses in the galleries.] I did not mention the Senator. It had been stated here by the Senator from New York over and over that the other side would have a majority when that side was full: I showed it was impossible that they should have a majority unless they could get one democratic vote, with the vote of the Vice-President. I did not know who it was; I asked who it was; I begged to know who it was; and to my utter astonishment the gentleman from Virginia comes out and says he is the man.

The Senator from Virginia makes a very strange announcement. He charged me not only with attacking him, but with attacking the people of Virginia. Did I say a word of the people of Virginia? I said that the people of no portion of this country would tolerate treachery. Was that attacking the people of Virginia? I said that thirty-eight men had been elected to this body as democrats. Does the Senator deny that? Does he say he was elected here not as a democrat? He says he was not required to declare that he was a democrat, and in the next breath he says he is a truer, better democrat than I am. Then I commend him to you. Take good care of him, my friends. Nurse him well. How do you like to have a worse democrat than I am?

Mr. CONKLING and others. A better democrat.

Mr. HILL, of Georgia. Oh, a better! Then my friend from New York is a better democrat than I am. You have all turned democrats; and we have in the United States Senate such an exhibition as that of a gentleman showing his democracy by going over to the republicans!

Sir, I will not defend Virginia. She needs no defense. Virginia has given this country and the world and humanity some of the brightest names of history. She holds in her bosom to-day the ashes of some of the noblest and greatest men that ever illustrated the glories of any country. I say to the Senator from Virginia that neither Jefferson, nor Madison, nor Henry, nor Washington, nor Leigh, nor Tucker, nor any of the long list of great men that Virginia has produced ever accepted a commission to represent one party and came here and represented another. [Applause on the floor and in the galleries.]

Mr. COCKRELL. I trust that those at least who are enjoying the privilege of the floor of the Senate Chamber will be prohibited from cheering.

The VICE-PRESIDENT. The Chair will state that the violation of the rules does not appear to be in the galleries, but by persons who have been admitted to the privilege of the floor. The Chair regrets to clear the floor, but if the manifestation is continued he will be obliged to do so. It is a violation of the rules of the Senate.

Mr. MAHONE rose.

Mr. HILL, of Georgia. Does the Senator from Virginia wish to interrupt me?

Mr. MAHONE. I do wish to interrupt you.

The VICE-PRESIDENT. Does the Senator from Georgia yield?

Mr. HILL, of Georgia. Certainly.

Mr. MAHONE. I understand you to say that I accepted a commission from one party and came here to represent another. Do I understand you correctly?

Mr. HILL, of Georgia. I understood that you were elected as a democrat.

Mr. MAHONE. Never mind; answer the question.

Mr. HILL, of Georgia. Yes, I say you accepted a commission, having been elected as a democrat. That is my information.

Mr. MAHONE. I ask you the question: Did you say that I had accepted a commission from one party and came here to represent another? That is the question.

Mr. HILL, of Georgia. Oh, I said that will be the case if you vote with the republicans. You have not done it yet, and I say you will not do it.

Mr. MAHONE. If not out of order in this place, I say to the gentleman that if he undertakes to make that statement it is unwarranted and untrue.

Mr. HILL, of Georgia. I should like to ask the gentleman a question: Was he not acting with the democratic party, and was he not elected as a democrat to this body? Answer that question.

Mr. MAHONE. Quickly, sir. I was elected as a readjuster. Do you know what they are? [Laughter and applause.]

The VICE-PRESIDENT rapped with his gavel.

Mr. HILL, of Georgia. I understand there are in Virginia what are called readjuster democrats and debt-paying democrats, or something of that kind, but as I understand they are all democrats. We have nothing to do with that issue. We are not to settle the debt of Virginia in the Senate Chamber; but I ask the Senator again, was he not elected to this body as a member of the national democratic party?

Mr. MAHONE. I will answer you, sir. No. You have got the answer now.

Mr. HILL, of Georgia. Then I conceive that the gentleman spoke truly when he said that I do not know what he is. What is he? Everybody has understood that he voted with the democrats. Did he not support Hancock for the Presidency? Did not the Senator support Hancock for the Presidency, I ask him? [A pause.] Dumb! Did he not act with the democratic party in the national election, and was not the Senator from Virginia himself a democrat? That is the question. Why attempt to evade? Gentlemen, I commend him to you. Is there a man on that side of the Chamber who doubts that the Senator was sent to this body as a democrat? Is there a man in this whole body who doubts it? Is there a man in Virginia who doubts it? The gentleman will not deny it. Up to this very hour it was not known on this side of the Chamber or in the country how he would vote in this case, or whether he was still a democrat or not. I maintain that he is. The Senator from New York seemed to have information that somebody who was elected as a democrat was not, and I went to work to find out who it was. It seems I have uncovered him. For months the papers of the country have been discussing and debating how the Senator would vote. Nobody could know, nobody could tell, nobody could guess. I have been a truer friend to the Senator than he has been to himself. I have maintained always that when it came to the test the Senator would be true to his commission; that the Senator would be true to the democratic professions he made when he was elected. He will not rise in this presence and say he could have been elected to the Senate as a republican. He will not rise in the Senate and say he could have been elected to the Senate if he had given notice that on the organization of this body he would vote with the republicans. He will not say it.

The gentleman makes some remarks about the caucus. I have no objection to a gentleman remaining out of a caucus. That is not the question. I have no objection to a gentleman being independent. That is not the question. I have no objection to a gentleman being a readjuster in local politics. That is not the question. I have no objection to a man dodging from one side to another on such a question. With that I have nothing to do. That is a matter of taste with him; but I do object to any man coming into this high council, sent here by one sentiment, commissioned by one party, professing to be a democrat, and after he gets here acting with the other party. If the gentleman wants to be what he so proudly said, a man, when he changes opinions as he had a right to do, when he changes party affiliations as he had a right to do, he should have gone to the people of Virginia and said, "You believed me to be a democrat when you gave me this commission; while I differed with many of you on the local question of the debt, I was with you cordially in national politics; I belonged to the national democratic party; but I feel that it is my duty now to co-operate with the republican party, and I return you the commission which you gave to me." If the gentleman had done that and then gone before the people of Virginia and asked them to renew his commission upon his change of opinion, he would have been entitled to the eulogy of manhood he pronounced upon himself here in such theatrical style. I like manhood.

I say once more, it is very far from me to desire to do the Senator injury. I have nothing but the kindest feelings for him. He is very much mistaken if he supposes I had any personal enmity against him. I have not the slightest. As I said before, I never spoke to the gentleman in my life until I met him a few days ago; but I have done what the newspapers could not do, both sides having been engaged in the effort for months; I have done what both parties could not do, what the whole country could not do—I have brought out the Senator from Virginia.

But now, in the kindest spirit, knowing the country from which the honorable Senator comes, identified as I am with its fame and its character, loving as I do every line in its history, revering as I do its long list of great names, I perform the friendly office unasked of making a last appeal to the honorable Senator, whatever other fates befall him, to be true to the trust which the proud people of Virginia gave him, and whoever else may be disappointed, whoever else may be

deceived, whoever else may be offended at the organization of the Senate, I appeal to the gentleman to be true to the people, to the sentiment, to the party which he knows commissioned him to a seat in this body.

Mr. LOGAN. Mr. President, I have but a word to say. I have listened to a very extraordinary speech. The Senate of the United States is a body where each Senator has a right to have a free voice. I have never known before a Senator, especially a new Senator, to be arraigned in the manner in which the Senator from Virginia has been, and his conduct criticised before he had performed any official act, save one, so far as voting is concerned. He needs no defense at my hands; he is able to take care of himself; but I tell the Senator from Georgia when he says to this country that no man has a right to come here unless he fulfills that office which was dictated to him by a party, he says that which does not belong to American independence. Sir, it takes more nerve, more manhood, to strike the party shackles from your limbs and give free thought its scope than any other act that man can perform. The Senator from Georgia himself, in times gone by, has changed his opinions. If the records of this country are true (and he knows whether they are or not) he, when elected to a convention as a Union man, voted for secession. [Applause in the galleries.]

The VICE-PRESIDENT rapped with his gavel.

Mr. HOAR. If my friend will pardon me a moment, I desire to call the attention of the Chair to the fact that there has been more disorder in this Chamber during this brief session of the Senate than in all the aggregate of many years before. I take occasion when a gentleman with whose opinions I perfectly agree myself is speaking to say that I shall move the Chair to clear any portion of the gallery from which expressions of applause or dissent shall come if they occur again.

Mr. LOGAN. What I have said in reference to his record I do not say by way of casting at the Senator, but merely to call attention to the fact that men are not always criticised so severely for changing their opinions. The Senator from Georgia spoke well of my colleague. Well he may. He is an honorable man and a man deserving well of all the people of this country. He was elected not as a democrat but by democratic votes. He votes with you. He never was a democrat in his life; he is not to-day. You applaud him and why? Because he votes with you. You want his vote; that is all. You criticise another man who was elected by republican votes and democratic votes, readjusters as they are called, and say that he has no right to his opinions in this Chamber. The criticism is not well. Do you say that a man shall not change his political opinions?

The Senator from Georgia in days gone by, in my boyhood days, I heard of, not as a democrat. To-day he sits here as a democrat. No one wishes to criticise him because he has changed his political opinions. He had a right to do so. I was a democrat once, too, and I had a right to change my opinions and I did change them. The man who will not change his opinions when he is honestly convinced that he was in error is a man who is not entitled to the respect of men. I say this to the Senator from Georgia. The Senator says to us "take him," referring to the Senator from Virginia. Yes, sir, we will take him if he will come with us, and we will take every other honest man who will come. We will take every honest man in the South who wants to come and join the republican party, and give him the right hand of fellowship, be he black or white. Will you do as much?

Mr. HILL, of Georgia. We have got them already.

Mr. LOGAN. Yes, and if a man happens to differ with you the tyranny of political opinion in your section of country is such that you undertake to lash him upon the world and try to expose him to the gaze of the public as a man unfaithful to his trust. We have no such tyranny of opinion in the country where I live; and it will be better for your section when such notions are driven to the shades and retired from the action of your people.

I do not know that the gentleman from Virginia intends to vote as a republican. I have never heard him say so. I know only what he has said here to-day; but I respect him for stating to the Senate and the country that he is tired of the Bourbon democracy; and if more men were tired of it the country would be better off. The people are getting tired of it even down in your country, everywhere. The sooner we have a division down there the better it will be for both sides, for the people of the whole country.

I did not rise to make any defense of the Senator from Virginia, for he is able, as I said, to defend himself, but merely to say to the Senator from Georgia that the criticism made upon that Senator without any just cause is something I never witnessed before in this Chamber or in any other deliberative body, and in my judgment it was not justified in any way whatever.

Mr. HILL, of Georgia. I desire to say once more, what everybody in this audience knows is true, that I did not arraign the Senator from Virginia. In the first speech I never alluded to Virginia or to the Senator from Virginia.

Mr. LOGAN. Every one in the Chamber knew to whom the Senator alluded.

Mr. HILL, of Georgia. I alluded to somebody who was elected as a democrat, and who was going to vote as a republican.

Mr. TELLER. He was not elected as a democrat.

Mr. HILL, of Georgia. Then I did not allude to the Senator from Virginia.

Mr. TELLER. The Senator said that thirty-eight members of the Senate were elected as democrats.

Mr. HILL, of Georgia. Certainly they were.

Mr. TELLER. That is a mistake.

Mr. HILL, of Georgia. Certainly they were, and the record shows it.

Mr. CONKLING. May I ask the Senator a question?

Mr. HILL, of Georgia. Let me go on and then you can follow me. I again say it is strange that the Senator from Virginia should say I arraigned him, and his valiant defender, the Senator from Illinois, comes to defend him from an arraignment that was never made.

Mr. LOGAN. Did not the Senator from Georgia ask the Senator from Virginia in his seat if he was not elected as a democrat? Did not the Senator charge that a man was acting treacherously to his constituents? Did the Senator not make the most severe arraignment of him that he could possibly make?

Mr. HILL, of Georgia. If the Senator will allow me, I did that only after the Senator from Virginia had arraigned himself. The Senator from Virginia insisted that I alluded to him when I had not called his name, and I had not alluded to his State and when I had arraigned nobody.

Mr. LOGAN. Will the Senator allow me to ask him this question: Did he not have in his mind distinctly the Senator from Virginia when he made his insinuations?

Mr. HILL, of Georgia. I will answer the gentleman's question fairly. I did believe that the gentlemen on the other side who were counting upon a democratic vote were counting upon the Senator from Virginia, but I equally believed that they would be disappointed. I did not believe that the Senator from Virginia was guilty, and I in perfect sincerity and good faith, so far from arraigning him, intended to defend him from the foul suspicion, and my honest repulsion of the insinuation, which was necessary in consequence of what they expected, was regarded by the Senator himself as an arraignment. There is an anecdote told in the life of the great minister, Whitfield. When he was speaking one day in the country to an audience, he described the enormity of sin and the characteristics of sin; he did it with wonderful power. When he came out he was assailed by a gentleman for having made a personal assault on him. "Why," said Whitfield, "I never heard of you before; I did not intend any assault upon you." He replied, "Well, sir, you told me everything I have been doing all my life." I frankly confess I am not a man to dodge. The papers have justified me in believing, Senators have justified me in believing, that you are calculating to get the democratic vote of the Senator from Virginia, whom the whole country has treated as having been elected as a democrat. I believed you would be disappointed; I believed that because you would be disappointed it was wholly unnecessary to delay this organization. I did not believe the Senator would vote with you, and in vindication of that Senator I will not believe it yet. He has not said so. He has made the mistake, because of what the papers say, of assuming that I alluded to him; but I vindicate him yet. He said if I asserted that he was elected as a democrat and would be false to his commission, I said what was not warranted and what was untrue. I am glad he said so. I did not say he would; but I say you expected it, I say your papers expected it, and I say it has been calculated on. I vindicate the Senator from Virginia, and I hope he will vindicate himself by not doing what you expect him to do.

The Senator from Illinois charges me again with criticising a man for changing his opinion. I distinctly said that every man in this country has a right to change his opinion. The distinguished Senator from Illinois has changed his opinion. He says the country is tired of Bourbon democracy. He ought to know, for he used to be one of the worst Bourbon democrats this country ever saw.

Mr. LOGAN. That was when you belonged to the other side.

Mr. HILL, of Georgia. The first time I ever heard of that Senator was when I was battling in the South for the good old whig principles and he was an outrageous Bourbon democrat. That amounts to nothing. You had a right to change, if you have changed; I do not say you have.

Mr. LOGAN. I will only say, if the Senator will allow, me that when I saw the light I changed for the right. The Senator saw the darkness and changed for the wrong.

Mr. HILL, of Georgia. Ah, that is not argument.

Mr. LOGAN. It is true, however, just the same.

Mr. HILL, of Georgia. I hope the Senator will see more light and change again.

Mr. LOGAN. I do not think I shall.

Mr. HILL, of Georgia. He needs a great deal of light.

Mr. LOGAN. No doubt of that. I do not expect to get it, however, from that side.

Mr. HILL, of Georgia. I object to this style of interruption; it is unworthy of the Senate. I am not here to indulge in such remarks. The Senator has a right to change; I have arraigned nobody for changing his opinion. If the Senator from Virginia has changed his opinions he has a right to change them; I have not said he has not. I do not deny his right. I admit that a man has a right also to change his party affiliations if he is convinced he has been wrong; but a man has no right to hold a commission which was given him while he was a democrat and because he was a democrat and given to him as a democrat, and change his opinions and act with the adversary

party. It is his duty to return that commission to the people who gave it and ask them to renew it upon his change of opinion. That is all I ask.

Mr. LOGAN. Will the Senator allow me to ask him what right has he as a Senator to undertake to dictate to the Senator from Virginia as to what shall be required in his State?

Mr. HILL, of Georgia. That is incorrect again. I have not undertaken to dictate to the Senator from Virginia. The Senator from Virginia can do just as he pleases; but when the Senator from Virginia acts as a public man I have a right to my opinion of his public acts, and I have a right to speak of all public acts and their character. I will not deny his right; I am not dictating to him—far from it. There is not in my heart now an unkind feeling for the Senator from Virginia. I would if I could rescue him from the infamy into which others are trying to precipitate him. That is what I want to do. I am not assailing him; I am not arraigning him; I am not dictating to him. I know the proud nature of the Senator from New York. I know if that Senator was elected to this body as a republican, although he might have been a readjuster at the time, and if he should come to this body and the democrats should begin to intimate in this Hall and the democratic papers should intimate over the country that he was going to vote with the democrats on the organization, he would feel insulted just as my friend from Tennessee [Mr. HARRIS] justly felt by the allusions to him in the newspapers. So with any other man on that side. If the Senator from Virginia was elected as a democrat I am right; but if as a republican I have nothing more to say.

Mr. LOGAN. Will the Senator allow me right there? Is it not true that the democracy of the Virginia Legislature that elected the Senator now in his seat from Virginia did nominate Mr. Withers as their candidate and supported him, and was not this Senator elected by the opponents of the democrats of that Legislature? Is not that true? I ask the Senator from Virginia.

Mr. MAHONE. Substantially so.

Mr. LOGAN. Then if that be true, why say that he came here as the representative of the democracy of Virginia?

Mr. HILL, of Georgia. My understanding is that the democracy of Virginia is very much like the democracy of other States, as Tennessee. We are divided down there in several States on local questions that have nothing to do with national politics. In Virginia the democracy was divided between what are called readjuster democrats and debt-paying democrats, but all democrats.

What was called the republican party it was said, although I must vindicate many of the republicans in the State from the charge, coalesced with what are called the readjuster democrats. The late Senator from Virginia was nominated by what are called the debt-paying democrats, and the present Senator from Virginia, as I understand it, was run against him as a readjuster democrat.

Mr. LOGAN. And the republicans all supported him.

Mr. HILL, of Georgia. Certainly, because they always support a candidate who is running against the regular nominee. I suppose the republicans always go for men who are not in favor of paying debts! I had thought that republicans professed to affiliate with those who would pay debts. But I have nothing to do with that question; it does not come in here. What I say and what will not be denied, and I am ashamed that there is an attempt to deny it, is, and it is the worst feature of this whole thing, that anybody should get up here and attempt to deny that the Senator from Virginia was elected to the Senate as a democrat; should attempt to evade the fact that he was a Hancock democrat last year; that he has acted with the national democracy all the time; and that whatever might have been the local differences in Virginia he has been a national democrat every hour, held out to the country as such. I say I am ashamed that anybody should attempt to make a question of that fact. He was not only a democrat, a national democrat, and voted for Hancock, but I remember the historical fact that he had what was called his own ticket in the field for Hancock and voted for it. He is just as much a democrat, sent here as a readjuster democrat, as the other candidate, the debt-paying democrat, would have been if he had been elected.

Mr. LOGAN. The difference is, if the Senator will allow me, if the other had been elected he would have been in full accord with the democracy here. This gentleman does not happen to be, and therefore the criticism of the Senator from Georgia.

Mr. HILL, of Georgia. I do not wish to do the republicans of Virginia injustice; I do not wish to do anybody injustice. There are some republicans in Virginia for whom I confess, if reports be true, I have a profound respect. When a portion of the democrats, under the cry of readjusterism, sought to get the support of the republicans of Virginia, there were manly republicans who refused to go into a coalition that would compromise the character of the State on the question of its debt. I am told there are republicans now in Virginia who say that if republicanism here means the Senator from Virginia, and you accept him as a republican, you must give them up as republicans. I do not know how true it is. But this is unworthy of the Senate.

I repeat, the worst feature of this whole transaction is that anybody should get up here and attempt to make an impression that there was a doubt as to the democracy of the Senator from Virginia heretofore. That is an evasion unworthy of the issue, unworthy of the place, unworthy of the occasion, unworthy of Virginia, unworthy of the Senator, unworthy of his defenders. Admit the fact that he was a democrat, elected as a democrat, and then claim that he exercised the inalienable right of changing his opinions and his party affiliations, but do not claim that he had a right to do it in the manner you say he has done it.

Once more let me say, the Senator from Virginia ought to know that by all the memories of the past there is not a man in this body whose whole soul goes out more in earnest to protect his honor than my own. I would rather lose the organization of the Senate by the democratic party and never again have a democratic committee in this body than have Virginia soiled with dishonor. I do not say that the Senator is going to do it, but I see the precipice yawning before him. I see whither potential influences are leading him. I know the danger just ahead. I would rescue him if I could. He may say it is enmity; he may say it is an unfriendly spirit; he will live to know the force of the words I am uttering. Men in this country have a right to be democrats; men in this country have a right to be republicans; men in this country have a right to divide on national issues and local issues; but no man has a right to be false to a trust, I repeat it, and whether the Senator from Virginia shall be guilty or not is not for me to judge and I will not judge. I say if he votes as you want him to vote God save him or he is gone. If he comes here to illustrate his democracy by going over to that side of the House and voting with that side of the House, he will be beyond my rescue. No, gentlemen, I honor you. I like a proud republican as well as I do a proud democrat. I am conscious of the fact that some of the best personal friends I have in this body sit on that side of the Chamber, men whose high character I would trust anywhere and everywhere. Gentlemen, you know your hearts respond to every word I am uttering when I say you despise treachery, and you honor me to-day for making an effort to rescue a gentleman, not from treachery, but from the charge of it. If the Senator shall vote as you desire him to vote, he cannot escape the charge.

Mr. MAHONE. Mr. President, I want to interrupt the Senator from Georgia.

The VICE-PRESIDENT. Does the Senator from Georgia yield?

Mr. HILL, of Georgia. Certainly.

Mr. MAHONE. I cannot allow you to make any such insinuation.

Mr. HILL, of Georgia. I make no insinuation.

Mr. MAHONE. You did emphatically, and it was unmanly. Now it must stop. Let us understand that.

Mr. HILL, of Georgia. I repeat, I do not know how the Senator is going to vote. I believe he is not going to vote as you expect. I believe he is not going to be guilty of being false to his commission. I will not charge that he will; I will not insinuate that he will. I have not insinuated it. The gentleman must be his own keeper; the gentleman must solve his own questions; but I repeat, I repeat as a friend, I repeat as a friend whose friendship will be appreciated some day, that the Senator is in danger of bringing upon himself a charge which he will never have the power to explain.

Mr. MAHONE. I cannot allow you or any other man to make that charge without a proper answer.

Mr. HILL, of Georgia. Oh, well.

Mr. HOAR. Mr. President, I had no intention of taking part in this debate, and I do not now propose to detain the Senate for any length of time. But I think it due to myself, I think it due to the character of the Senate, I think it due to American manhood to express my emphatic indignation at the exhibition which the Senator from Georgia has made so degrading as it seems to me to the character of this body. It is the first time in the political history of this country that a Senator has risen in his place and undertaken in advance of the act to deliver a lecture to his peer and to inform him that if he should do what is desired by one-half of the members of this body he will do an act which he proceeds to pronounce degrading and treacherous.

It is none of the business of the Senator from Georgia how any other Senator in this body shall cast his vote. Each of us is responsible to his country, to his State, to his conscience, to his God, and in whatever part of this Republic we may dwell no slavemaster or plantation overseer is to wave his whip over the heads of American Senators. [Applause in the galleries.] Every utterance that came from the lips of the Senator from Georgia was an insult to the representatives of the American people who sit in these seats. The Senator no more understands what is due to the honor of an honorable man to-day than when chosen as a Union man to a State convention he cast the vote which carried that State into the rebellion. He has learned nothing either of consistency, of constitutional duty, of propriety, of personal behavior, of what constitutes true manhood, from that day to this.

The Senator's speech was degrading also by reason of the petty degrading test which he applies to the conduct of Senators. The question whether a Senator's vote will in the judgment of the individual Senator advance the interest of the country, whether it will advance the interest of the State he represents, has not been mooted in the two or three elaborate harangues we have heard from the lips of the Senator from Georgia. What he owes to this or that party, whether democratic or republican votes were counted when he was declared elected to his seat, whether his vote is to advance the interests of this or that party, seems to be the consideration which arises in the mind of the Senator from Georgia.

Why, he has undertaken to draw a comparison between the position of my honorable friend from Illinois and that of the new Senator from Virginia, who had just taken his seat. With much honeyed commendation he compares the honorable Senator from Illinois to the sages and saints of the early and better days of the Republic. The Senator from Georgia was lost in admiration of the virtue and the consistency and the fidelity of his esteemed neighbor, the Senator from Illinois; and why? The Senator from Illinois, having been elected four years ago by the Legislature of a State which had an average republican majority of from 50,000 to 100,000, having been chosen by a Legislature containing a republican majority, but owing his election to the votes partly of democrats and partly of republicans, according to my honorable friend from Georgia——

Mr. DAVIS, of Illinois. Will the Senator allow me to interrupt him?

Mr. HOAR. Certainly.

Mr. DAVIS, of Illinois. The Senator certainly did not listen to my speech the other day.

Mr. HOAR. I am not criticising the position of the Senator from Illinois. I am criticising the statement of difference made by the Senator from Georgia.

Mr. HILL, of Georgia. I never said——

Mr. DAVIS, of Illinois. Just wait a moment. The fact is all I want to state. The fact is the republicans were not in the majority in that Legislature; that I stated; they were numerically in the plurality. The independents of that body and the democrats elected me to the Senate.

Mr. HOAR. The independents were republicans, were they not?

Mr. DAVIS, of Illinois. Some of them were democrats and some of them were republicans, but like me they had gone into the liberal movement of 1872.

Mr. HOAR. But the people of Illinois now and ever since have been largely republican. I am not criticising the position of my honorable friend from Illinois. I should deem it unworthy of me as a gentleman, saying nothing of my position as a Senator, to undertake to suggest that anything but his own conscience and his own sense of duty was to give the law to him in casting the vote which he has to give. But when the Senator from Illinois was elected from a State containing ordinarily a large majority of republicans, because there was an accidental majority of democrats and independent republicans in that State, he thought it his duty to cast his vote for the democratic organization of the Senate, although, as he informs us, it was repugnant alike to his taste and his judgment in many particulars. The Senator from Virginia owes his seat to a State which casts 84,000 republican votes and 34,000 independent democratic or readjuster votes, making 118,000, and only 96,000 votes representing the Bourbon or regular democracy. He votes, if he does vote, for an organization which commends itself to his taste and his judgment. That is the only difference between him and the Senator from Illinois, whom his neighbor from Georgia so much admires. Is the Senator a traitor who represents 22,000 majority of the people of his own State in voting as he thinks right, and the Senator a Washington who represents a minority of the people of his State in voting as he thinks wrong? That is the logic of the honorable Senator from Georgia.

Mr. DAVIS, of Illinois. I will say to the Senator that the democrats and independents elected me to the Senate. I chose to be elected by them, and accepted the office from them. Because the democrats were largely in the majority they had a right at any rate to suppose that I would not turn the democratic organization out of power in this Senate. That is the reason, and I gave it the other day.

Mr. HOAR. The Senator from Illinois would not turn a dog out of power under those circumstances, and nobody supposes he would. I am not criticising him, I repeat.

Mr. DAVIS, of Illinois. Then why keep carping if you are not criticising?

Mr. HOAR. My friend from Illinois missed the delightful pleasure of hearing his own eulogy pronounced by the Senator from Georgia.

Mr. DAVIS, of Illinois. I was not in.

Mr. HOAR. He was not in the Chamber, and so missed the chance of knowing in his life-time, what none of the rest of us will know until we die, what the Senator from Georgia thinks of us, and I am responding to the speech in which the honorable Senator from Georgia drew a parallel between the virtuous Senator from Illinois who votes with the democrats and the wicked Senator from Virginia who he fears will vote with the republicans; and that is all.

But, Mr. President, there is something deeper; there is something certainly deeper in this country than a party name or a party attachment or a party affiliation. The Senator from Virginia, in his eloquent speech, told us in a very significant utterance of a democratic party in the South that put one thing into its platform and enacted quite another thing in its political conduct. He told us of a democratic party in Virginia, under whatever name they choose to be called, who mean at least that if democracy triumphs in this country in future it shall triumph in a fair field, and who believe that deeper than democracy is the right of every American citizen to cast his vote as he pleases, and to have that vote honestly counted as it is cast. There are democrats in the South who mean in future to overcome their political antagonists by reasoning with them, and not by cheating them; there are democrats in the South who mean, if they can, to vote down the men with whom they differ, but who do not mean to assassinate them; and if there be such democrats, their place is with the republican party until that result is accomplished. There are democrats in the South who mean, in the language of one of the most eloquent utterances I have lately heard from human lips, "to live in a nation and not in an aggregation of petty provinces" any longer. There are democrats in the South who do not mean to live any longer in the graveyards and among the tombs, whose face is toward the morning and upon whose brow the rising sunlight of the future glory of this country is already beginning to be visible. To such democrats, if the advance courier of their column has at length reached the Senate Chamber, after long waiting and yearning, the republicans of the North desire to stretch forth a friendly hand. It is for no purpose of petty bargain or barter; it is inspired by no miserable ambition for office or political victory; but it is in the spirit of that patriotism which loves the South as much as it loves the North, it is in the spirit of a united and not a divided country, it is in the spirit of the future and not of the past, it is in the spirit of Union and not sectionalism that we are willing to hold out our hand to those brave and noble democrats of Virginia whose representative takes his seat today on this floor.

Mr. GARLAND. Mr. President, in view of the progress we are making toward an organization, I move that the Senate do now adjourn. ["No!" "No!"] I withdraw the motion.

Mr. BURNSIDE. I move that the Senate adjourn.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the Senate adjourn.

Mr. BUTLER. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont [Mr. EDMUNDS] on all political questions.

The roll-call having been concluded, the result was announced—yeas 34, nays 37; as follows:

YEAS—34.

Allison,	Ferry,	Logan,	Rollins,
Anthony,	Hale,	McDill,	Saunders,
Blair,	Harrison,	McMillan,	Sawyer,
Burnside,	Hawley,	Miller,	Sewell,
Cameron of Pa.,	Hill of Colorado,	Mitchell,	Sherman,
Cameron of Wis.,	Hoar,	Morrill,	Teller,
Conger,	Ingalls,	Platt of Conn.,	Van Wyck.
Conkling,	Jones of Nevada,	Platt of New York,	
Dawes,	Kellogg,	Plumb,	

NAYS—37.

Bayard,	Fair,	Johnston,	Saulsbury,
Beck,	Farley,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vance,
Butler,	Gorman,	Lamar,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Camden,	Grover,	Maxey,	Walker,
Cockrell,	Hampton,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	
Davis of Illinois,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

ABSENT—3.

Edmunds,	Garland,	Mahone.

So the Senate refused to adjourn.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. PENDLETON. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call having been concluded, the result was announced—yeas 35, nays 37; as follows:

YEAS—35.

Allison,	Ferry,	Logan,	Plumb,
Anthony,	Hale,	McDill,	Rollins,
Blair,	Harrison,	McMillan,	Saunders,
Burnside,	Hawley,	Mahone,	Sawyer,
Cameron of Pa.,	Hill of Colorado,	Miller,	Sewell,
Cameron of Wis.,	Hoar,	Mitchell,	Sherman,
Conger,	Ingalls,	Morrill,	Teller,
Conkling,	Jones of Nevada,	Platt of Conn.,	Van Wyck.
Dawes,	Kellogg,	Platt of N. Y.,	

NAYS—37.

Bayard,	Fair,	Johnston,	Saulsbury,
Beck,	Farley,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vance,
Butler,	Gorman,	Lamar,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Camden,	Grover,	Maxey,	Walker,
Cockrell,	Hampton,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	
Davis of Illinois,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

ABSENT—2.

Edmunds, Garland.

So the motion was not agreed to.

Mr. CAMERON, of Pennsylvania. I now move that the Senate adjourn.

Mr. PENDLETON. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 37; as follows:

YEAS—32.

Anthony,	Ferry,	Kellogg,	Platt of Conn.,
Blair,	Hale,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McDill,	Rollins,
Cameron of Pa.,	Hawley,	McMillan,	Sawyer,
Cameron of Wis.,	Hill of Colorado,	Mahone,	Sewell,
Conger,	Hoar,	Miller,	Sherman,
Conkling,	Ingalls,	Mitchell,	Teller,
Dawes,	Jones of Nevada,	Morrill,	Van Wyck.

NAYS—37.

Bayard,	Fair,	Johnston,	Saulsbury,
Beck,	Farley,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vance,
Butler,	Gorman,	Lamar,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Camden,	Grover,	Maxey,	Walker,
Cockrell,	Hampton,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	
Davis of Illinois,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

ABSENT—5.

Allison,	Garland,	Plumb,	Saunders.
Edmunds,			

So the Senate refused to adjourn.

Mr. CAMERON, of Pennsylvania. I now move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. I ask the Senator from Pennsylvania to withdraw that for a moment.

Mr. CAMERON, of Pennsylvania. Yes, sir, I withdraw it.

Mr. INGALLS. While it is not in order to refer to anything that has been done in executive session, it is not improper that I should call the attention of the Senate to the entry that appears on the last page of the printed CONGRESSIONAL RECORD containing the proceedings of Friday last. The part to which I desire to call the attention of the Senate reads as follows:

> Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.
>
> The motion was agreed to; and the Senate proceeded to the consideration of executive business. While the doors were closed, Mr. PENDLETON, by unanimous consent, withdrew his appeal from the decision of the Chair; and Mr. CONKLING, by unanimous consent, withdrew the point of order submitted by him this morning; and the resolution submitted by Mr. PENDLETON was considered to be the pending business.

That is a legislative record of what transpired in executive session, to which I can properly refer. At the time when those proceedings were had, there were seventy-two seats in this Senate that were filled. Since that time two of the vacancies have been filled by the introduction of the Senators from Iowa and Wisconsin, who appeared this morning and took the oaths of office. It is understood that the vacancy from Minnesota has been filled by executive appointment, and that the appointee is now upon his way hither and will probably arrive not later than Wednesday morning. It is a matter of history that the Legislature of Maine is now in session, that a gentleman who is in the city has been nominated to fill the vacancy from that State, that the Legislature will sit to-morrow to vote separately, and that on Wednesday the result, of which there can be no doubt, will be declared in both houses, and that probably the result will be telegraphed here by the governor, so that nothing but a mere technicality will interfere with the Senator from Maine being sworn in on Thursday, or it may be Wednesday afternoon.

I do not desire to refer to any understandings that may have been had or to any tacit arrangements that may have been partially entered into by reason of which the action in the executive session of Friday last was taken and subsequently agreed to and ratified by the Senate in open session and reported upon the RECORD; but in view of the fact that but two vacancies now exist, that the persons to fill those vacancies will unquestionably be here by Wednesday or by Thursday morning at farthest, I rise in interest of the traditions of the Senate and to avoid what to me seems to be an unseemly struggle that will depend simply upon physical endurance, to ask whether we cannot reach by unanimous consent an agreement by which the further consideration of this resolution shall be postponed until Thursday morning next. There are but two legislative days intervening between this and that time. Nothing certainly can be made and nothing can be lost to either party by such an arrangement, and if it can be made upon a basis that will be equally agreeable and mutually satisfactory to both parties, I ask why we cannot now reach that consent?

As the Senator from Ohio has been hitherto the leader in this part of the business of the Senate, I appeal to him to reply if he knows any obstacle to an arrangement of that kind being reached.

Mr. PENDLETON. Mr. President, I am not prepared to make a statement as to what agreement can be reached by unanimous consent. I am not authorized to speak to that extent. I dislike very much to see this struggle pushed to the point of a contest of physical endurance; and as the Senator from Kansas has undertaken in a friendly spirit of course, as I understand, to ask what this side of the Chamber will consent to, I would like to put to him a plain question, and which I hope he will receive in the spirit in which I ask it—that is, whether it is the determination of that side of the Chamber not to come to a vote to-night? The gentlemen will understand what I mean when I ask for "the determination"—not a wish, but a determination.

Mr. INGALLS. Mr. President, I am not authorized to speak for any member of this body but myself. I have had no consultation with my colleagues. I do not know what they prefer or what they desire, or what they will consent to. As the Senator from Ohio appeals to me he must be aware that I have always insisted that fair dealing and justice required that the political equilibrium between the two parties should be observed and maintained until the seats were filled. I may be wrong in my judgment, it may be that my position is untenable; it may be that there is some exacting, pressing, urgent, imminent necessity why these committees should be organized to-day; but my desire has been and my purpose has been to consent to no action on the part of the Senate that would not preserve and maintain fully the equilibrium between the two parties; that is to say, if there were inevitable vacancies, unavoidable vacancies on this side of the Chamber, they should be met by a withdrawal of a similar number from that unless the present majority were willing that action should be postponed until the seats on this side were filled.

I therefore can only say for myself, without the authority or right to speak for any other member of the body, that it is not my desire, or my purpose, nor shall I willingly consent to action upon this resolution until either the Senate is filled by the presence of those appointed or elected to fill the vacancies or unless there is a withdrawal that will preserve the equilibrium between the two parties.

Mr. PENDLETON. Mr. President, I think I understand sufficiently the statement made by the Senator from Kansas. I think that the statement which he has made has been supported and sustained and justified by the action of a Senator who is in my eye now and who has several times moved to adjourn and to go into executive session. I am unwilling that this contest shall degenerate into a struggle of physical endurance, and therefore I move that the Senate do now adjourn.

Mr. VOORHEES. I hope the Senator will withdraw that motion.

Mr. PENDLETON. I withdraw it if the Senator from Indiana will renew it.

Mr. VOORHEES. Mr. President, I will make the motion myself after I make a statement. I have taken no part in this controversy, nor do I seek to do so; but there is an assumption on the other side of the Chamber of an attitude before the country which I think is unwarranted by the facts. It is as well known to Senators on this floor as any other fact is that for a considerable time after we were called here in special session the republican side of this Chamber did not themselves know whether they intended to strive for the organization or not. We were called in executive session last Friday a week ago. I know the fact and I speak for myself when I say we hesitated and lingered and doubted over the subject and desired to obtain information from the other side of the Chamber as to their purposes. The best that we could learn was that there was entire doubt whether they had strength enough to organize. We took no steps until the forepart of last week, and then we took them slowly, communicating every step to somebody authorized to speak for the opposite side of the Chamber, and instead of there having been any haste manifested on our part by reason of vacant seats the very reverse is true to my certain positive knowledge. All the information we could obtain when we sought it through the chairman of our organization at last was that it was not proposed to do anything on that side of the Chamber. The result was proceeding slowly without any haste or desire of haste. These committees were only reported on Thursday of last week, nearly one week after we were called together here in executive session.

There has been too much said about an eager and hungry desire to grab at small offices while seats are vacant here to warrant me in keeping silent and refraining from making this statement.

We sought to know the purpose of what had been the minority, we sought to know whether they themselves understood that they were to be a majority or not, and I undertake to say, without any authority to speak for that side of the Chamber, that it was not apprised on that subject much better than we were until a very short period ago. There has been no haste, and the attempt to make the impression before the country that we were seeking to grasp the offices while one chair was draped in crape, made vacant by death, and other seats made vacant by the incoming administration and by our own action here, is utterly unwarranted.

I undertake to say—and I appeal to the country on the question—the democratic side of this Chamber have met the exigencies of a new and incoming administration with more generosity than its own followers on that side. We met it promptly, kindly, in return for which we are stigmatized as "Bourbon democrats." Compare your own conduct with ours under similar circumstances. When was there waiting for Senators to come when the exigencies of party were upon that side of the Chamber? I well remember when a seat was made vacant by the death of Mr. Guthrie, of Kentucky, when party wrath was at a white heat, hunting down the President of the United States under threats of impeachment; there was no waiting for a Senator to come then; there was no standing still at that time, none what-

ever; but we have not imitated the bad example of that side. I, for one, say here, I want the majority to fill these offices; I would scorn to have one of them unless the majority of the Senate sustained me. I have not known till to-day—I do not believe there is a single Senator on this side who knew until to-day—how the balance of power was to be adjusted in this body. I doubt if there were a dozen Senators on that side who knew it forty-eight hours ago. I might say, if I was not committing a breach of propriety, that the best and most honorable gentlemen on that side of the Chamber have told me so within the last forty-eight hours; so that it is unjust to the democratic Senators to assume before the country, as has been done this afternoon with great elaboration and force and beauty of rhetoric by the distinguished Senator from New York, that we were doing something or striving to do something that we ought not to do.

Mr. President, I thought it due to myself and due to this side of the Chamber to say this much. We have been placed in extraordinary circumstances, circumstances that have no parallel, I believe, in the history of the Senate. So equal a division of parties, with somebody holding the balance of power between the parties, and that somebody obscuring or having his position obscured until the last moment, is something unparalleled in the history of the country, and does not warrant the accusations that have been made that we have sought to take advantage of the vacancies on that side of the Chamber. I am ready, for one, if the Senate desires to vote, to refrain from voting, and doubtless there is another on this side of the Chamber who will do it, and have an even vote. I want to do it according to the counsels of my friends; I am ready in one moment to do it. I would not delay the organization at all. I have not sought to obstruct the movements of the Government under this new administration, and I think the Senator from New York would like to recall the animadversions which he made on this side of the Chamber, that perchance we made vacancies and hurried to do so by confirming three senatorial seats, because then we were going to take something in return.

Mr. CONKLING. Did the Senator from Indiana understand me to say or intimate that?

Mr. VOORHEES. I understood the Senator to say it in better language than I have said it. I understood the Senator to say that he trusted he was not dealing with gift-bearing Greeks, that when this side of the Senate acted so promptly in confirming the nominations to the Cabinet that were made from this body, thereby making seats vacant, he hoped we were not doing it for the purpose of getting something in return. That is what I understood him to say, and I think the Senate understood him so.

Mr. CONKLING. If my friend will pardon me, if he listened as well as he speaks, if as a listener he was as great as he is as an orator, he never would have fallen into that impression. I was having at the moment some rather light and perhaps jocose parley with the honorable Senator from Ohio and speaking to that Senator I said that lest he should make a defense against some other accusation that I never made and never thought of, I would stop to assure him that it did not occur to me and that I did not mean to insinuate that the democratic members of the Senate by confirming other Senators to Cabinet places, and thereby creating vacancies, intended to avail themselves of those vacancies. I referred to it jocosely, only to disclaim, to

> Make assurance double sure,
> And take a bond of fate—

that the diligent ingenuity of the Senator from Ohio should not conjure up something else that I never had thought about and proceed to defend himself against that; that is all; and I assure the Senator from Indiana that I never thought of making such an insinuation.

Mr. VOORHEES. I did not understand the Senator from New York to make the accusation in any temper or any unkindly spirit, but sometimes the great facility that the Senator has for the use of language leads me to read his meaning in an inverted form. Possibly I may have done him injustice in doing so at this time.

Now, Mr. President, I hope that no such scene as that we have witnessed here this afternoon will ever occur again, and consequently I want this question of organization disposed of in the quickest and smoothest manner possible. It does not become me to criticise the conduct of the Senate of the United States. It is true I have been in public life about twenty years, and I never witnessed anything like that which occurred here this afternoon, and the sooner we put this question of organization behind us and go on with the business that is before us, get through with it, adjourn, and go home, the better it will be for us in the estimation of the country and, indeed, in our own estimation. I am ready to act in any way that will best promote a solution of this question. I believe and I think there is no question but what that side of the Chamber can organize the Senate. I am perfectly willing to approach the subject at once and test that matter in the way prescribed by the rules of the Senate.

Mr. PENDLETON. I renew the motion——

Mr. VOORHEES. I promised to renew the motion of the Senator from Ohio to proceed to the consideration of executive business.

Mr. PENDLETON. No; to adjourn.

Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

TUESDAY, *March* 15, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

MANIFESTATIONS OF APPLAUSE.

The VICE-PRESIDENT. The Chair desires to announce to those in the galleries, before proceeding to the business of the day, that manifestations of approval or disapproval, or of any kind, are not only in violation of the rules of the Senate but an insult to the body; and the Chair upon such demonstrations being made will order the galleries to be cleared by the Sergeant-at-Arms. The Chair hopes that those who are entitled to the privileges of the floor, and are here on the floor, will not contribute to such disorder in any manner, for their example is apt to be immediately followed by the galleries, as was the case yesterday. In such case the Chair will enforce order on the floor as well as in the galleries. The Secretary will read the Journal of yesterday's proceedings.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. CONGER. I desire to correct the Journal. I am not recorded as voting on the last motion to adjourn. I was present and gave my vote.

The VICE-PRESIDENT. If there be no objection, the correction will be made.

Mr. CONGER. I voted in the affirmative.

The VICE-PRESIDENT. The Senator's name will be recorded in the affirmative.

Mr. SAULSBURY. Was the Senator from Michigan present yesterday, and did he vote?

Mr. CONGER. I was present and gave my vote, as I did on the motion immediately preceding, upon which I am recorded.

The Journal was approved.

DEPUTY MARSHALS AT INDIANA ELECTION.

Mr. VOORHEES. I desire to call up for consideration the resolution submitted by me yesterday on the question of the employment of United States marshals at the Indiana election.

The VICE-PRESIDENT. The resolution submitted yesterday by the Senator from Indiana will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Attorney-General of the United States be directed to communicate to the Senate the names of the deputy United States marshals appointed in the State of Indiana to attend the polls at the October election for the year 1880, in said State, together with the respective localities where such deputy marshals were placed on duty, and also the names of such general deputies as were appointed with reference to said election.

Mr. EDMUNDS. I move to amend the resolution by adding these words:

And that he report also any information in his possession bearing upon the question of the necessity for the employment of such marshals or deputies.

To which I presume there will be no objection.

Mr. VOORHEES. I have not the slightest objection. Let the amendment be reported at the desk.

The amendment was read.

The VICE-PRESIDENT. Does the Senator from Indiana accept the amendment of the Senator from Vermont?

Mr. VOORHEES. I do.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

The VICE-PRESIDENT. What is the pleasure of the Senate?

Mr. DAVIS, of West Virginia. I call for the regular order. The regular order, I suppose, is the resolution which was under consideration yesterday.

Mr. PENDLETON. I call up the resolution which I had the honor to offer to the Senate several days ago.

Mr. CAMERON, of Pennsylvania. I move that the Senate adjourn.

Mr. PENDLETON. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 36; as follows:

YEAS—34.

Allison,	Ferry,	Logan,	Rollins,
Anthony,	Hale,	McDill,	Saunders,
Blair,	Harrison,	McMillan,	Sawyer,
Burnside,	Hawley.	Mahone,	Sewell,
Cameron of Pa.,	Hill of Colorado,	Mitchell,	Sherman,
Cameron of Wis.,	Hoar,	Morrill,	Teller,
Conger,	Ingalls,	Platt of Conn.,	Van Wyck.
Dawes,	Jones of Nevada,	Platt of N. Y.,	
Edmunds,	Kellogg,	Plumb,	

NAYS—36.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Pendleton,
Beck,	Farley,	Jackson,	Pugh,
Brown,	Garland,	Johnston,	Ransom,
Butler,	George,	Jonas,	Saulsbury,
Call,	Gorman,	Jones of Florida,	Slater,
Camden,	Groome,	Lamar,	Vance,
Cockrell,	Grover,	McPherson,	Vest,
Coke,	Hampton,	Maxey,	Voorhees,
Davis of Illinois,	Harris,	Morgan,	Walker.

ABSENT—4.

Conkling,	Fair,	Miller,	Williams.

So the Senate refused to adjourn.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. PENDLETON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES, (when Mr. HOAR's name was called.) I wish to state that my colleague, [Mr. HOAR,] who is necessarily absent, is paired with the Senator from Missouri, [Mr. COCKRELL.]

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Massachusetts, [Mr. HOAR.] Were he present I should vote "nay" and he would vote "yea."

The result was announced—yeas 34, nays 37; as follows:

YEAS—34.

Allison,	Edmunds,	Logan,	Rollins,
Anthony,	Ferry,	McDill,	Saunders,
Blair,	Hale,	McMillan,	Sawyer,
Burnside,	Harrison,	Mahone,	Sewell,
Cameron of Pa.,	Hawley,	Mitchell,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Teller,
Conger,	Ingalls,	Platt of Conn.,	Van Wyck.
Conkling,	Jones of Nevada,	Platt of New York,	
Dawes,	Kellogg,	Plumb,	

NAYS—37.

Bayard,	Farley,	Johnston,	Saulsbury,
Beck,	Garland,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vance,
Butler,	Gorman,	Lamar,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Camden,	Grover,	Maxey,	Walker,
Coke,	Hampton,	Morgan,	Williams.
Davis of Illinois,	Harris,	Pendleton,	
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Fair,	Jackson,	Ransom,	

ABSENT—3.

Cockrell,	Hoar,	Miller.

So the motion was not agreed to.

Mr. PENDLETON. I move that the Senate do now adjourn.

Mr. RANSOM. I hope the Senator from Ohio will suspend the motion for one moment that I may offer a resolution.

Mr. PENDLETON. Certainly.

POTOMAC RIVER FRONT.

Mr. RANSOM submitted the following resolution; which was read:

Resolved, That the Committee on Commerce be, and it is hereby, instructed to inquire into the condition of the Potomac River front of the city of Washington and of the navigability of said river, the effect of bridges across the same upon navigation, floods, and the health of the city, and report at the next session of the Senate what steps, if any, ought in its opinion to be taken in reference thereto; that said committee be authorized to sit during the recess of the Senate, and, if necessary, to employ a stenographer.

Mr. RANSOM. If there is no objection to the present consideration of the resolution that I have offered——

Mr. PLUMB. I object.

Mr. RANSOM. All right. Let the resolution be printed and lie on the table until to-morrow.

The VICE-PRESIDENT. That order will be made.

WITHDRAWAL OF PAPERS.

Mr. BURNSIDE. Will the Senator from Ohio allow me to have an order made?

Mr. PENDLETON. Certainly.

On motion of Mr. BURNSIDE, it was

Ordered, That George Clendenin have leave to withdraw the papers in his claim from the files of the Senate, no adverse report having been made.

Mr. BURNSIDE. Now I renew the motion of the Senator from Ohio to adjourn.

Mr. PENDLETON. It is very apparent that we cannot reach a vote to-day upon the pending business, and it is therefore that I renew my motion to adjourn.

The motion was agreed to; and (at twelve o'clock and thirty-one minutes p. m.) the Senate adjourned.

WEDNESDAY, *March* 16, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, which is the resolution submitted by the Senator from Ohio, [Mr. PENDLETON,] providing for the appointment of the standing committees of the Senate.

Mr. CAMERON, of Pennsylvania. I move that the Senate do now adjourn.

Mr. VEST. Will the Senator from Pennsylvania permit me to offer a resolution?

Mr. CAMERON, of Pennsylvania. I withdraw the motion for that purpose only.

CORRESPONDENCE WITH MEXICO.

Mr. VEST submitted the following resolution; which was read:

Resolved, That the President of the United States be requested to communicate to the Senate (if not incompatible with the public interest) the correspondence and accompanying documents between the Governments of the United States and Mexico, during the years 1859 to 1861, inclusive, in regard to a proposed treaty between said governments; and that, under like limitation, he be requested to communicate to the Senate the correspondence during said years between the State Department of the United States and the United States minister at Mexico, in relation to any proposed convention and treaty between the two governments.

Mr. VEST. I ask for the present consideration of the resolution.

Mr. INGALLS. I do not know that I have any objection to the resolution, but I should like to be advised what the particular point is upon which the Senator from Missouri desires the information, if he is not unwilling to communicate it to the Senate.

Mr. VEST. I have no objection to stating it. All the correspondence in relation to the negotiation of treaties with the Government of Mexico has been published with the exception of that referred to in this resolution. The merchants and business men of Saint Louis, in my State, take a great interest in the treaties, and at their request I have offered the resolution, requesting the President to furnish the information, if not incompatible with the public interest.

Mr. MAXEY. I do not quite understand the purpose of the resolution. There was a treaty made with Mexico in 1861, another in 1868, another in 1871, and another, I think, in 1874. If the effect of the resolution is to throw light upon any treaty, I suppose it would be the treaty of 1861, the extradition treaty. If there can be anything obtained by the resolution, I shall be glad to have it.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of the resolution, and the question is on its adoption.

The resolution was agreed to.

PUBLIC BUILDINGS IN WASHINGTON.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. CAMERON, of Pennsylvania. I only gave way temporarily.

Mr. DAVIS, of West Virginia. Is the Senator in such a hurry as not to allow a resolution to be offered?

Mr. CAMERON, of Pennsylvania. Not at all.

Mr. DAVIS, of West Virginia. I knew the Senator would permit me to offer a resolution. I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds take into consideration the subject of public buildings in the city of Washington looking to the present and future needs of the General Government. Said committee shall consider a general plan and all questions relating to present and future need for public buildings, including the cost and localitions therefor, and shall make report to the next regular session of Congress. Said committee shall also report the number and location of the buildings now rented by the Government in the District of Columbia, the amount paid for rent of each building, the condition of same, and whether adapted to the purposes for which used, with their view as to the economy and propriety of continuing to rent the same. The committee may sit during the recess, request the Superintendent of Public Buildings and Grounds and other officers of the Government to aid them; send for persons and papers, and employ a stenographer, who shall also act as clerk; and the necessary expenses shall be paid out of the contingent fund of the Senate.

I ask that the resolution be printed and lie on the table until such time as the committees shall have been appointed.

Mr. SAULSBURY. If the Senator from West Virginia will permit me to inquire, I should like to know at this time the necessity for any such special investigation? The Committee on Public Buildings and Grounds have ample opportunities to find out and ascertain every fact proposed to be ascertained by the resolution without any such special appointment and authority as is contained in the resolution. I do not see the use of multiplying committees and authorizing them to make investigations which can be accomplished by the regular committees at any time.

Mr. DAVIS, of West Virginia. The Senator will notice that I have not asked action on the resolution.

The VICE-PRESIDENT. The resolution will lie on the table and be printed.

ORDER OF BUSINESS.

Mr. CAMERON, of Pennsylvania. I now renew my motion to adjourn.

Mr. PENDLETON. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND, (when the name of Mr. EDMUNDS was called.) I am authorized on this question to pair the Senator from Vermont [Mr. EDMUNDS] with the Senator from North Carolina, [Mr. VANCE,] both of whom are absent on account of sickness.

The roll-call having been concluded, the result was announced—yeas 28, nays 35; as follows:

YEAS—28.

Allison,	Hale,	Logan,	Plumb,
Anthony,	Harrison,	McDill,	Rollins,
Blair,	Hawley,	McMillan,	Saunders,
Burnside,	Hill of Colorado,	Miller,	Sewell,
Cameron of Pa.,	Hoar,	Morrill,	Sherman,
Cameron of Wis.,	Ingalls,	Platt of Conn.,	Teller,
Conger,	Kellogg,	Platt of N. Y.,	Van Wyck.

NAYS—35.

Bayard,	Fair,	Hill of Georgia,	Pendleton,
Beck,	Farley,	Jackson,	Pugh,
Brown,	Garland,	Johnston,	Ransom,
Butler,	George,	Jonas,	Saulsbury,
Call,	Gorman,	Jones of Florida,	Slater,
Camden,	Groome,	Lamar,	Vest,
Coke,	Grover,	McPherson,	Voorhees,
Davis of Illinois,	Hampton,	Maxey,	Williams.
Davis of W. Va.,	Harris,	Morgan,	

ABSENT—11.

Cockrell,	Edmunds,	Mahone,	Vance,
Conkling,	Ferry,	Mitchell,	Walker.
Dawes,	Jones of Nevada,	Sawyer,	

So the Senate refused to adjourn.

A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The question being put, it was declared that the noes appeared to prevail.

Mr. CAMERON, of Pennsylvania, called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. RANSOM, (when Mr. VANCE's name was called.) My colleague [Mr. VANCE] is detained at home by sickness. He is paired with the Senator from Vermont, [Mr EDMUNDS.] If my colleague were here he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 32, nays 34; as follows:

YEAS—32.

Allison,	Dawes,	Logan,	Platt of N. Y.,
Anthony,	Hale,	McDill,	Plumb,
Blair,	Harrison,	McMillan,	Rollins,
Burnside,	Hawley,	Mahone,	Saunders,
Cameron of Pa.,	Hill of Colorado,	Miller,	Sawyer,
Cameron of Wis.,	Hoar,	Mitchell,	Sewell,
Conger,	Ingalls,	Morrill,	Sherman,
Conkling,	Kellogg,	Platt of Conn.,	Teller.

NAYS—34.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Pendleton,
Beck,	Fair,	Jackson,	Pugh,
Brown,	Farley,	Johnston,	Ransom,
Butler,	Garland,	Jonas,	Saulsbury,
Call,	George,	Jones of Florida,	Slater,
Camden,	Groome,	Lamar,	Vest,
Cockrell,	Grover,	McPherson,	Williams.
Coke,	Hampton,	Maxey,	
Davis of Illinois,	Harris,	Morgan,	

ABSENT—8.

Edmunds,	Gorman,	Vance,	Voorhees,
Ferry,	Jones of Nevada,	Van Wyck,	Walker.

So the motion was not agreed to.

Mr. CAMERON, of Pennsylvania. I now move that the Senate adjourn until Friday.

Mr. LOGAN called for the yeas and nays, and they were ordered; and being taken resulted—yeas 33, nays 36; as follows:

YEAS—33.

Allison,	Ferry,	McDill,	Rollins,
Anthony,	Hale,	McMillan,	Saunders,
Blair,	Harrison,	Mahone,	Sawyer,
Burnside,	Hawley,	Miller,	Sewell,
Cameron of Pa.,	Hill of Colorado,	Mitchell,	Teller.
Cameron of Wis.,	Hoar,	Morrill,	Van Wyck.
Conger,	Ingalls,	Platt, of Conn.,	
Conkling,	Kellogg,	Platt, of N. Y.,	
Dawes,	Logan,	Plumb,	

NAYS—36.

Bayard,	Davis of W. Va.,	Harris,	Morgan,
Beck,	Fair,	Hill of Georgia,	Pendleton,
Brown,	Farley,	Jackson,	Pugh,
Butler,	Garland,	Johnston,	Ransom,
Call,	George,	Jonas,	Saulsbury,
Camden,	Gorman,	Jones of Florida,	Slater,
Cockrell,	Groome,	Lamar,	Vest,
Coke,	Grover,	McPherson,	Voorhees,
Davis of Illinois,	Hampton,	Maxey,	Williams.

ABSENT—5.

Edmunds,	Sherman,	Vance,	Walker.
Jones of Nevada,			

So the motion was not agreed to.

Mr. CAMERON, of Pennsylvania. It is very well known to every Senator present that we can have no legislative business to-day, but there are appointments on the table which have been sent here by the President that deserve consideration, and prompt consideration, and therefore I move that the Senate now proceed to the consideration of executive business.

Mr. FARLEY. I should like to ask the Senator from Pennsylvania a question.

Mr. CAMERON, of Pennsylvania. Very well.

Mr. FARLEY. As I understand, a number of appointments have been sent in by the President; and while we are in no condition to consider appointments in executive session, there seems to be a disposition on the part of Senators on the other side of the Chamber to do no business whatever. I apprehend that we had just as well adjourn *sine die* as to continue here twelve or fifteen days without considering any of the business that has been sent to us to be considered. The Senators on that side of the Chamber seem disposed to delay the business of the Senate, and it is well enough that the people of the country at least should understand that business is delayed and why it is so delayed. We have been here for thirteen days, including to-day——

Mr. DAWES. Will the Senator permit me to interrupt him to make an inquiry?

Mr. FARLEY. Certainly.

Mr. DAWES. Can the Senator inform the country on whose motion the Senate adjourned yesterday at half past twelve?

Mr. FARLEY. I believe the RECORD will show the fact that after a number of dilatory motions made on that side of the Chamber to adjourn to a day certain, to adjourn immediately, and to go into executive session, when it became apparent that they were not disposed to do any business on that side whatever, then it was moved by the Senator from Ohio that the Senate adjourn.

Mr. DAWES. Executive business is all we can do. A motion has just been made to go into executive session, and our distinguished friends on the other side all voted against it.

Mr. FARLEY. What could we do in executive session?

Mr. CAMERON, of Pennsylvania. Mr. President, I think I have the floor.

The VICE-PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. FARLEY. I think it would be entirely proper——

Mr. CAMERON, of Pennsylvania. I have the floor, Mr. President.

The VICE-PRESIDENT. The Senator from Pennsylvania declines to yield the floor.

Mr. SAULSBURY. I should like to know by what authority——

Mr. CAMERON, of Pennsylvania. I have the floor, I believe.

The VICE-PRESIDENT. The Senator from Pennsylvania will proceed.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business. That is business as important as any other that can be brought before the Senate. When the gentleman says that these motions are made for dilatory purposes he makes a mistake——

Mr. BUTLER. I rise to a point of order. The question is not debatable.

The VICE-PRESIDENT. The point of order is well taken. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

Mr. CAMERON, of Wisconsin, called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. RANSOM, (when the name of Mr. VANCE was called.) I have already stated to-day that my colleague [Mr. VANCE] is paired on these questions with the Senator from Vermont, [Mr. EDMUNDS.] If my colleague were here, he would vote "nay."

The result was announced—yeas 33, nays 37; as follows:

YEAS—33.

Allison,	Ferry,	McMillan,	Saunders,
Anthony,	Hale,	Mahone,	Sawyer,
Blair,	Harrison,	Miller,	Sewell,
Burnside,	Hawley,	Mitchell,	Sherman,
Cameron of Pa.,	Hill of Colorado,	Morrill,	Teller,
Cameron of Wis.,	Hoar,	Platt of Conn.,	Van Wyck.
Conger,	Ingalls,	Platt of N. Y.,	
Conkling,	Logan,	Plumb,	
Dawes,	McDill,	Rollins,	

NAYS—37.

Bayard,	Fair,	Jackson,	Ransom,
Beck,	Farley,	Johnston,	Saulsbury,
Brown,	Garland,	Jonas,	Slater,
Butler,	George,	Jones of Florida,	Vest,
Call,	Gorman,	Lamar,	Voorhees,
Camden,	Groome,	McPherson,	Walker,
Cockrell,	Grover,	Maxey,	Williams.
Coke,	Hampton,	Morgan,	
Davis of Illinois,	Harris,	Pendleton,	
Davis of W. Va.,	Hill of Georgia,	Pugh,	

ABSENT—4.

Edmunds,	Jones of Nevada,	Kellogg,	Vance.

So the motion was not agreed to.

Mr. SAULSBURY. I do not propose to discuss the resolution submitted by the Senator from Ohio, [Mr. PENDLETON,] but I heard a remark made by the Senator from Massachusetts [Mr. DAWES] which implies that by reason of a motion having been made by the Senator from Ohio yesterday to adjourn the democratic side of this Chamber is responsible for nothing being done. That remark was very unjust; and it was known by the Senator from Massachusetts at the time that it was a very unjust imputation against the democrats in this Chamber. He knew full well that the democrats had for several days been trying to organize the Senate so as to proceed with public business, and he knew that they had been thwarted in their purpose by dilatory motions emanating from his own side of the Chamber.

The Senator from Pennsylvania, [Mr. CAMERON,] who seems now so anxious to go into executive session in order to transact the public business, ought to remember, because the time has not been far past when he, in connection with others upon his side of the Chamber, became an obstructionist to the public business. He knows full well that toward the close of the last Congress, while this side of the Chamber was trying to proceed to the confirmation of nominations sent here by the late Executive, he and others upon that side of the Chamber sat still in their seats and refused to vote, and refused to permit us to proceed with the public business and to confirm the nominations which had been sent here by a republican President.

It is perhaps well that the man who was elevated without right to the Presidency should have been defeated in this Chamber and his

administration broken down in this Chamber by the very men who elevated him without right to the Presidency. There may have been a species of poetic justice in the fact that the men who in the inception of the administration had without just right elevated him to the Presidency should in the closing hours of his administration break it down and humble it before the whole country. But that is the history of the last session of the Senate. For weeks we were hardly able to get an executive session, and there were numerous nominations sent here by the President that fell because of the obstruction made by the other side of the Chamber.

Therefore, it ill becomes the Senator from Massachusetts to rise here and propound the question, Who moved an adjournment yesterday? The country has taken note of these proceedings. The country knows full well that if the republican side of this Chamber at the last session had performed its duty according to the expectation of the country and proceeded to the consideration of the nominations sent here by the late President, perhaps this extra session would not have lasted three days. A large portion of the work, as I understand, which has already been done is to renominate the men whose nominations fell with the expiration of the last Congress.

Consequently the blame does not attach to this side of the Chamber, it belongs to the other side of the Chamber. They have impeded the public business, and it ill becomes the Senator from Massachusetts to attack the democracy and charge us with delaying the public business on account of a motion made by the Senator from Ohio yesterday to adjourn after it had been demonstrated, by motions made by the Senator from Pennsylvania, that the purpose of that side of the House was to interpose dilatory motions and prevent proceeding with the public business.

Mr. CAMERON, of Pennsylvania. May I interrupt the gentleman? My motion yesterday was to go into executive session in order to transact the business that is before us and which ought to be transacted. It was not a dilatory motion. My motion to-day was to go into executive session, and I beg the Senator if he wants to work——

Mr. SAULSBURY. Does not the Senator know——

Mr. CAMERON, of Pennsylvania. Permit me, please, to finish my sentence.

Mr. SAULSBURY. Yes, sir, I will allow the Senator to finish his sentence.

Mr. CAMERON, of Pennsylvania. I want to work just as much as you want to work. The republican side of this House wants to work just as much as your side of the House wants to work.

Mr. HILL, of Georgia. Without committees?

Mr. CAMERON, of Pennsylvania. I ask you to go into executive session and let us do the work which is before us.

Mr. SAULSBURY. The Senator from Pennsylvania knows full well that the very first motion he made to-day was to adjourn.

Mr. CAMERON, of Pennsylvania. Simply because the Senate refused to go into executive session yesterday.

Mr. SAULSBURY. How does the Senator from Pennsylvania expect to convince the country that he is sincere in the declaration that he desires to proceed with the public business, when he came into the Chamber this morning and, as soon as the Journal was read, moved an adjournment of the body? How are we going to do business without committees? The Senator from Pennsylvania knows that the practice of this body is to refer nominations to committees and have them reported back from committees before we take them up for consideration, except in the exceptional cases where men have been nominated who have been members of this body.

Sir, the people of this country understand all this. It is futile for the Senator from Pennsylvania and the Senator from Massachusetts to try to impose upon the fifty million people of this country the idea that they are anxious to proceed with the public business, and that the delay is due to the democratic side of the Chamber.

Mr. GROOME. In order that my friend from Pennsylvania may be in a situation to have the Senate proceed to the consideration of executive business, I call up the resolution offered by the Senator from Ohio the other day, and I assure the Senator from Pennsylvania that the very moment it is adopted and the committees are appointed by this body, so that we can decently and in order go into executive session and attend to executive business, he shall be gratified by having an executive session. I call up the resolution, and the very moment the resolution is adopted we will go into executive session.

Mr. DAWES. I do not object to the Senator from Delaware attempting the arduous task of defending that side of the Chamber from the imputation or suspicion of delay, but I do object to his undertaking to say that I knew what I said to be unjust to that side of the Chamber. I not only do not know any such thing, but if I had any doubt about it I should have been convinced that I was right by the remarks which the Senator from Delaware has just made. The Senator from Delaware has fallen upon the task of defending the course of his side of the Chamber in the last Congress. That is past, and past all hope, too. It is not necessary to refer to that; it throws no light upon the question why it is that that side of the Chamber, holding at this moment an accidental majority, refuses to proceed to the business for which this session was called, and to proceed to any other business but that of filling certain offices in the Senate, which cannot be filled permanently until the Senate, being full, shall determine for itself. There is upon the table an executive message, which the Senator from Delaware, who undertakes to vindicate his side of the Chamber against a disposition to delay, refuses to go into executive session to have opened and learn what it is. There is no occasion for a committee of this body to be appointed to ascertain what there is in a sealed executive message submitted to this body this morning. We can proceed with all the business for which we were called here if we are disposed to do it; but if gentlemen have any other thing in mind of as much importance as who shall occupy a few offices in the Senate, to those who seem to think that that is paramount to all public business of any kind, it is very natural that they should insist upon throwing aside all public business until they can proceed to the filling of places that are unnecessary for the transaction of the business, and to fill them, too, before the Senate shall be full and before the body shall determine in full Senate how they shall be filled.

I care not, Mr. President, how they are filled, only that they be filled by the Senate, and so filled as to represent what a majority of the Senate shall determine. If it shall fall upon one side or the other side of the line, let it so fall that it will remain permanent, that we shall not exhibit to the country a greater anxiety to scramble for the possession of a few unimportant and troublesome offices, forgetting the business for which we are called here and the dispatch of which is interrupted solely for this purpose.

The Senator from Delaware need not trouble himself about whether the country will understand this or not. The Senator from Delaware looks back upon how the Senate of the past day acted when there was a majority on that side of nine or ten and that majority could have commanded the Senate for the dispatch of any business at any hour it pleased. The Senator from Delaware is in a queer position, arraigning the helpless minority in the last Senate on this side because the majority on that side, who commanded the business of the country, omitted to exercise the power and take the responsibility that belonged to the majority.

Mr. BECK. Mr. President, I desire to say only a word, and that is that it is apparent and has been for the last three or four days that we are not to be allowed to organize the Senate or to organize the committees of the Senate until such time as suits the gentlemen who are now in the minority and who may be in the majority very soon. I think the country understands, as the Senate understands, what is meant; and all the skirmishing now going on as to who shall move to adjourn and who shall not move to adjourn, does not deceive anybody. The Senator from Pennsylvania, with his usual courage, avows, I think, that he intends to have everybody here before any vote is taken.

Mr. CAMERON, of Pennsylvania. I do.

Mr. BECK. I know you do, and I admire the courage of the Senator from Pennsylvania, and we recognize the fact that we cannot compel you to act until that time comes. I am one of those who believe that when a republican President was elected and a republican House of Representatives at his back, it is better for the party that I have the honor in part to represent on this floor that he should have the Senate at his back as well, and take the responsibility of whatever legislation is had, take the credit of all that is good and the responsibility of all that is bad. Therefore I am not seeking any temporary advantage to hold on to a few committees or a few other privileges that might be very well as a mere matter of personal convenience; but I am willing to meet the issue fairly, and as we have postponed it so long, knowing that the majority will be on the other side in all probability in a day or two, we may just as well consent to an adjournment and await that time.

The incoming Senator from Maine has been elected; both houses voted for him yesterday, and the election will be confirmed in joint session to-day. The telegraph will tell us perhaps in an hour, or less, that that is the fact. The new Senator from Minnesota will be here to-morrow. Then, whatever there may be in the confession of the fact, if the Senator from Ohio will authorize me to do it, or consent to it, I will move to adjourn. [Mr. PENDLETON nodded assent.] I move that the Senate do now adjourn.

Mr. MORRILL. Will not the Senator from Kentucky move to adjourn until Friday?

Mr. BECK. No, I cannot get the consent of many gentlemen to do that; but perhaps to-morrow we shall be ready for something.

The VICE-PRESIDENT. The Senator from Kentucky moves that the Senate do now adjourn.

The motion was agreed to; and (at one o'clock and two minutes p. m.) the Senate adjourned.

THURSDAY, *March* 17, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. PENDLETON. Mr. President, I have received information which induces me to suppose that it is impossible to get a vote to-day upon the pending measure. I therefore move that the Senate do now adjourn.

Mr. McMILLAN. I ask the Senator to withdraw the motion for a moment or two, that I may present the credentials of my colleague.

Mr. PENDLETON. I will withdraw the motion for that purpose.

CREDENTIALS.

Mr. McMILLAN presented the credentials of Alonzo J. Edgerton, appointed by the governor of the State of Minnesota a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the resignation of William Windom.

The credentials were read; and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, having been administered to Mr. EDGERTON, he took his seat in the Senate.

Mr. PENDLETON. I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and twelve minutes p. m.) the Senate adjourned.

FRIDAY, *March* 18, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. HALE presented the credentials of William P. Frye, elected by the Legislature of Maine a Senator from that State to fill the vacancy caused by the resignation of James G. Blaine, for the term ending March 3, 1883.

The credentials were read; and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, having been administered to Mr. FRYE, he took his seat in the Senate.

CAPITULATIONS OF OTTOMAN EMPIRE.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to transmit to the Senate, if not incompatible with the public interests, a copy of the report made to the Secretary of State by Edward A. Van Dyck, consular clerk at Cairo, on the capitulations of the Ottoman Empire, with the several appendixes thereto.

PAY OF COMMITTEE CLERKS.

Mr. GARLAND submitted the following resolution; which was read:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the clerks of the committees of the Senate who held such positions on the 4th day of March, 1881, and who do not receive annual salaries, the usual *per diem* compensation from the 4th day of March to the 18th day of March, 1881, inclusive.

Mr. GARLAND. I ask the unanimous consent of the Senate for the present consideration of the resolution. I will explain the purpose of it. In the deficiency appropriation act, on page 11, as printed, is the following:

For twenty-two clerks to committees, * * * a sum sufficient to pay them during the special session of the Senate.

Upon an application to the proper officer of the Treasury Department for pay, that officer has construed this clause that there being no committees there were no clerks after the 4th of March; and therefore they do not get the benefit of this appropriation. This resolution is simply by the action of the Senate to recognize them as clerks, in fact to make them clerks, that they may get the benefit of this appropriation from the 5th of March to the 18th of March, inclusive. It is simply making effective that which we attempted to do by the appropriation which I have just read. I think there can be no objection to it, and I ask for the present consideration of the resolution.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of the resolution.

Mr. HOAR. There is some confusion in the Chamber, and I did not hear distinctly what the Senator from Arkansas said on the resolution. I should like to hear it read again before unanimous consent is granted for its consideration.

The VICE-PRESIDENT. The resolution will be again reported.

The Chief Clerk read the resolution the second time at length.

Mr. HOAR. I wish the honorable Senator would restate what he said. We lost his statement on this side of the Chamber.

Mr. GARLAND. In the general deficiency appropriation act, on page 11, as printed, we have the following item:

For twenty-two clerks to committees, * * * a sum sufficient to pay them during the special session of the Senate.

Upon an application for pay under this appropriation, the Comptroller has held that, there being no committees, there were no clerks; and he has declined to recognize the right of these parties to pay. They have done the work; they have been continued in service; and the resolution is simply to recognize them as clerks for this length of time, to make them clerks in fact, that they may get the benefit of the appropriation made in the general deficiency appropriation bill from the 5th of March to the 18th, which is to-day, inclusive. That is all there is of it.

Mr. INGALLS. Were not all clerks who were not on the annual list allowed thirty days' additional compensation from the 4th of March, either by a resolution of the Senate or by joint action of the two Houses?

Mr. GARLAND. I understand that all the officers of the Senate were allowed the same.

Mr. INGALLS. So that they have already been paid thirty days from the 4th of March, and this resolution proposes to pay them for twelve or fourteen days more?

Mr. ALLISON. I think the resolution of the Senator from Arkansas should pass. The appropriation was made for these clerks in the deficiency bill. It has always been the custom to pay them during called executive sessions; and this is only to correct an error in the phraseology of the original law passed to give them pay.

Mr. MORRILL. It strikes me that the resolution of the Senator from Arkansas is entirely right. I do not understand that by any possibility these clerks can get double pay. They have really been in service up to the present time, and therefore ought to receive the usual compensation. I do not understand, either, that there will be any necessity for a resolution after the committees have been formed. If that be so, it strikes me that the resolution of the Senator from Arkansas is entirely right; and I hope it will pass without objection.

The VICE-PRESIDENT. This resolution is in Committee of the Whole and subject to amendment.

The resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. MORRILL. Let it be read at length.

The VICE-PRESIDENT. The resolution will be read the third time at length.

The resolution was read the third time, and passed.

COMMITTEES OF THE SENATE.

Mr. PENDLETON. I call up the unfinished business.

The VICE-PRESIDENT. The Senator from Ohio calls up the unfinished business of the Senate, which is the resolution submitted by the Senator from Ohio [Mr. PENDLETON] on the 10th instant, for the appointment of the standing committees of the Senate, which will be reported.

The Chief Clerk proceeded to read the resolution.

Mr. HARRIS. I suggest that there is no necessity for reading the whole list unless some Senator desires it.

The VICE-PRESIDENT. If there be no objection, the further reading of the resolution will be dispensed with.

Mr. ANTHONY. I move that this resolution be indefinitely postponed.

Mr. PENDLETON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. May I inquire is this the resolution proposing on the other side the organization of the committees?

Mr. DAVIS, of Illinois. Yes.

Mr. CONKLING. And the Senator from Rhode Island moves to postpone it in order that he may move another resolution?

Mr. ANTHONY. Yes, sir.

Mr. GARLAND. I do not desire to take possession of any matter the Senator from Rhode Island has in view, but I am exceedingly anxious that we should get to work and do something here. Let me make the suggestion to him that the shortest way would be to propose whatever committees the other side desire as a substitute.

Mr. HILL, of Georgia, and others. No.

Mr. GARLAND. Of course I have no particular desire about it. I want to get at business in the shortest possible way.

Mr. ANTHONY. I understand that the first resolution of the Senator from Ohio was that the Senate proceed to the election of the standing committees, and that subsequently he offered a resolution appointing the standing committees. Therefore if this resolution is indefinitely postponed, another resolution proposing a different list will be in order under the original resolution.

The VICE-PRESIDENT. The yeas and nays have been ordered on the motion to indefinitely postpone the resolution.

The Secretary proceeded to call the roll.

Mr. DAVIS, of West Virginia, (when Mr. CAMDEN's name was called.) My colleague [Mr. CAMDEN] is paired with the Senator from Vermont, [Mr. EDMUNDS.] Were he here, my colleague would vote "nay."

Mr. MORRILL, (when Mr. EDMUNDS's name was called.) My colleague [Mr. EDMUNDS] is paired for to-day with the Senator from West Virginia, [Mr. CAMDEN.] The pair of my colleague with the Senator from North Carolina [Mr. VANCE] has been exchanged to-day for this purpose.

The roll-call was concluded.

Mr. MAHONE, (after having voted in the negative.) I voted under a misapprehension. I thought I was voting on the resolution of the Senator from Arkansas in reference to the pay of the clerks of committees; but I understand it is on postponing indefinitely the resolution in reference to the formation of the committees of the Senate. I therefore beg leave to change my vote, and vote "yea."

The result of the roll-call was as follows:

YEAS—37.

Allison,	Ferry,	Logan,	Rollins,
Anthony,	Frye,	McDill,	Saunders,
Blair,	Hale,	McMillan,	Sawyer,
Burnside,	Harrison,	Mahone,	Sewell,
Cameron of Pa.,	Hawley,	Miller,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Mitchell,	Teller,
Conger,	Hoar,	Morrill,	Van Wyck.
Conkling,	Ingalls,	Platt of Conn.,	
Dawes,	Jones of Nevada,	Platt of N. Y.,	
Edgerton,	Kellogg,	Plumb,	

NAYS—37.

Bayard,	Farley,	Johnston,	Saulsbury,
Beck,	Garland,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vance,
Butler,	Gorman,	Lamar,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Cockrell,	Grover,	Maxey,	Walker,
Coke,	Hampton,	Morgan,	Williams.
Davis of Illinois,	Harris,	Pendleton,	
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Fair,	Jackson,	Ransom,	

ABSENT—2.

Camden, Edmunds.

The VICE-PRESIDENT. Upon the motion of the Senator from Rhode Island, to postpone indefinitely the resolution of the Senator from Ohio, the yeas are 37, and the nays are 37. The Senate being equally divided, the Chair votes "yea."

Mr. SAULSBURY. Mr. President, I do not rise to interpose any objection to the vote of the Vice-President, but I rise to express my opinion——

Mr. HOAR. I submit that nothing is in order until the vote is declared.

The VICE-PRESIDENT. The Clerk will declare the vote.

Mr. LOGAN. I desire to hear what the Senator from Delaware has to say.

The SECRETARY. The yeas are 38, and the nays are 37.

The VICE-PRESIDENT. The yeas being 38 and the nays 37, the motion of the Senator from Rhode Island is agreed to; and the resolution of the Senator from Ohio is indefinitely postponed.

Mr. SAULSBURY. I rose before the final announcement of the vote to say that while I do not propose to interpose an objection to the vote of the Vice-President in determining a question of this character, I desire to express my own opinion that, in the organization of the Senate and the organization of its committees, the Vice-President of the United States is not clothed by the Constitution of the country with the power to decide a question of that character. That is my deliberate judgment. Without entering into any argument, I simply wish to make here and now a declaration of my own opinion that it is an assumption of power on the part of the Vice-President unwarranted by the Constitution of the country.

Mr. LOGAN. I did not suppose that any Senator would question the right of the Vice-President to give the casting vote on any legislative act, or any other act, where the Senate is a tie; and in order that the country may understand thoroughly that the Vice-President has followed the precedents, and not only the precedents, but the Constitution of the United States, I desire to read from a very ancient record in reference to casting the vote——

Mr. FARLEY. If the Senator will allow me a moment, I simply suggest to him that there is no question before the Senate.

Mr. LOGAN. I know that; but I desire, in response to the Senator from Delaware, to show the correctness of the vote of the Vice-President. On the 15th of December, 1829, we find the following record——

Mr. HARRIS. I beg to ask what question is before the Senate at this time?

Mr. LOGAN. I beg to say to the Senator that I am proceeding to read a paragraph from a Senate Journal.

The VICE-PRESIDENT. The Chair understands that there is no question before the Senate at this time.

Mr. LOGAN. There is none, of course.

The VICE-PRESIDENT. The Chair understands that this debate goes on by unanimous consent.

Mr. HARRIS. I beg to suggest to the honorable Senator from Illinois that, evenly divided as the Senate finds itself, he will have ample opportunity, when it is practical and in order, to read whatever he desires to read in the form of precedents and constitutional provision. It is a question with which we shall all become very familiar necessarily in the present condition of the Senate. Hence I would greatly prefer proceeding to the legitimate business of the day.

Mr. LOGAN. I should have been through long ago if the eloquent Senator from Tennessee had only contented himself in patience. I will read this extract if there be no objection.

The VICE-PRESIDENT. If there be no objection, the Senator from Illinois will proceed.

Mr. LOGAN. On the election of Chaplain——

Mr. BAYARD. What is the authority?

Mr. LOGAN. I read from the Journal of the Senate of December 15, 1829:

> The Senate proceeded to the election of a Chaplain on their part; and the whole number of ballots collected was 42, of which the Reverend Henry Van Dyke Johns had 21, and the Reverend John P. Durbin had 21; the vote of the Vice-President was then taken, which decided the election in favor of the Reverend Henry Van Dyke Johns.

Mr. CONKLING. Who was the Vice-President?

Mr. LOGAN. The Vice-President was John C. Calhoun.

Mr. ANTHONY. I move that Rule 47 be amended so as to read: "A Committee on Finance, to consist of eleven Senators."

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island, [Mr. ANTHONY.]

The motion was agreed to.

Mr. ANTHONY. Under the resolution of the Senator from Ohio, that we proceed to the election of standing committees, I move that the following be the standing committees of the Senate; I send the list to the desk.

The Chief Clerk read the list, as follows:

STANDING COMMITTEES.

On Privileges and Elections—Messrs. Hoar, (chairman,) Cameron of Wisconsin, Teller, Sherman, Frye, Saulsbury, Hill of Georgia, Vance, and Pugh.

On Foreign Relations—Messrs. Burnside, (chairman,) Conkling, Edmunds, Miller, Ferry, Johnston, Morgan, Hill of Georgia, and Pendleton.

On Finance—Messrs. Morrill, (chairman,) Sherman, Ferry, Jones of Nevada, Allison, Platt of New York, Bayard, Voorhees, Beck, McPherson, and Harris.

On Appropriations—Messrs. Allison, (chairman,) Logan, Dawes, Plumb, Hale, Davis of West Virginia, Beck, Ransom, and Cockrell.

On Commerce—Messrs. Conkling, (chairman,) McMillan, Jones of Nevada, Kellogg, Conger, Ransom, Coke, Farley, and Vest.

On Manufactures—Messrs. Conger, (chairman,) Hale, Sewell, McPherson, and Williams.

On Agriculture—Messrs. Mahone, (chairman,) Blair, Plumb, Van Wyck, Davis of West Virginia, Slater, and George.

On Military Affairs—Messrs. Logan, (chairman,) Burnside, Cameron of Pennsylvania, Harrison, Sewell, Cockrell, Maxey, Grover, and Hampton.

On Naval Affairs—Messrs. Cameron of Pennsylvania, (chairman,) Anthony, Rollins, Miller, Mahone, McPherson, Jones of Florida, Vance, and Farley.

On the Judiciary—Messrs. Edmunds, (chairman,) Conkling, Logan, Ingalls, McMillan, Garland, Davis of Illinois, Bayard, and Lamar.

On Post-Offices and Post-Roads—Messrs. Ferry, (chairman,) Hill of Colorado, Platt of New York, Sawyer, Mahone, Maxey, Saulsbury, Farley, and Groome.

On Public Lands—Messrs. Plumb, (chairman,) Hill of Colorado, Blair, Van Wyck, McDill, Jones of Florida, Grover, Walker, and Morgan.

On Private Land Claims—Messrs. Bayard, (chairman), Jonas, Call, Edmunds, and Allison.

On Indian Affairs—Messrs. Dawes, (chairman,) Ingalls, Saunders, Logan, Cameron of Wisconsin, Coke, Pendleton, Walker, and Slater.

On Pensions—Messrs. Teller, (chairman,) Platt of Connecticut, Blair, Mitchell, Edgerton, Groome, Slater, Jackson, and Camden.

On Revolutionary Claims—Messrs. Johnston, (chairman,) Jones of Florida, Hill of Georgia, Anthony, and Dawes.

On Claims—Messrs. Cameron of Wisconsin, (chairman,) Frye, Teller, Hoar, Conger, Pugh, Jackson, George, and Fair.

On the District of Columbia—Messrs. Ingalls, (chairman,) Rollins, McMillan, Hawley, McDill, Harris, Butler, Vance, and Gorman.

On Patents—Messrs. Platt of Connecticut, (chairman,) Hoar, Mitchell, Edgerton, Coke, Call, and Williams.

On Territories—Messrs. Saunders, (chairman,) Kellogg, McDill, Sawyer, Butler, Garland, and Vest.

On Railroads—Messrs. Kellogg, (chairman,) Teller, Saunders, Hawley, Sawyer, Sewell, Lamar, Grover, Williams, Jonas, and Brown.

On Mines and Mining—Messrs. Hill of Colorado, (chairman,) Jones of Nevada, Van Wyck, Miller, Hampton, Fair, and Camden.

On the Revision of the Laws of the United States—Messrs. McMillan, (chairman,) Platt of Connecticut, Hale, Davis of Illinois, and Pendleton.

On Education and Labor—Messrs. Blair, (chairman,) Morrill, Burnside, Edgerton, Mahone, Maxey, Brown, George, and Fair.

On Civil Service and Retrenchment—Messrs. Hawley, (chairman,) Rollins, Jones of Nevada, Hill of Colorado, Butler, Walker, and Williams.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Jones of Nevada, (chairman,) Platt of Connecticut, and Vance.

On Engrossed Bills—Messrs. Saulsbury, (chairman,) Call, and Conkling.

On Rules—Messrs. Frye, (chairman,) Hoar, Sherman, Call, and Gorman.

On the Improvements of the Mississippi River and Tributaries—Messrs Mitchell, (chairman,) Kellogg, Van Wyck, Frye, Jonas, Cockrell, and Jackson.

On Transportation Routes to the Seaboard—Messrs. Harrison, (chairman,) Cameron of Pennsylvania, Blair, Platt of New York, Beck, Voorhees, and Camden.

Joint Committee on Public Printing—Messrs. Anthony, (chairman,) Hawley, and Gorman.

Joint Committee on Enrolled Bills—Messrs. Platt of New York, (chairman,) Rollins, and Pugh.

Joint Committee on the Library—Messrs. Sherman, (chairman,) Hoar, and Voorhees.

Joint Committee on Public Buildings and Grounds—Messrs. Rollins, (chairman,) Morrill, Cameron of Wisconsin, Jones of Florida, and Vest.

Mr. BUTLER. May I inquire if that list is accompanied by a resolution?

Mr. ANTHONY. It is:

Resolved, That the following be the standing committees of the Senate.

Mr. BUTLER. I did not understand the Clerk to read any such resolution.

Mr. ANTHONY. I stated the resolution; it is not in writing. The Clerk will reduce it to writing.

The VICE-PRESIDENT. The question is on agreeing to the resolution of the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. PENDLETON. On the adoption of the resolution I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted as follows:

YEAS—37.

Allison,	Ferry,	Logan,	Rollins,
Anthony,	Frye,	McDill,	Saunders,
Blair,	Hale,	McMillan,	Sawyer,
Burnside,	Harrison,	Mahone,	Sewell,
Cameron of Pa.,	Hawley,	Miller,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Mitchell,	Teller,
Conger,	Hoar,	Morrill,	Van Wyck.
Conkling,	Ingalls,	Platt of Conn.,	
Dawes,	Jones of Nevada,	Platt of N. Y.,	
Edgerton,	Kellogg,	Plumb,	

NAYS—37.

Bayard,	Farley,	Johnston,	Saulsbury,
Beck,	Garland,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vance,
Butler,	Gorman,	Lamar,	Vest,
Call,	Groome,	McPherson,	Voorhees,
Cockrell,	Grover,	Maxey,	Walker,
Coke,	Hampton,	Morgan,	Williams.
Davis of Illinois,	Harris,	Pendleton,	
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Fair,	Jackson,	Ransom,	

ABSENT—2.

Camden, Edmunds.

The VICE-PRESIDENT. Upon the resolution of the Senator from Rhode Island the yeas are 37 and the nays are 37. The Senate being equally divided, the Chair votes in the affirmative; and so the yeas are 38 and the nays are 37, and the resolution is passed.

Mr. ANTHONY. I offer the following resolution:

Resolved, That the following select committees be appointed for the present session, and that each committee thus created be vested with all the powers and authorities heretofore given to each of the select committees on the respective subjects to which they relate:

SELECT COMMITTEES.

To examine the several branches of the Civil Service—Messrs. Sawyer, (chairman,) Rollins, Dawes, Hampton, and Groome.

To make provision for taking the Tenth Census and ascertaining the results thereof—Messrs. Hale, (chairman,) Morrill, Cameron of Wisconsin, McDill, Pendleton, Morgan, and Harris.

To investigate and report the best means of preventing the introduction and spread of Epidemic Diseases—Messrs. Harris, (chairman,) Lamar, Garland, Jonas, Teller, Miller, and Sewell.

To inquire into all Claims of citizens of the United States against the Government of Nicaragua—Messrs. Davis of West Virginia, (chairman,) Groome, Johnston, Hawley, and Mitchell.

JOINT SELECT COMMITTEE.

On additional accommodations for the Library of Congress—Messrs. Voorhees, (chairman,) Butler, and Morrill.

The VICE-PRESIDENT. The question is upon the resolution of the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. PENDLETON. I ask for the yeas and nays.

Mr. HOAR. I desire to suggest to the Senator that there is no politics in this resolution. There are, I think, more democrats than republicans assigned as chairmen of these committees.

Mr. PENDLETON. I understand.

Mr. HOAR. Does the Senator care about the yeas and nays?

Mr. PENDLETON. Yes, sir.

Mr. WILLIAMS. I ask the Senator presenting the resolution to explain to the Senate the necessity for the Nicaraguan Claims Committee. I think it is very likely that upon investigation by the Senate it would be found that there are a dozen committees that might be very well dispensed with. I should like for the Senator to explain the necessity for that committee.

Mr. ANTHONY. The committee was ordered by the Senate upon what was deemed sufficient evidence, and it has not finally reported. This is a mere continuation of the committee ordered at the last Congress.

The VICE-PRESIDENT. The question is on the resolution of the Senator from Rhode Island, on which the yeas and nays have been demanded.

Mr. VOORHEES. The call for the yeas and nays, I understand, has been withdrawn.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. CONKLING. We do not hear the Senator from Indiana.

Mr. VOORHEES. I stated that I understood the Senator from Ohio to withdraw the call for the yeas and nays.

Mr. PENDLETON. No, sir, I did not.

Mr. VOORHEES. I misunderstood it, then.

Mr. SAULSBURY. Mr. President, I do not rise to oppose the resolution, but I rise to call attention to the difference of action between this side of the Chamber and the other side of the Chamber in reference to the organization of the Senate. We were convened in executive session on the 4th of March by a republican President, and communications were sent to the Senate requiring our action upon important matters. This side of the Chamber, then having a majority of the body, proposed to put the Senate in such a position that it could proceed with the public business of the country. For fourteen days, from the 4th of March until the present time, we have been delayed and hindered, and now, as soon as it has become manifest that the other side of this Chamber has secured a majority of the votes of the members of the Senate, whatsoever means they may have resorted to in order to secure that result, the democratic side of this Chamber, acting in good faith to the country, declines to enter into any obstructive measures to prevent the organization, though they might have done so in imitation of the example set by the other side.

I call the attention of the Senate and of the country to the proud position which the democratic party occupies in this regard before the whole country, in striking contrast with the action of the other side, which for nearly one-half of a month has obstructed the public business in order that they might put themselves in a position to seize upon the organization of the Senate.

I simply rose to emphasize the position of the two parties now, so that the country might take note of it, nothing more, not to oppose the adoption of the resolution. I shall record my vote against it for reasons which it is unnecessary now to explain; but our party presents the proud position of not following the example set to us by the other side and making obstruction to the public business of the country.

Mr. GARLAND. Under the call for the yeas and nays on the resolution I shall have to ask for a division of the question. I find recorded in this list a committee with the Senator from Tennessee [Mr. HARRIS] as chairman, that we had raised under a resolution several years ago, and one recorded with the Senator from West Virginia [Mr. DAVIS] as chairman, and one with the Senator from Indiana [Mr. VOORHEES] at its head. I cannot vote against these committees. They have been accorded to this side. If we come to a yea-and-nay vote and take it as a whole, I shall be compelled to vote for this resolution. Therefore I must ask for a division of the question as the yeas and nays are called, and take a separate vote on each committee, which, under the thirty-first rule, I have a right to do.

Mr. PENDLETON. In order to relieve my friend from Arkansas from the dilemma in which he would feel placed, I withdraw the call for the yeas and nays.

The VICE-PRESIDENT. The call for the yeas any nays is withdrawn.

Mr. JONAS. I desire to record my vote on this question, and I renew the call for the yeas and nays.

Mr. CONKLING. Will the Senator from Arkansas indulge me in understanding him, as I always wish to follow that honorable Senator whenever I can? Shall I understand that he wishes to vote for as many of these committees as are democratic in their organization and for none of the others? I did not hear all that the Senator said, and if the honorable Senator will gratify me I should feel instructed if I could know his position on that point.

Mr. GARLAND. I will state my position. Conceding that the republican side of the Senate have the control of the committees, they awarded this side the chairmanship of three committees, for which as one I was disposed to be thankful, as I am always for even a small favor; and I did not intend to put myself in opposition to that favor which was awarded to this side. Really and in truth my opinion is that this resolution had better be adopted as it is, since the list of standing committees has been adopted by a vote of the Senate; but I could not be so ungrateful to the other side as to put myself in the attitude of voting against the three committees that they have accorded to this side. That is the response which I make to the Senator from New York.

Mr. JONAS. As I feel grateful for nothing, as I feel that nothing has been awarded by the other side, as I feel that the appointment of these committees is made by a partisan majority obtained by questionable means, as these committees have been framed in a republican caucus after the majority of the Senate were prevented for two weeks from making committees, as these committees are now enforced upon us by the vote of the presiding officer in a divided Senate, and enforced upon us by the vote of a Senator from a democratic State, who was, as many of us believe, elected as a democrat—as I said before, I think that we have nothing to be grateful for; and as I am disposed to accept nothing as accorded, I desire to place my vote upon record as opposed to the construction of these committees as well as of those which have been adopted by the previous resolution, and I ask for a vote by yeas and nays.

Mr. ANTHONY. The objection which the Senator from Arkansas makes to the select committees applies equally to the standing committees upon which he voted. There are democratic chairmen of three standing committees.

Mr. HILL, of Georgia. I simply desire to say for one that regarding the other side as having the right, under the circumstances, to propose these committees, I cannot object to them upon the ground that there is any illiberality in them. I think that the committees as they have been proposed by both sides are liberal and just enough. I am not voting "nay" on the adoption of the resolution because I am for or against the particular distribution of individuals in the committees. That is not the point with me at all. The point with me is, to use the language of a distinguished gentleman, that I believe the proper constitutional majority in this body is on this side of the House, and it ought to have the right to propose the committees.

Mr. CONKLING. It is on that side of the House, the Senator thinks; but in fact the votes are on this side. [Laughter.]

Mr. HILL, of Georgia. Yes; the constitutional majority is on this side and the actual majority is on that, including the Vice-President. I desire simply to say, too, that I do not concur with my friend from Illinois [Mr. LOGAN] in the view that the Vice-President in this case has a right to vote. I think he has not; but I do not make the point on this question. I think that the committees proposed by this side, when we thought we had the right to propose them, it will be agreed by every one on that side were fair and liberal; and I think the committees as proposed by that side, who now think they have a right to propose the committees, are fair and liberal, and I do not vote yea or nay on the question because of any liberality or illiberality in the composition of the committees; it is simply upon the other question, and therefore I shall vote "nay" if the yeas and nays are ordered.

The VICE-PRESIDENT. The Senator from Arkansas asks for a division of the question. How will the Senator have it divided?

Mr. GARLAND. On each committee separately.

The VICE-PRESIDENT. The vote will be taken on each committee separately.

Mr. HOAR. Will the Senator call attention to the rule under which he claims that this resolution can be divided?

Mr. GARLAND. In response to the Senator from Massachusetts, I will state that the rule is Rule 31:

If the question in debate contain several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

The VICE-PRESIDENT. The Clerk will report the first select committee.

The CHIEF CLERK:

To examine the several branches of the Civil Service—Messrs. Sawyer, (chairman,) Rollins, Dawes, Hampton, and Groome.

The VICE-PRESIDENT. The Senator from Louisiana [Mr. JONAS] asks for the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. GARLAND. There seems to be a desire that a division shall not be insisted on, and I withdraw my request.

The VICE-PRESIDENT. The Senator from Arkansas withdraws his request for a division.

Mr. CONKLING. Then the question is on the resolution.

The VICE-PRESIDENT. The question is on the resolution of the Senator from Rhode Island [Mr. ANTHONY] for the formation of select committees. As many as are in favor of agreeing to the same will say "ay."

Mr. JONAS. I called for the yeas and nays, and the Chair announced that they were ordered.

The VICE-PRESIDENT. They were ordered upon the division asked for by the Senator from Arkansas.

Mr. JONAS. I call for the yeas and nays on the resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 35; as follows:

YEAS—37.

Allison,	Ferry,	Logan,	Rollins,
Anthony,	Frye,	McDill,	Saunders,
Blair,	Hale,	McMillan,	Sawyer,
Burnside,	Harrison,	Mahone,	Sewell,
Cameron of Pa.,	Hawley,	Miller,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Mitchell,	Teller,
Conger,	Hoar,	Morrill,	Van Wyck.
Conkling,	Ingalls,	Platt of Conn.,	
Dawes,	Jones of Nevada,	Platt of N. Y.,	
Edgerton,	Kellogg,	Plumb,	

NAYS—35.

Bayard,	Fair,	Jackson,	Ransom,
Beck,	Farley,	Johnston,	Saulsbury,
Brown,	George,	Jonas,	Slater,
Butler,	Gorman,	Jones of Florida,	Vance,
Call,	Groome,	Lamar,	Vest,
Cockrell,	Grover,	McPherson,	Voorhees,
Coke,	Hampton,	Maxey,	Walker,
Davis of Illinois,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	

ABSENT—4.

Camden,	Edmunds,	Garland,	Morgan.

So the resolution was agreed to.

EXECUTIVE SESSION.

A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened.

ADJOURNED TO MONDAY.

On motion of Mr. INGALLS, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at one o'clock and fifty-two minutes p. m.) the Senate adjourned.

MONDAY, *March* 21, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The VICE-PRESIDENT appointed Mr. BAYARD director on the part of the Senate of the Columbian Institution for the Deaf and Dumb under the provisions of section 2 of the act of July 27, 1868, making appropriations for the service of the Columbian Institution for the Instruction of the Deaf and Dumb, and establishing additional regulations for the government of the institution, and for other purposes.

DEATH OF SENATOR CARPENTER.

The VICE-PRESIDENT laid before the Senate the following resolution of the Legislature of Wisconsin, which was read:

Joint resolution in respect to the memory of Senator Matthew H. Carpenter.

Whereas on yesterday the sad intelligence was received of the death of Matthew Hale Carpenter, Senator of the United States from the State of Wisconsin, out of respect for whose memory both houses of the Legislature immediately adjourned: Therefore in the name of the people of Wisconsin, it is

Resolved by the senate, (the assembly concurring,) First. That, while bowing in humble submission to the will of Him who presides over nations as well as individuals, the State recognizes the loss of a distinguished and faithful Senator, and that the nation has been deprived of the services of a brilliant statesman, an able constitutional lawyer, and a true patriot.

Second. That, deeply impressed with the great services and high honor which his intellectual powers have conferred upon the nation and the State, with the memory of the warm friendships which existed between him and his intimate personal acquaintances, and the shadow of gloom which his absence must necessarily bring to the home of his widow and children, we extend to them our heartfelt sympathy and condolence and join them as mourners over the loss of the eminent departed.

Third. That a certified copy of these resolutions be sent to the presiding officer of the Senate of the United States, and also to the family of the deceased.

J. M. BINGHAM,
President of the Senate.
IRA B. BRADFORD,
Speaker of the Assembly.

STATE OF WISCONSIN, *Senate Chamber, ss:*

To all to whom these presents shall come:

I, Charles E. Bross, chief clerk of the senate of the State of Wisconsin, do hereby certify that the annexed copy of joint resolution No. 29 S., A. D. 1881, has been compared by me with the original joint resolution on file in my office, and that the same is a true copy thereof and of the whole of such original joint resolution.

In testimony whereof I have hereunto set my hand and affixed my official seal at the capitol, in the city of Madison, this 12th day of March, in the year of our Lord 1881.

[SEAL.] CHARLES E. BROSS,
Chief Clerk of the Senate.

The VICE-PRESIDENT. The resolution will lie on the table.

Mr. GARLAND. I move also, as is customary, that the resolution be entered at length upon the Journal of the Senate.

The motion was agreed to *nem. con.*

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That Augustus Boyd have leave to withdraw his petition and papers from the files of the Senate.

COMMITTEE ON LIBRARY ACCOMMODATIONS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to, receiving three readings:

Resolved, That the Joint Committee on additional accommodations for the Library of Congress is hereby authorized to employ a clerk, who shall be paid from the miscellaneous items of the contingent fund, and to sit during the recess of Congress.

EXECUTIVE SESSION.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at twelve o'clock and thirty-five minutes p. m.) the Senate adjourned.

TUESDAY, *March* 22, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

The VICE-PRESIDENT laid before the Senate a letter of the Attorney-General transmitting, in compliance with Senate resolution of the 11th instant, a copy of the report of C. C. Lancaster, special agent of the Treasury Department, together with copies of all papers received by the Department of Justice in relation to the conduct and operations of the United States Marshal and his deputies, the district attorney, and the commissioners in the Western district of Virginia; which, on motion of Mr. JOHNSTON, was ordered to lie on the table, and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. FRYE, it was

Ordered, That George W. Graffam have leave to withdraw his papers from the files of the Senate, in conformity with the rules.

On motion of Mr. LOGAN, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Colonel Schuyler Hamilton.

THE NATIONAL BANKS.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I hope the Senator from Rhode Island will defer that motion for a moment.

Mr. BURNSIDE. I withdraw it for a moment.

Mr. VOORHEES. I offer a resolution, and ask that it be read for the information of the Senate.

The Chief Clerk read as follows:

Resolved, That the hostile attitude assumed by the national banks toward the refunding of the national debt at a low rate of interest, and their recent attempt to dictate the legislation of Congress on that subject, are contrary to the best interests of the people and well calculated to excite their alarm for the future.

Mr. CONGER. Let the resolution be reported again.

The Chief Clerk again read the resolution.

Mr. MORRILL. I merely rise to ask the Senator from Indiana if he does not think that that is legislative business, and whether it is proper that we should go into legislative business at this executive session?

Mr. VOORHEES. After consulting with those best informed on that subject, I supposed there would be no question about the right to offer the resolution; and by the consent of the Senate this morning or to-morrow morning I desire to submit a few remarks upon the subject of the resolution, not asking for action upon it at this time.

Mr. MORRILL. I object to the reception of the resolution as out of order.

Mr. VOORHEES. That gives rise to a question that we may as well meet. Is the question of order debatable?

The VICE-PRESIDENT. It is not debatable.

Mr. HARRIS. If the Chair rules and an appeal is taken I suppose it will be debatable; but in the present attitude of it the question can hardly be debatable.

Mr. VOORHEES. I can only say that I confess I supposed there would be no question of order upon the subject at all.

Mr. FERRY. As I understand it this is a matter of legislative business. We are convened in executive session, which of course excludes all legislative business. I understand that the resolution, as I have just heard its second reading, is a proposition to enter upon legislation. The Senator from Indiana desires to submit his views upon a question of legislation, which I think is clearly out of order; and I trust the Chair will rule it out of order.

Mr. VOORHEES. It may be desirable to have this subject ruled out of order at this time; but I had no idea, I wish to say to those versed in parliamentary law, that I was running in conflict with any question of order. I may be permitted to say that I have consulted upon this question with those who have served longest in this body, and I have been informed that the precedents are that even legislative acts may be passed upon in a session of this kind, left to depend for their passage finally upon the action of the other House when convened in a session further along in the same Congress. I understand the precedents to stand in that way.

I am always very frank with the Senate. I simply desire to submit a few remarks which I think would be in the interest of the people upon this question. If it is deemed desirable upon the other side of the Chamber to rule that out on a point of order, it may be done; I do not know. As the question is not debatable, I beg pardon of the Senate for trespassing.

The VICE-PRESIDENT. The Chair will submit the question of order to the Senate. Shall the resolution be received?

Mr. CONKLING. I beg to make a suggestion, particularly to the Senator from Indiana, if I can have his attention.

Mr. VOORHEES. Yes, sir.

Mr. CONKLING. If the Senator has wish enough about this matter to pursue it, I suggest to him that he withhold the offer of his resolution until to-morrow morning, which will enable the Senator himself and enable me and those who are no better instructed about the question than I am to look at the precedents and the law on this subject. The Senator will lose nothing in that regard. If he will allow me, I will state to him my reason chiefly for that course.

Such a resolution as this, and remarks which the Senator would make upon it, must be addressed to the legislative duty and function of the Senate. The Senator from Indiana does not admit, nor do I, that in rising to speak here we are talking to somebody else. In theory, remarks made in the Senate are addressed to the Senate and for some purpose pertinent to the Senate.

If I were to say (I will not suppose the case of the Senator from Indiana) "I wish to address the Senate upon a subject which could not in any way be considered by the Senate," it would be an open admission that I was using my place in the Senate as I would use a place at the hustings, to speak to the people. That I could not mean, and that the Senator from Indiana does not mean.

I submit to the Senator that this must be addressed to the legislative power of the Senate. If it be in order for the Senator from Indiana to introduce a resolution of this kind, however meritorious it may be, and speak to it, manifestly it is the right of every other member of the Senate to introduce any resolution pertinent to the legislation or the business of the Senate in an ordinary session, and proceed to speak to it.

Therefore this question ought to be determined not in reference to this particular resolution, upon which we should all like to hear the honorable Senator from Indiana, but it must be treated in view of the fact that the law and the rule as it shall be held in regard to this matter becomes the law and the rule in regard to every other matter.

If anything that I have said shall induce the assent of the Senator from Indiana, I wish he would withhold his resolution until to-morrow morning and give us all an opportunity to look and see where this leads to.

Mr. MORRILL. I desire to say a single word to the Senator from Indiana. Another Senator asked my opinion in relation to a resolution which I most cordially approved about the tariff, and I advised him that he would not have the power to introduce it upon this occasion; that it would raise a debate which could lead to no result, because if leading to any result it would be legislative business, and I thought it would be clearly out of order.

Mr. VOORHEES. Of course I shall act upon the suggestion of the Senator from New York, for it is a proper one. I can only say that convinced in my own mind upon information that this was not only in order, but that no question would be raised, I desire to look up the precedents myself.

I am informed that when the extra session of the Senate was convened of like character with this in March, 1861, there were many weeks of discussion upon Senator Douglas's resolution as to what the future policy of the Government should be. I apprehend it will be found that the precedents are all in favor of the position which I assume; but we will look into the matter and see what is proper to be done. In the mean time the resolution can lie where it is, and if the precedents are found against me, I will withdraw it; if not, I shall ask to be heard upon it.

Mr. CONKLING. I ask the Senator from Indiana, if he has no choice, to just withhold the resolution as his own resolution. He speaks of allowing it to lie. An objection to its reception must be made upon the threshold. If it lies on the table the question comes too late. If the honorable Senator will simply offer his resolution in the morning, he will have every right he has now.

Mr. VOORHEES. I withdraw it.

The VICE-PRESIDENT. The Senator from Indiana withdraws the resolution.

EXECUTIVE SESSION.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were re-opened, and (at one o'clock p. m.) the Senate adjourned.

WEDNESDAY, *March* 23, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved

WITHDRAWAL OF PAPERS.

On motion of Mr. DAVIS, of Illinois, it was

Ordered, That Joseph Hertford have leave to withdraw his papers from the files of the Senate.

THE NATIONAL BANKS.

Mr. VOORHEES. I offer the following resolution:

Resolved, That the hostile attitude assumed by the national banks towards the refunding of the national debt at a low rate of interest, and their recent attempt to dictate the legislation of Congress on that subject, are contrary to the best interests of the people and well calculated to excite their alarm for the future.

Mr. MORRILL. I rise to object to the reception of the resolution as being out of order, this being an executive session and the resolution clearly pointing to legislative business.

Mr. COCKRELL. I hope the question of order will be submitted by the Chair to the Senate for decision.

Mr. VOORHEES. There are some things of sufficient value and importance to the Senate to justify consideration by themselves; and perhaps this question of order may be one of them. If the Chair will place the question before the Senate so that it can be properly discussed, I promise to submit the action of this body for such length of time on similar questions as I think will settle this point not only for the present but perhaps for the future. It is not debatable as it stands now. If placed in a debatable form, and if the Senate will hear me upon the question, I think I can convince every Senator present that the point of order is not well taken, the Senator from Vermont [Mr. MORRILL] and the Senator from Michigan [Mr. FERRY] both included; or do I understand that the Chair has ruled upon it?

Mr. SHERMAN. I think that in justice to the Chair it would be right for the Senate to give the Senator from Indiana the opportunity to show the precedents which within my own knowledge and time out of mind have been made in executive sessions. After the precedents are given for the benefit of the Chair, then the question of order may properly be raised. It seems to me it would be unjust to the Chair to raise the question of order and ask him to rule on it before the precedents are given. My understanding is that resolutions expressive of opinion or calling for information have been debated at every special executive session that has been called by any President of the United States since the foundation of the Government; and it seems to me the precedents should be laid before the Chair before he is called upon to decide the question of order. I hope, therefore, that by unanimous consent the Senator from Indiana will be allowed to give the precedents which bear upon the case.

Mr. FERRY. I have no desire to antagonize the Senator from Indiana. He knows our personal relations are such that I would not do that in any event; but I think it my duty to state now, as I did yesterday, that if the Senator from Indiana is permitted to discuss a question of legislative interest, it opens the door to all legislative questions whatever. We are called together here in executive session. We are not here for legislative business. If the Senator can speak upon a legislative question, then every Senator here present can also speak upon any such question.

Mr. VOORHEES. I simply desire to speak upon the question of order.

Mr. FERRY. It seems to me that the ruling of the Chair is correct, that in a session for executive business there cannot be any legislative business whatever transacted.

Mr. COCKRELL. Do I understand that the Chair has so ruled?

The VICE-PRESIDENT. The Chair has not made any ruling on the question.

Mr. MORRILL. My only purpose in making the point of order was, if possible, to shorten this session. I am anxious to adjourn at an early day. I know that the Senator from Indiana is capable of

making a long argument; but he will not suppose that an argument upon one side will be left without comment upon the other; and if discussion should arise upon this question, it may very likely arise on others..

While I should be glad to hear my friend from Indiana, who I suppose is about to make some apology for the position of himself and his party, I rather think that the resolution had better not be discussed at the present time, as it will certainly give rise to a protracted debate.

Mr. VOORHEES. I presume that I shall have an opportunity in some shape to discuss the question of order so as to determine whether I have a right to make the remarks which I suggested upon the resolution. All I wish now is to address myself to the question of order and have the Senate settle the point whether such a resolution as I have offered is in order or out of order.

Mr. MORRILL. I hope unanimous consent will be given for that purpose. I shall not object.

The VICE-PRESIDENT. The Senator from Indiana may proceed by unanimous consent.

Mr. FERRY. If the Senator from Indiana asks unanimous consent to submit remarks which he desires——

Mr. MORRILL. On the point of order.

Mr. VOORHEES. I propose only to speak on the point of order, as suggested by the distinguished Senator from Ohio, [Mr. SHERMAN,] and then at the close of my remarks I will take the sense of the Senate whether such a resolution as I have offered is in order or out of order.

Mr. FERRY. What is the question the Senator proposes now to discuss?

Mr. VOORHEES. I propose to discuss the point of order made by the Senator from Vermont, to the effect that the resolution which I have offered should not be received.

The VICE-PRESIDENT. The Chair will take the sense of the Senate upon the question of order. The Chair understands that upon that question debate is permissible.

Mr. SHERMAN. Before the question is taken, I hope debate will be had. I should like to hear the precedents. I think by unanimous consent debate should be allowed to proceed on the question of order.

Mr. VOORHEES. The question being submitted to the Senate by the Chair, I presume I am entitled to proceed. However, I am very much obliged to the Senator from Ohio for his kind consideration, notwithstanding.

Mr. President, the question of order now presented to the Senate, as far as I can discover, was first distinctly made on the 5th of March, 1851, in the Thirty-second Congress. The President of the Senate at that time was William R. King, and on that day, immediately after prayer, he directed the galleries to be cleared. Mr. Badger, of North Carolina, rose and offered to present the following resolution:

Resolved, That each member of the Senate be supplied with twelve additional copies of the Congressional Globe and Appendix for the first and second session of the Thirtieth Congress, and that the Secretary cause the same to be bound.

Upon the presentation of this resolution, it not being pretended that it pertained to executive business, the Presiding Officer announced that he could not receive any resolution or permit any business to be done until the galleries were cleared. He proceeded to say that in the course of a long experience the Chair had known no instance of business being done at such a session until the galleries had been cleared. From that decision Mr. Badger appealed, and after some struggle over his right to do so he proceeded to address the Senate upon the point. The precedents which he then cited are of great value in enabling us now to arrive at a correct conclusion. The first pointed out by him was to the effect that on the 9th of March, 1825, in a special session of the Senate, the House not having been convened, among other business done the Journal states that—

On motion, the twenty-fifth rule, requiring one day's notice to be given of an intended motion to bring in a resolution to grant money out of the contingent fund, being unanimously dispensed with, Mr. Seymour submitted the following resolution:

"*Resolved*, That the Secretary of the Senate be authorized to allow and pay, out of the contingent fund, to Tobias Simpson, $120 for the use of a horse furnished by him in the performance of his duties as a messenger."

The said resolution was read, and, by unanimous consent, considered, as in Committee of the Whole, and having been amended, it was reported to the Senate accordingly; and the amendment being concurred in, the resolution was read a third time by unanimous consent and passed.

Again, from the Journal of the 9th of March, 1829, Mr. Badger cited the following action of the Senate in special session:

On motion by Mr. Kane,

Ordered, That a committee be appointed, in pursuance of the thirty-third rule, to audit and control the contingent expenses of the Senate.

It was agreed that the Vice-President appoint the committee; and Messrs. Kane, Hendricks, and Chambers were appointed, accordingly.

Agreeably to notice given, Mr. Benton asked and obtained leave to bring in the following resolution; which was read and passed to a second reading:

Resolved, That the Secretary of the Senate be directed to purchase —— copies of the third volume of Gales and Seaton's Register of Debates, being the debates of the second session of the Nineteenth Congress; one copy of which shall be distributed to each member of the present Senate, and to each ex-member of the Senate during the Nineteenth Congress; six copies shall be placed in the office of the Secretary of the Senate; and the remainder shall be kept by the Secretary for the future disposition of the Senate.

The Senate then proceeded to the consideration of executive business.

The following day, March 10 of the same year, the Journal discloses the following action of the Senate, still in special session:

The resolution directing the purchase of a number of copies of Gales & Seaton's Register of Debates was read a second time.

On motion by Mr. Woodbury,

Ordered, That it lie on the table.

Another precedent cited by Mr. Badger occurred in 1841. The Senate was convened in special session on the 4th of March of that year, and among other business which was done in open session, not partaking at all of the character of executive business, was the following:

Mr. Mangum submitted the following resolution for consideration:

"*Resolved*, That Blair & Rives be dismissed as Printers of the Senate for the Twenty-seventh Congress."

Mr. Mangum himself, in speaking of this precedent, said:

The practice of the Senate has been against the decision of the Chair. After the inauguration of General Harrison, the Senate proceeded to the consideration of business in open session, among which was the removal of Blair & Rives, the Printers to the Senate, as shown by the extracts which have been read from the Journal of 1841. At that session the Senate was called by the usual proclamation. They returned from the east portico after the inaugural address of General Harrison had been delivered, and among the other business done was my motion to remove the Printers, which occupied two or three days in the discussion, and excited a good deal of feeling, but no exception was taken to its being done in open session.—*Congressional Globe and Appendix*, volume 23, page 399 of the Appendix.

In looking to the Journal of March 10 and 11, 1841, we find the following entries corroborative of the statement of Mr. Mangum:

WEDNESDAY, *March* 10, 1841.

The Senate resumed the consideration of the resolution submitted by Mr. Mangum, "That Blair & Rives be dismissed as Printers of the Senate for the Twenty-seventh Congress."

And after debate, and the consideration of executive business,

The Senate adjourned.

On March 11, 1841, the Journal concludes as follows:

After the consideration of executive business,

Mr. Rives submitted the following motion for consideration; which was read:

"*Resolved*, That the resolution of the Senate of the 3d instant allowing extra compensation to the assistant doorkeeper, messenger, laborers, and pages of the Senate be so extended as to embrace other officers and clerks of the Senate."

The Senate proceeded to consider the resolution; and

On motion by Mr. Bayard, the Senate adjourned.

Again, in the special session of the Senate called for March 4, 1849, on the 19th of that month, among other things will be found the following:

Mr. Foote submitted the following resolution for consideration:

"*Resolved*, That 5,000 copies of the opinions of the judges of the Supreme Court in the cases of Norris *vs.* The City of Boston and Smith *vs.* Turner be printed for the use of the Senate, the same to be printed in pamphlet form, in the same style and manner as the decisions of the Supreme Court are usually executed."

The question on that resolution was decided on the 20th of March. It was amended by striking out "five" and inserting "ten" thousand, and was thus adopted. On the same day—

Mr. Foote submitted the following resolution for consideration:

"*Resolved*, That 500 of the 2,000 copies of the geological report of David Dale Owen, which was ordered to be printed for the use of the Senate at the first session of the last Congress, be delivered to the Commissioner of the General Land Office for the use of his office, and that 2,000 additional copies be furnished for the use of the Senate."

Again, on the 22d of March—

Mr. Foote submitted the following resolution for consideration:

"*Resolved*, That the Secretary of the Interior be directed to transmit to the Senate copies of all the papers on file in the office of the Commissioner of Pensions relating to the application of John A. Rogers for a pension."

Also, on the same day—

Mr. Hale presented the memorial of John A. Blake, praying to be allowed certain charges for binding; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

On the 23d of the same month the Journal shows that—

The Senate proceeded to consider the resolution submitted by Mr. Foote on the 22d instant, directing that the papers relating to the application of John A. Rogers for a pension be transmitted to the Senate, and agreed thereto.

It would be difficult to add force by any comments to these precedents. They partake in no degree of the nature of executive business. While this discussion was proceeding, on the page of the volume of the Globe which I have already cited Mr. Clay used the following language:

The Chair seems to think that after prayer, which, by the by, was delivered in open Senate, the next thing to be done is to go into executive session. In this I cannot agree. We are a Senate, invested with all the powers that are given us for the transaction of business, except that which requires the co-operation of the other House.

It is hardly necessary for me to say that the resolution which I have the honor to offer calls for no assistance on the part of the other House; it is merely the expression of an opinion on the part of the Senate.

In the debate which ensued upon the appeal taken by Mr. Badger from the ruling of the Chair, I find the opinion not only of Mr. Clay, but Mr. Butler of South Carolina, Messrs. Hale, Underwood, Berrien, Douglas, Seward, Chase, and Davis of Massachusetts, all concurring against a similar point of order to that now pending before the Senate. Mr. Davis, of Massachusetts, states his opinion in the following terms on page 401 of the volume of the Globe already mentioned:

In aid of my memory I have been turning over the pages of the National Intelligencer. We were in session a number of days in 1849; I think as late as the 20th of March. It will be found, on looking at the files of the Intelligencer containing

the debates of that session, which are recorded there, that day after day we sat without going into executive session at all; that we considered, among other things, the right of my friend from Illinois [Mr. Shields] to his seat—which question was very largely debated, and considered day after day without going into executive session. We considered also a proposition to publish the decisions of the Supreme Court, which was debated at large. The debates are here. We also agreed to publish, as I very well remember, and I am sorry that we have it not here, a volume containing various public documents. Therefore it seems to me that our practice has been to go into open session and remain in open session until the motion was made and carried to go into executive session. In many instances we have sat many days, during such sessions as this, without going into executive session. We have had all kinds of business which was consistent with the organization of the Senate alone under the Constitution. I believe that has been the practice; and if it was right then, I believe it to be right at the present time.

Mr. Chase presented his views as follows:

The Constitution is sufficient to settle this question if we couple it with the previous practice of the Senate. The Constitution provides that Congress shall meet on the first Monday of December in each year, unless it be otherwise ordered by law. It also provides that on extraordinary occasions the President may convene both Houses, or either of them. Under that provision, the President, upon what he deems an extraordinary occasion, has convened the Senate. With what powers has the Senate assembled? I apprehend it is not the occasion which determines the extent of the power and the character of the body; the constitutional provisions determine its character. It is the Senate that is assembled—the complete Senate, clothed with all its constitutional powers. It is not the occasion upon which it is assembled which determines the powers of the Senate. If the President, instead of convening the Senate, had upon an extraordinary occasion—say, the failure of the appropriation bills—convened both Houses of Congress, would not the two Houses have been a complete Congress, adequate to the transaction of all business which any Congress may transact? I suppose there can be no doubt on that point; and if there is no doubt upon that, then this Senate, the Senate now assembled, is a complete Senate.

Mr. Douglas spoke as follows:

The Senator from Indiana seems to be under the impression that we have been convened in executive session. I do not understand that such is the nature of the call of the President; nor could he call us together for that purpose alone. The President has convened a special session of the Senate of the United States with the view that the attention of the Senate may be called to executive business; but it is the Senate that has assembled. I apprehend, then, we meet under the Constitution as the Senate. We come together in open session. We may do any act, after we have assembled, which it is competent for the Senate to do by itself without connection with the House of Representatives. I therefore understand that I have a right to bring in any resolution to call upon a Department for information which may relate to legislative business at the next session of Congress. I may feel it my duty to introduce a resolution calling for information, that it may be ready for action at the next session.

* * * * * * *

The fact of the President of the United States having intimated that the extraordinary occasion on which he has called us together relates to executive business does not limit our powers or our duties. He cannot limit our powers at this session by stating that he was induced to call us for a certain purpose, no more than an extraordinary Congress, called on account of a deficiency in the revenues or a deficiency in the appropriations can be confined to the objects for which the President calls them together. When we come together we meet under the Constitution and have all the powers which the Constitution gives us. Therefore, I regard this call as a call of the Senate of the United States—an extra session of the Senate meeting as a Senate—and we have all the powers of the Senate under the Constitution, and it requires a special motion to go into an executive session.

Mr. Seward, with his usual care and skill, condensed his views into the shape of a resolution, which he offered during this debate, to the following effect:

Resolved, That the Senate is not restricted at this session to the consideration of matters purely executive, but that such consideration may be extended to all matters proper to be transacted by the Senate without the co-operation of the House of Representatives.

This resolution appears to have grown so rapidly in the estimation of Senators that it became the will of the Senate by common consent, so much so that it was agreed to without even a division. I am warranted in saying this because, on March 7, two days later, I find in the Globe the following:

MR. HUNTER. I believe it has been decided by the Senate that we may at this session do whatever the Senate may do at any time alone without conjunction with the House of Representatives.

The PRESIDENT. It has been so decided.

MR. HUNTER. That being the case, I offer a resolution, and as it is simply one of inquiry, I hope the Senate will, by unanimous consent, consider it at this time.

The resolution was offered, read, and adopted, and it in no way related to executive business. After that, and during the same special session of the Senate, many other questions were considered of like character.

The Senate was convened in special session by proclamation of the President on the 4th of March, 1853. The proceedings of that session are remarkable for their bearing upon the point now under consideration. On the 7th of March, Mr. Clayton, then Senator from Delaware, rose in open session and submitted the following resolution:

Resolved, That the President be respectfully requested, if compatible in his opinion with the public interest, to communicate to the Senate the propositions mentioned in the letter of the Secretary of State accompanying the executive message to the Senate of the 18th February last, as having been agreed upon by the Department of State, the British minister, and the State of Costa Rica, on the 30th of April, 1852, having for their object the settlement of the territorial controversies between the states and governments bordering on the river San Juan.

Resolved, That the Secretary of State be directed to communicate to the Senate such information as it may be in the power of his Department to furnish, in regard to the conflicting claims of Great Britain and the State of Honduras to the islands of Roatan, Bonacca, Utila, Barbarat Helene, and Morat, in or near the Bay of Honduras.

In connection with the presentation of these important resolutions Mr. Clayton announced that as soon as he could do so without interfering with the necessary business of the Senate it was his purpose to discuss the topics which were suggested by them, and he expressed the hope that he would have an opportunity of doing so at an early period.

On the 9th of March Mr. Badger made a long personal explanation upon subjects purely legislative, leading to elaborate statements also from Senators Gwin, Hamlin, and Borland. At the conclusion of these statements, the speech of Mr. Clayton in support of his resolutions is to be found. It occupied two days in delivery, and fills twenty-five columns of the Globe. Its topics were of the greatest magnitude and importance, and he took a wide and powerful range in their discussion. Upon the conclusion of this very able speech, Mr. Douglas rose and gave notice that on the following day he would proceed to reply to it.

On the following day, Mr. Cooper submitted a resolution in regard to "the contract entered into with Messrs. Howland & Aspinwall for supplying the Japan squadron with coal, the price per ton which the said coal will cost delivered in the Chinese seas, the amount of commissions and insurance respectively, together with the rate of exchange which the Government will be required to pay for such of the coal as may be purchased in England," and in relation to other matters of a similar character.

Mr. Sebastian submitted a resolution touching Indian annuities, the amounts and the dates of each payment due to the Choctaw tribe of Indians, "including the interest on investments under the treaty of 1837, together with a statement in detail of the expenditures under the various treaty provisions for education."

Mr. Brodhead introduced a resolution touching the duties of the Committee on Claims.

Mr. Chase submitted a resolution "that 2,000 additional copies of the report of Captain R. B. Marcy of his exploration of the waters of the Red River" should be printed for the use of the Senate, "and that 200 copies of the report of Captain Sitgreaves, ordered to be printed for the use of the Senate, be furnished to Captain Sitgreaves."

Then, after these preliminaries touching upon almost every subject connected with the legislation of the country, Mr. Douglas rose to reply to Mr. Clayton, which he did in a speech running through the entire day and filling sixteen columns of the Globe. On the 14th, Mr. Mason continued the debate on Mr. Clayton's resolution; on the 15th Mr. Clayton again spoke, and so the debate continued many days, interspersed with the presentation of all kinds of legislative questions and their continuous discussion. Among these legislative questions, sprinkled through the Globe containing the proceedings of that special session of the Senate, we find the following: "Mexican Boundary Commission," "Select Committee on Frauds," "Superintendent of Printing," "Printing of maps and charts," "Repairing Capitol rooms," "Indian expenditures," "Ringgold's Coast of California," "Duties on iron," "Naval works," "Light-house report," "Patent Office Building," "United States bonds abroad,"—a resolution and a speech on the subject by Mr. Brodhead—"Publication of Senate debates," "Printing a report on commerce," "Report of Committee on Frauds," "Commercial relations," "Custom-house at San Francisco," "Mexican claims," "The fisheries;" and then a long political debate seasoned with a good deal of animosity to close up with, in which Mr. Butler of South Carolina, Mr. Chase, and Mr. Weller participated.

On the 11th of April that special session of the Senate adjourned, after occupying thirty-seven days and filling eighty-seven pages of the Globe with its proceedings in open session.

Moving a little further down the stream of time and history we reach a most eventful and interesting period. The Senate of the United States was convened on the 4th of March, 1861, under extraordinary circumstances indeed. There are some here now, a few, who were here then. It is amazing to me that anybody, with a knowledge of that period, would interpose a point of order upon the resolution which I have presented. Questions were considered at that session fraught with the very existence of this Government. On the 13th of March Mr. Douglas introduced his famous resolution; which read as follows:

Resolved, That the Secretary of War be requested to inform the Senate what forts, arsenals, navy-yards, and other public works, within the limits of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, are now within the actual possession and occupation of the United States, and by what number of men each is garrisoned and held, and whether re-enforcements are necessary to retain the same; and if so, whether the Government has the power and means, under existing laws, to supply such re-enforcements within such time as the exigencies and necessities of the case may demand; and whether the defense and protection of the United States and their interests make it necessary and wise to retain military possession of such forts, places, and other property, except at Key West and Tortugas, and to recapture and reoccupy such others as the United States have been deprived of by seizure or surrender, for any other purpose and with a view to any other end than the subjugation and occupation of those States which have assumed the right to secede from the Union, and within whose limits such forts and other public property are situated; and if such be the motives for recapturing and holding the forts and other public property, what military force, including regulars and volunteers, would be necessary to enable the United States to reduce the said States aforesaid, and such others as are supposed to sympathize with them, to subjection and obedience to the laws of the Union, and to protect the Federal capital.

From that day till March 28, the day of the adjournment, a debate over this resolution raged with almost unparalleled violence. Every view that the human mind could take of the complicated powers of this Government was presented; every duty of legislation was discussed; every plan for the future was put forward. It is true that other legislative business was touched upon, but the resolution offered by Mr. Douglas was the main feature of that session. No words of mine could give additional strength to this precedent. It stands out by itself, overwhelming all points of order.

A special session of the Senate was convened on the 4th of March, 1865. On the question whether a certain resolution had been erroneously enrolled, a point of order was made, which elicited an opinion from Mr. Trumbull, which I desire to submit. On page 1426, of Part 2 of the Congressional Globe, Thirty-eighth Congress, second session, Mr. Trumbull said:

I will inquire of the Senator from Massachusetts if it would not be competent at this session for the Senate to prescribe such rules as it thought proper in regard to its action in legislative matters for its own government, just as we form our committees with reference to legislative matters? Do we not admit members to seats in open session? This is not an executive session of the Senate; it is a special session of the Senate. We may do any business that the Senate can transact without the House acting in conjunction.

The Senate was convened in special session March 4, 1873. One of the first things to be observed in opening the CONGRESSIONAL RECORD, which contains the proceedings of that session, is a resolution offered by my predecessor, Mr. Morton, on the 6th of March, on the subject of trade between the United States and the dominion of Canada. The resolution is as follows:

Resolved, That the Secretary of the Treasury be instructed to report to the Senate, at its next session in December, the amount of imports from the provinces composing the Dominion of Canada to the United States for the years 1871 and 1872, and the amount of exports to the same provinces from the United States for the same years, and the amount of imports and exports between the United States and the same provinces for the two years preceding the termination of the reciprocity treaty.

Having offered the resolution, Mr. Morton said:

I shall ask to have the resolution laid on the table now; but if the session shall be prolonged for some days, I shall ask the Senate to take it up from the table for the purpose of enabling me to submit some remarks upon the question of the relations between the Dominion of Canada and England and this country.

It would seem that I have almost an exact precedent in the course pursued by Senator Morton, the leader of the opposition at that time on this floor.

I come next to a precedent which somewhat pains me to produce. I always regret to convince any one against his will, and most of all the Senator from Michigan, [Mr. FERRY.] It will be remembered with what alacrity he sprang to his feet yesterday, bringing to bear upon my resolution all the weight of his parliamentary experience and reputation acquired while presiding over this body as well as in a long and distinguished service as a member of it. I could not at that time have flattered myself with the support of so eminent an authority, with the opinion of that Senator himself, given under less exciting circumstances, more maturely considered, and more elaborately put before this body. It will hardly be believed, and yet it is a fact, as will be seen on the thirty-eighth page of the CONGRESSIONAL RECORD for the special session of the Forty-third Congress, that on the 11th of March that distinguished gentleman so far forgot that the Senate in special session could do nothing but executive business as to submit, have read, and considered at that time the following very legislative resolution:

Resolved by the Senate, That the Secretary of War be directed to consider the expediency of dedicating to the public use so much of the island of Mackinac, lying in the Straits of Mackinac, within the county of Mackinac, in the State of Michigan, as is now held by the United States under military reservation or otherwise, (excepting the Fort Mackinac and so much of the present reservation thereof as bounds it to the south of the village of Mackinac, and to the west, north, and east, respectively, by lines drawn north and south, east and west, at a distance from the present fort flag-staff of four hundred yards,) to be reserved and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and dedicated and set apart as a national public park, or grounds, for health, comfort, and pleasure, for the benefit and enjoyment of the people; that all persons who shall locate or settle upon or occupy the same or any part thereof, except as herein provided, shall be considered trespassers and removed therefrom; that said public park shall be under the exclusive control of the Secretary of War, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases, for building purposes, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors, for terms not exceeding ten years; all of the proceeds of said leases, and all other revenues derived from any source connected with said park, to be expended, under his direction, in the management of the same and in the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of game or fish found within said park, and against their capture or destruction for any purposes of use or profit. He also shall cause all persons trespassing upon the same, when by law thus set apart, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes expressed; and that the Secretary be required to report to the Senate, at the opening of the next session of Congress, whether or not such dedication would be incompatible with the public service.

Sir, it would seem as if this resolution was enough to estop the Senator from Michigan on the point of order now before the Senate; but, as if Providence intended to be kind to me on this occasion, I find that he followed this most extraordinary resolution with an extremely earnest speech in favor of the power of the Senate somehow or other by itself, and without the aid of the House of Representatives, to abstract from the public domain the Island of Mackinac and dedicate and set it apart as a national public park for health, comfort, and pleasure, for the benefit and enjoyment of the people—of course of Michigan. The proceeding is an extraordinary one, and I think could not have taken place in any but an extraordinary session. It was not executive in its character as we understand executive duties in this body; but the Senator from Michigan aimed to make it very executive in itself, and, what is still more extraordinary, the Senate at that time absolutely adopted that resolution on the yeas and nays by a vote of yeas 37 and nays 13. Points of order slept at that time so far as the Senator from Michigan was concerned. The Senator knows that I hold him in kindly esteem, but I certainly would commend him hereafter to withhold his points of order on subjects of this kind. After the adoption of that resolution it would not be surprising to find scattered through the records of the proceedings of that session the consideration of such questions as steerage immigrant passengers, railroad lands, and railroad bonds, a resolution by Mr. Fenton on the subject of the finances, which reads as follows:

Resolved, That the Committee on Finance be directed to inquire what measure or measures can be adopted by the Government which shall give to the country a currency convertible into gold at the will of the holder, thus securing greater stability in the exchanges of trade, in the work of production and investment, and in the compensation of labor; and to report, by bill or otherwise, at the next session of Congress.

Nor are we surprised to find that Mr. Morton, taking advantage of the fact that the Senator from Michigan and others had waived all points of order, asked and obtained unanimous consent to introduce and have considered and adopted a resolution on the subject of the emancipation of slavery in the island of Porto Rico, which reads as follows:

Resolved, That the Senate of the United States have received with joy the intelligence that the republican Government of Spain have abolished slavery in the island of Porto Rico, and raised the colored people of that island from the condition of slaves to the rights and privileges of citizens of the Spanish Republic.

Resolved, That by this act the people of Spain have given new assurance to the world that in establishing republican institutions they are actuated by a genuine love of liberty and sincere regard for the natural rights of all men; and that it will be accepted as an omen of the power and perpetuity of the Spanish Republic.

It is aside from my purpose or I might comment somewhat on the duration of the aforesaid Spanish Republic and on the auspicious omen which was hailed at that time. The session then jogged along attending to the withdrawal of papers, agricultural reports, the Committee on the Levees of the Mississippi River, and other kindred subjects. The consideration of these questions so broadened out on every side that the then Senator from Connecticut, Mr. Ferry, felt himself at last impelled to make a point of order similar to the one now pending before this body. It was somewhat elaborately discussed, and finally on page 204 of the CONGRESSIONAL RECORD I have cited in this connection it will be found that the point of order was decided adversely to the Senator from Connecticut by a vote on the yeas and nays of 25 yeas to 19 nays. This action of the Senate at that time I may be pardoned for denominating in the nature of a clincher.

Again, on the 4th of March, 1875, the Senate was convened in special session. In that session there arose one of the gravest and most important questions ever presented to this body, which was considered in open session. It was upon a resolution offered by Mr. Morton; which read as follows:

Resolved by the Senate, That the State government now existing in the State of Louisiana, and represented by William P. Kellogg as governor, is the lawful government of said State; that it is republican in form; and that every assistance necessary to sustain its proper and lawful authority in said State should be given by the United States, when properly called upon for that purpose, to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes.

Upon this resolution was launched one of the most memorable discussions in our history. It took a wide range and embraced a broad field of questions and illustrations. No point of order was made against its consideration.

On the 8th of March of the same year, as appears on page 2 of the CONGRESSIONAL RECORD, volume 4, part 1, Mr. Clayton, then Senator from Arkansas, offered the following resolution:

Resolved, That a committee, consisting of four members of the Committee on Indian Affairs and three members of the Committee on Territories, making seven in all, be appointed to visit the Indian Territory during the recess of the Senate, with authority to inquire into the condition of affairs in that country, the manner in which justice is administered, and the wants and capacities of the lawful inhabitants thereof with respect to self-government; and to report at the next session of the Senate the result of their inquiry and what legislation, if any, is needed.

Upon the presentation of this resolution the then Senator from Connecticut, Mr. Ferry, who never seemed weary of raising points of order on this subject and never satisfied with the ruling of the Senate, again interposed one. The point of order made led to a discussion which is now of great value. On page 26 of the volume of the RECORD just cited the distinguished Senator from Ohio, now a member of this body, [Mr. SHERMAN,] spoke as follows:

I have but a word to say about this matter. I am afraid the Senate will do today what it has very often done, confuse the question arising upon the point of order with that of the propriety of the appointment of the committee. That the Senate of the United States have the power to pass this resolution I do not think there can be any doubt. That the Senate of the United States, although sitting in a called executive session, may authorize a committee to make inquiries even for a legislative purpose I do not think there can be any doubt. The Senate of the United States is a permanent body. We have the same power now that we would have if the House of Representatives was present, except only that we cannot pass laws; but we may inform ourselves, may prepare ourselves, and seek information wherever we choose.

I shall vote against the resolution of the Senator from Arkansas because I do not think we ought to organize this committee. While I shall vote against it on that ground, at the same time I have no doubt that the Senate of the United States has the power and the right, if it chooses to exercise it, to pass a resolution of this kind. Therefore, while I am against the resolution of the Senator from Arkansas, I would not bind the Senate not to pass a resolution of this kind.

In answer to an objection made by Mr. Hamlin, Mr. Morton responded as follows:

I would ask the Senator from Maine this question: What is the difference in principle or in power between appointing a standing Committee on Indian Affairs, which we created yesterday, to consider all legislation in regard to Indian matters, and appointing a special committee of the kind designated by this resolution?

Again Mr. Morton observes:

A resolution lies on the table which I offered on the first day of this session and upon which I was told this same question of order would be raised. I was therefore at some trouble to examine into what had been the action of the Senate in executive sessions, and although it has not been uniform, yet the general current of that action has been to recognize the power of the Senate to do anything at a called executive session that did not require the co-operation of the House of Representatives. The passage of a bill does require the co-operation of the House of Representatives, and therefore you cannot pass a bill at this session and have it lie over till next winter and then go before the House of Representatives. That bill cannot get before the House then for other reasons than the one named by the Senator from Maine; but whatever the Senate can do when the House is in session that does not require the co-operation of the House, that the Senate can do when the House is not in session; and I think that is the general current of the precedents of the Senate.

I need hardly pause to ask what the House would have to do with the consideration of the resolution which I have offered to this body. The answer is too obvious for the question even to be put.

Mr. Howe, then a member of this body, presented his views thus:

Mr. President, it seems to me the Senator from Ohio [Mr. SHERMAN] stated the true rule. Though we are convened by an executive order and for executive business, we are convened; this is the Senate, and the Senate can do to-day whatever the Senate is capable of doing alone at any time. It seems to me the reason is very manifest why you cannot pass a bill to be considered by the House of Representatives at the next session. That reason is this: it is legislative power which passes a bill, and the whole legislative power is vested by the Constitution in Congress, and Congress consists of two Houses, the Senate and House of Representatives; and so you are careful to recite in every bill which goes from either House that it is an enactment "by the Senate and House of Representatives in Congress assembled."

* * * * * * *

I shall vote that this resolution is entirely in order, and I wish the Senate would keep that question distinct in its mind from the other question as to whether the resolution is expedient or not. I have as yet heard no reason offered why the resolution should be adopted; but I am just as unable to discover any reason why we should deny to the Senate the power of adopting it if it be a proper one.

Mr. Sargent thus expressed his views:

Upon the point of order I intend to vote that it is within the power of the Senate to receive this resolution. I shall do so because I think the Senate has this power and has exercised it upon a great many occasions, and I should be very sorry to have a precedent deliberately set which would prevent us hereafter from acting upon matters of this nature.

Mr. EDMUNDS, who was against the resolution, expressed himself upon the point of order as follows:

I am not clear by any means that the Senate has not the power in its present session to take any step which it thinks fit to do in respect of acquiring information, either by instructing a committee here to inquire into any subject which may be a proper matter for legislative consideration or otherwise. I am inclined to think we can do it. Of course, legislation does not grow out of it at this session; but I think it would be a little strange to hold that this body being convened as a constitutional body may not exercise its own judgment in respect of what matters it will consider at this present time. When it comes to passing a bill, that is another thing. It may not have the power to do that; but certainly it seems to me that it ought to have the power under the Constitution to deliberate upon any proper topic; and therefore I should have great hesitation in voting that the offering of this resolution is out of order.

Mr. Frelinghuysen concurred with the views which I have just cited, in the following terms:

My opinion is very clear that the Senate has a right to obtain information in any way, to pass resolutions, to appoint committees to obtain information. I am very clear that the Senate has a right to give information. It may be very important to certain branches of the Government that an expression of the opinion of this body should in certain emergencies be made, and therefore I am not in favor of taking any action which will restrict the power of this body, while I shall vote against the resolution on its merits.

Sir, the resolution which I have offered proposes to give information upon a great and overshadowing question; it proposes to give the country and the various departments of the Government information as to the opinion which the Senate of the United States entertains upon a great public matter, and I concur with the view so tersely and strongly stated by Mr. Frelinghuysen that—

It may be very important to certain branches of the Government that an expression of the opinion of this body should in certain emergencies be made.

The whole subject afterward being tabled, the point of order was carried with it.

A similar point of order was afterwards, on the 20th of March, made against the reception or consideration of a resolution offered by the Senator from New Jersey (Mr. Frelinghuysen) relative to the condition of Louisiana. After discussion, the decision of the Senate will be found on page 95 of the CONGRESSIONAL RECORD, containing the proceedings of that session, in a vote by the yeas and nays, wherein the point of order was overruled by a vote of 28 to 24.

These precedents would appear to be sufficient. They are almost, if not entirely, unbroken in their line. It is not merely a question of weight of authority, but the decisions are practically unanimous to the effect that the Senate, convened in session as it is now, may express its opinion by resolution involving the most elaborate discussion of the widest range of subjects; it may call for information on every branch of legislation; it may discuss the propriety of such call; it may compose standing and select committees, many of which can have nothing whatever of an executive character referred to them. It is only necessary to cite the practices of the present session to prove all I have said. The very last act of the then distinguished Senator from Maine, and now the distinguished Secretary of State, Mr. Blaine, as he was bowing himself from the presence of this body, was to present a resolution upon the great and important question of the count of the electoral votes for President and Vice-President of the United States—a resolution now pending before this body. On motion of the Senator from Alabama, [Mr. MORGAN,] the Senate, a few days since, expressed its opinion on the subject of the assassination of the Czar of Russia, and sent that opinion to the uttermost parts of the earth. It has not only raised all the ordinary standing committees of the body to which business of every possible description may be assigned or referred, but it has created select committees which, as I have said, can have no relation whatever to business sent to this body by the Executive. We witness daily the withdrawal of papers from the files of this body, and other orders taken with the express view of future legislative action.

The resolution now pending, against which the point of order has been made, simply calls for an expression of this body upon a question fairly within the scope of its duties. I am very willing to submit to the decision of the Senate in view of the history of the Senate, as shown by its own record, whether the point of order is well taken.

Thanking the Senate for the courtesy extended to me, I close this discussion so far as I am concerned.

Mr. COCKRELL. I simply desire to add to what the Senator from Indiana has said, the clause of the Constitution which I will read:

He [the President] shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper.

The proclamation of the President which convened this session called it an "extraordinary session;" and that is all the language that either the Constitution or the proclamation of the President has applied to it.

Mr. MORRILL. It was not, Mr. President, from any reluctance on my part that the question presented by the resolution of the Senator from Indiana should be discussed here at this extra session, but it was solely in reference to a procrastination of the session of the Senate that I made the objection at the threshold. It would seem by the precedents which have been made heretofore by the Senate that the Senate have always had a great hesitation about doing anything except what the session was specially called to consider, and the Senator from Indiana shows a little remarkably with what alacrity the minority always assume the position of the preceding minority. The precedents cited and the quotations from the remarks of Senators it will be noticed were not from the democratic side of the Senate in favor of doing anything except what the session was called for. I am very glad the Senator from Indiana pays so much deference to the opinions of those formerly in this body who represented political positions antagonistic to that of the then democratic side of this Chamber.

I had supposed that we had upon several occasions introduced resolutions confining the business of the Senate to the particular purposes for which we were called together. So far as I am concerned, I withdraw the point of order, as I suppose the resolution will go over at all events for to-day, and will not come up for discussion until to-morrow. I assure the Senator from Indiana that if there is a disposition here to discuss this or any other subject, so far as this side of the Chamber is concerned I think they are quite ready.

The VICE-PRESIDENT. The Senator from Vermont withdraws his point of order.

Mr. SHERMAN. I wish merely to say that I have no doubt the Senator from Indiana was right as to his power to offer the resolution, and that the Senate might have received it and acted upon it; but when he proposes to-morrow to take up this question, I think some very good reasons can be given why he should not be allowed to open a financial debate at this time. While I believe the Senator is perfectly right on the point of order, and that he has a right to present the resolution to be considered when the Senate is ready to consider it, I think his own good judgment will lead him to conclude that it is not advisable for him now to open a discussion so broad and comprehensive as his resolution invites. If it be opened, we may as well bid good-bye to any hope of a short executive session. However, that subject will be more properly considered to-morrow when the Senator proposes to call up his resolution.

Mr. VOORHEES. The resolution will be printed and go over under the rule?

The VICE-PRESIDENT. The resolution will be printed and go over under the rules, objection being made to its present consideration.

OFFICERS OF THE SENATE.

Mr. DAWES. I offer a resolution, which I ask may be considered at the present time.

Mr. PENDLETON. Let it be read for information only the first time, subject to all objection.

The VICE-PRESIDENT. The resolution will be read for information.

The resolution was read, as follows:

Resolved, That the Senate do now proceed to the election of its Secretary, Sergeant-at-Arms and Doorkeeper, Chief Clerk, Principal Executive Clerk, and Chaplain.

Mr. PENDLETON. Let the resolution go over under the rule.

The VICE-PRESIDENT. Objection being made, the resolution goes over under the rule.

Mr. DAWES. In order to save time, I offer several other resolutions which I have in my hand. If there is objection, of course they must go over; and I shall ask to have them taken up after the resolution which I have just offered has been passed upon by the Senate. I offer the following resolution, which perhaps the Senator from Ohio will not object to considering at this time:

Resolved, That George C. Gorham, of California, be, and he hereby is, elected Secretary of the Senate.

Mr. PENDLETON. Let that go over.

The VICE-PRESIDENT. Objection being made, the resolution goes over.

Mr. DAWES. I offer the following resolution with the same view:

Resolved, That Harrison H. Riddleberger, of Virginia, be, and hereby is, elected Sergeant-at-Arms and Doorkeeper of the Senate.

Mr. PENDLETON. Let that go over also.

The VICE-PRESIDENT. Objection being made, the resolution goes over.

Mr. DAWES. I offer the following resolution:

Resolved, That Charles W. Johnson, of Minnesota, be, and hereby is, elected Chief Clerk of the Senate.

Mr. PENDLETON. Let that go over.

The VICE-PRESIDENT. The resolution goes over, objection being made.

Mr. DAWES. I offer the following resolution:

Resolved, That James R. Young, of Pennsylvania, be, and hereby is, elected Principal Executive Clerk of the Senate.

Mr. PENDLETON. Let that go over.

The VICE-PRESIDENT. Objection being made, the resolution goes over.

Mr. DAWES. I offer the following resolution:

Resolved, That Rev. Byron Sunderland, D. D., of the city of Washington, be, and hereby is, elected Chaplain of the Senate.

Mr. PENDLETON. Let that go over.

The VICE-PRESIDENT. Objection being made, the resolution goes over.

Mr. DAWES. I do not propose to ask the Senate to consider these resolutions until after the Senate has passed upon the first resolution I have offered. I submit them now in order that they may lie over under the rule.

The VICE-PRESIDENT. The resolutions have gone over under the rule.

EXECUTIVE SESSION.

A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened; and (at one o'clock and forty-five minutes p. m.) the Senate adjourned.

THURSDAY, *March* 24, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

LIST OF DEPARTMENT PUBLICATIONS.

Mr. COCKRELL submitted the following resolution; which was read:

Resolved, That the heads of each of the Executive Departments be, and hereby are, directed to report to the Senate at the beginning of the next session of Congress complete lists of any and all books, reports, documents, and pamphlets issued, printed, or published by their respective Departments, and by each and every bureau and officer thereof, from March 4, 1789, to March 4, 1881.

Mr. HOAR. I suggest to the Senator from Missouri, without interfering with the resolution, that my impression is that on inquiry he will find that that information is all gathered together in one place, in the Government Printing Office, and that each of those documents, the number printed, and the cost could be furnished with great ease there. I think if the Senator would inquire of the Public Printer he would find that that officer can furnish him without difficulty what the heads of Departments will require a good deal of work to furnish. But I merely make that suggestion to him.

Mr. COCKRELL. I apprehend that it cannot be furnished in that way, because it has been recommended by the Secretary of the Interior, who has charge of the documents, that a list similar to this be furnished. It was recommended at the last session. As I have been unable to find any document showing a list of the publications of the Government, I have offered the resolution, and I propose to offer another, directing the Secretary of the Senate to furnish all those not included in the regular serial list furnished to the Senate, so that at the beginning of the next session we may have a list of everything published by the Government from 1789 to 1881.

Mr. HOAR. I do not suppose that the Public Printer would have a list of the old documents, but of the documents published since the establishment of that office.

Mr. COCKRELL. I do not think he has, but I will inquire. The resolution can do no harm. If he has the information, the heads of Departments can obtain it there and send that list to us.

The resolution was agreed to.

LIST OF CONGRESSIONAL PUBLICATIONS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and hereby is, directed to report to the Senate at the beginning of the next session of Congress complete lists of any and all books, reports, documents, and pamphlets issued, printed, or published by order of Congress and of either House other than those contained in the numbered series of session documents from March 4, 1789, to March 4, 1881.

OFFICERS OF THE SENATE.

Mr. DAWES. I ask for the present consideration of the resolution which I offered yesterday in relation to the officers of the Senate.

The VICE-PRESIDENT. The Senator from Massachusetts asks the present consideration of a resolution, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. DAWES, as follows:

Resolved, That the Senate do now proceed to the election of its Secretary, Sergeant-at-Arms and Doorkeeper, Chief Clerk, Principal Executive Clerk, and Chaplain.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. DAVIS, of Illinois. Mr. President, on a recent occasion I stated the reasons that determined my vote on the organization of the Senate, not expecting to satisfy a class of politicians accustomed to party discipline and unable to appreciate free thought and independent action. Fair criticism is always entitled to respect, and the public man who shrinks from it, even when harsh, does not deserve forbearance. An attempt has been made to have it appear that the Legislature which elected me to the Senate contained a republican majority, and that the State of Illinois, on the popular vote, was also largely republican. Both these assumptions are unfounded. The Legislature at that time stood as follows, according to the official compilation of the Secretary of State:

	Senate.	*House.*
Republicans	21	79
Democrats	25	67
Independents	5	6

It is thus seen that the republicans and the democrats were almost equally divided, and that a few independents turned the scale. For President, Hayes received 278,232, Tilden 258,601, and Cooper 17,233. Hayes's clear majority was 2,398 in a poll of over half a million. These figures prove how closely balanced the two parties were in 1876–'77. More than 90 per cent. of the votes voluntarily cast for me as Senator were from democrats, without pledges, conditions, or correspondence of any kind whatever. They knew my political antecedents, and they also knew that neither the honor which was freely conferred upon me nor any other distinction that could be offered would alter any conviction I had formed or deflect me from the course of duty as it appeared to my best judgment. Having accepted this generous trust under these circumstances, good faith required me to sustain the organization of the Senate as it had existed in the last Congress. No principle was involved, but merely the control of committees and of officers. I have voted steadily against change, and I shall continue in that way until the end is reached, being answerable only to my conscience and to my constituents for this act.

What my friend, the distinguished Senator from New York, properly calls "a constitutional majority" was disclosed when the Vice-President, not a member of this body, gave the casting voice for the committees. However fleeting or fractional that majority may be, we are commanded to accept it and to obey it.

The majority that chose the committees is fairly entitled to choose the officers of the Senate. One naturally goes with the other in order to perfect the organization. This conclusion will neither be delayed nor obstructed by any vote of mine, and it cannot be reached too soon for the public interest. I do not regret at all that the new Administration, which has to confront the country with its policy, should have the control of both branches of Congress. The responsibility for measures to be proposed cannot be avoided, with the power to initiate all legislation. The majority is not large enough to indulge in rash experiments, and the minority is sufficiently strong to check any tendency to excess. Between these two elements the great voice of independent opinion can always be heard with effect, and the country has every prospect of peace and prosperity.

Mr. PENDLETON. Mr. President, I hope the honorable Senator from Massachusetts does not intend to press the consideration of the resolution at this time. I hope he does not intend to intervene to the obstruction and the detriment of the public business which has been confided to the Senate. I should hope that, upon consideration, he would feel it to be his pleasure and his duty, either himself to let the resolution lie on the table to be called up hereafter, and to move to go into executive session, that we may attend to business, or that he would indicate a willingness that I should do so with his concurrence. If either of these courses is agreeable to him, I shall have nothing further to say to the Senate at this time.

Mr. DAWES. Mr. President, I heartily agree with the Senator from Illinois that the permanent organization of the Senate should be as speedily accomplished as possible, and I think nothing will so contribute to expedition in the transaction of all the executive business of the Senate as to settle these uncertain questions at the threshold. They have caused, as the Senator from Ohio must certainly have observed, a great deal of delay, which has attended this executive session, of which he cannot be so tired as I am myself. In order to bring this executive session to a close as quickly as possible, I feel it to be my duty to press this and the other resolutions, which seem to me to stand at the threshold; namely, the proper organization of the Senate.

Therefore, agreeing with the Senator from Ohio in the desirability of accomplishing the purposes of this session, I desire to press this resolution at as early a day as I can. If it would suit the convenience of the Senator from Ohio to have time for the preparation of any remarks which he desires to submit upon the proper organization of the Senate, I have no doubt that that courtesy which controls this Senate will accord to him any time that he may indicate. If at any future reasonable period it will be more convenient for him to address the Senate upon the subject than now, and then come to a vote upon it, I shall be for one quite anxious to accommodate the Senator; but if it is not for the purpose of suiting the personal convenience of the Senator in view of any remarks he desires to submit, but a general idea of the Senator that we postpone to the indefinite future the organization of this body, I can hardly acquiesce in the suggestion.

Mr. PENDLETON. I knew that if I made an appeal to the courtesy of the Senator in behalf of my own convenience I should meet with the response which I have just had. I do not, however, make any appeal on that ground. I desire to expedite the public business by attending to the business of the Senate. I desire that this resolution, which will give rise to more or less obstruction of the public business, shall be laid aside to be called up when we shall have done that which we are called upon here to do.

When the Senator offered his resolution yesterday, I hardly thought that he intended that it should be pressed very soon to a conclusion. I rather thought that he intended it as a kindly reminder to this side of the Chamber that the power had passed away from it, and that it was lodged in what has been called and indorsed by high authority to-day—but I think improperly—"the constitutional majority of the Senate." There is no majority of Senators here on either side; the Senators are equally divided politically; and that condition of affairs gives rise to the exercise of a constitutional contrivance to rescue the Senate from a dilemma, when the exigencies of the politics of fifty million people and thirty-eight States eventuate in an equal number of Senators upon each side. It is well known to the Senate that some of the most astute and penetrating minds in the country do not believe that the constitutional power of the Vice-President extends to questions affecting the organization of the Senate. I have no intention to discuss or further allude to that question at this time.

I had thought that the resolution was a gentle reminder to us also that we were no longer to enjoy the monopoly of a distinction which has been very frequently and ostentatiously commented upon, that confederate brigadiers sat only on this side of the Chamber; that we were no longer to have the statement made of the democrats alone, which I have heard made during two years in this Senate so often, that the majority ruled the Senate, and the caucus ruled the majority, and confederate brigadiers ruled the caucus. Indeed it rather seemed to me that the introduction of this resolution meant to give us notice of one of two things—either that the control of the caucus, which has been so often ascribed to some of my fellow-Senators here—I mean the confederate brigadiers—was exercised in other caucuses than ours, or else that our friends on the other side of the Chamber were so well pleased with the experiment they had made as far as they had gone that they intended to try it a little further by giving to us another confederate brigadier to take charge of the order and business of the floor. If this was the intention of the Senator from Massachusetts in any of its aspects, I beg to assure him that we will take notice upon the mere introduction of his resolution of these facts without any further enforcement.

But why should we enter upon this business? The Senate is organized; the clerks are at their desks; the Sergeant-at-Arms is at the door; the messengers and pages and subordinates are all performing faithfully, justly, to the satisfaction of everybody, on the floor at least, the various duties. Now, since the committees have been appointed the Senate is perfectly equipped for the regular and orderly transaction of its business. We need no change in order to accomplish that. Your table, Mr. President, is piled with business; the committees are charged with business. Why not go on in the regular way and discharge that business, and if afterward it be either our pleasure or our convenience to discuss this resolution, then bring it up?

I appeal to the Senator from Massachusetts, [Mr. DAWES,] I appeal to my honorable colleague [Mr. SHERMAN] and to the Senator from Vermont, [Mr. MORRILL,] who were yesterday so apprehensive that a few remarks by the Senator from Indiana [Mr. VOORHEES] would protract this session or call for an extra session—I appeal to them in behalf of the interest that they expressed for a short executive session, to interpose their influence, great as it justly is, in order that this resolution may lie upon the table. If that course is not taken, it will be necessary to enter into a long discussion involving the *personnel* of the present organization of the Senate, involving the *personnel* of the proposed organization of the Senate, and involving an investigation of all the precedents.

Here I may say in the hearing of the conservative Senator from Massachusetts that the precedents are all against him, even from the very beginning of the Government and during the troublous times of 1861. Moreover we shall be obliged to give our attention to the considerations so eloquently urged only two years ago by so many Senators on the other side of the Chamber (the honorable Senator from Rhode Island [Mr. ANTHONY] whom I do not see now in his seat and other honorable Senators whom I do see) who foretold the doom that would come upon the Senate if speedily and hastily the officers of the Senate were changed.

Mr. President, I appeal to the Senate; I appeal to those gentlemen who believed yesterday that debate was not proper here; I appeal to everybody who desires that the public business shall be attended to and that the Senate shall adjourn; I appeal to all my fellow-Senators who desire that we should speedily execute the great duties that have been devolved upon us by the President, that this resolution shall lie over; for in a spirit of entire kindness, without the slightest disposition to transgress in the least possible degree the decorum and moderation which should characterize our intercourse upon this floor, I say to them that the resolution will not speedily pass the Senate.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. I ask for the yeas and nays.

Mr. HARRIS. Understanding that executive business is the main if not the whole object the President had in view in convening us, I make that motion in order that we may perform the duties that have been devolved upon us.

Mr. DAWES. I withdraw the call for the yeas and nays.

Mr. HARRIS. I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

Mr. MORRILL, (when the name of Mr. EDMUNDS was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. GARLAND. The Senator from Vermont is mistaken in that announcement. The Senator from Vermont [Mr. EDMUNDS] is paired with myself upon all questions. I exchanged the pair one day to suit the convenience of the Senator from North Carolina, [Mr. VANCE,] who was then absent from the Chamber.

Mr. MORRILL. Very well; that is all right.

Mr. FERRY, (when his name was called.) By the vote thus far I perceive that the division takes a political direction, and I am paired with the Senator from Georgia [Mr. HILL] on all political questions. Were he present, I should vote "nay."

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] Were he present, I should vote "nay."

Mr. McPHERSON, (when his name was called.) Upon this and like questions I am paired with my colleague, [Mr. SEWELL.] Were he present, I should vote "yea."

Mr. SAUNDERS, (when his name was called.) On political questions for the time being I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] The voting so far indicates that this is a political question, and I refrain from voting. If the Senator from Kentucky were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 31, nays 33; as follows:

YEAS—31.

Bayard,	Davis of W. Va.,	Jackson,	Pugh,
Beck,	Fair,	Johnston,	Ransom,
Brown,	Farley,	Jonas,	Saulsbury,
Butler,	George,	Jones of Florida,	Slater,
Call,	Gorman,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Pendleton,	

NAYS—33.

Allison,	Edgerton,	Logan,	Plumb,
Blair,	Frye,	McDill,	Rollins,
Burnside,	Hale,	McMillan,	Sawyer,
Cameron of Pa.,	Harrison,	Mahone,	Sherman,
Cameron of Wis.,	Hawley,	Miller,	Teller,
Conger,	Hill of Colorado,	Mitchell,	Van Wyck.
Conkling,	Hoar,	Morrill,	
Davis of Illinois,	Ingalls,	Platt of Conn.,	
Dawes,	Jones of Nevada,	Platt of N. Y.,	

ABSENT—12.

Anthony,	Garland,	Kellogg,	Sewell,
Edmunds,	Groome,	McPherson,	Vance.
Ferry,	Hill of Georgia,	Saunders,	Williams.

So the motion was not agreed to.

A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. BECK. Mr. President, notwithstanding the great number of very important nominations that the President of the United States has sent to us, and in the face of another communication just received, it is evident that the majority of this Chamber do not propose to go on with the business for which we were called together. I find on the table among the caucus nominees the following resolution:

Resolved, That Harrison H. Riddleberger, of Virginia, be, and hereby is, elected Sergeant-at-Arms and Doorkeeper of the Senate.

As I have heard it whispered that some man of that name (I assume it cannot be this man, but the similarity of names is striking) was the person who introduced what was generally known as the repudiation bill that passed through the Legislature of Virginia, and the people were only saved from the infliction of it by the veto of the democratic governor, I should like a little while to seek out whether this is the person, what character of bill that was, and why the republican party should become so attached to a confederate brigadier with these antecedents, who was a Hancock elector as well. I should like to inquire into that matter, and I move that the Senate adjourn in order to give us time for the inquiry. I call for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

Mr. FERRY, (when his name was called.) I am paired on political questions with the Senator from Georgia, [Mr. HILL.] Were he here, I should vote "nay."

Mr. GARLAND, (when his name was called.) As before announced, and I announce now for the rest of the day, I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] Where he present I should vote "nay"

Mr. McPHERSON, (when his name was called.) I again announce my pair with my colleague, [Mr. SEWELL,] and I shall not take the time of the Senate to again announce it.

The roll-call having been concluded, the result was announced—yeas 31, nays 32; as follows:

YEAS—31.

Bayard,	Davis of W. Va.,	Jackson,	Pugh,
Beck,	Fair,	Johnston,	Ransom,
Brown,	Farley,	Jonas,	Saulsbury,
Butler,	George,	Jones of Florida,	Slater,
Call,	Gorman,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Pendleton,	

NAYS—32.

Allison,	Edgerton,	Jones of Nevada,	Platt of Conn.,
Blair,	Frye,	Logan,	Platt of N. Y.,
Burnside,	Hale,	McDill,	Plumb,
Cameron of Pa.,	Harrison,	McMillan,	Rollins,
Cameron of Wis.,	Hawley,	Mahone,	Sawyer,
Conger,	Hill of Colorado,	Miller,	Sherman,
Conkling,	Hoar,	Mitchell,	Teller,
Dawes,	Ingalls,	Morrill,	Van Wyck.

ABSENT—13.

Anthony,	Garland,	Kellogg,	Sewell,
Davis of Illinois,	Groome,	McPherson,	Vance,
Edmunds,	Hill of Georgia,	Saunders,	Williams.
Ferry,			

So the Senate refused to adjourn.

Mr. JONES, of Florida. Looking into the Journal, and recurring to the proclamation of the President convening the Senate in executive session, I find these words:

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the 4th of March next, to receive and act upon such communications as may be made to it on the part of the Executive.

Inasmuch as I see on the desk of the Chair a communication just received from the President, I move that we proceed to the consideration of executive business in accordance with this proclamation.

Mr. HARRIS. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) Inasmuch as there are likely to be several roll-calls to-day, I announce once for all that my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

Mr. FERRY, (when his name was called.) I am paired, as I before announced, with the Senator from Georgia, [Mr. HILL.] I should vote "nay" if the Senator from Georgia were present.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay" and he would vote "yea."

The roll-call was concluded.

Mr. BECK. My colleague [Mr. WILLIAMS] was compelled to leave the city in consequence of serious illness, and is paired on all political questions with the Senator from Nebraska, [Mr. SAUNDERS.] I shall not make the announcement any more, but will let it extend over all the votes taken to-day.

The result of the roll-call was as follows:

YEAS—32.

Bayard,	Davis of Illinois,	Harris,	Pendleton,
Beck,	Davis of W. Va.,	Jackson,	Pugh,
Brown,	Fair,	Johnston,	Ransom,
Butler,	Farley,	Jonas,	Saulsbury,
Call,	George,	Jones of Florida,	Slater,
Camden,	Gorman,	Lamar,	Vest,
Cockrell,	Grover,	Maxey,	Voorhees,
Coke,	Hampton,	Morgan,	Walker.

NAYS—32.

Allison,	Edgerton,	Jones of Nevada,	Platt of Conn.
Blair,	Frye,	Logan,	Platt of N. Y.,
Burnside,	Hale,	McDill,	Plumb,
Cameron of Pa.,	Harrison,	McMillan,	Rollins,
Cameron of Wis.,	Hawley,	Mahone,	Sawyer,
Conger,	Hill of Colorado,	Miller,	Sherman,
Conkling,	Hoar,	Mitchell,	Teller,
Dawes,	Ingalls,	Morrill,	Van Wyck.

ABSENT—12.

Anthony,	Garland,	Kellogg,	Sewell,
Edmunds,	Groome,	McPherson,	Vance,
Ferry,	Hill of Georgia,	Saunders,	Williams.

The VICE-PRESIDENT. The vote of the Senate being equally divided, the Chair votes "nay;" and the motion is lost.

Mr. HARRIS. Inasmuch as the Chair has given the casting vote against proceeding to the consideration of executive business, I take for granted that the Chair deems it proper that the day should be devoted by the members of this body to the consideration of the various nominations now pending before the committees; and in order that the Senate may so devote the day, I move that the Senate do now adjourn; and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN, (when the name of Mr. HILL, of Georgia, was called.) It has already been announced by the Senator from Michigan [Mr. FERRY] that my colleague [Mr. HILL] is paired with him on political questions. I announce it again now, but will not continue to make the announcement if there should be subsequent calls of the yeas and nays.

Mr. SAUNDERS, (when his name was called.) As I announced before, I am paired with the Senator from Kentucky, [Mr. WILLIAMS,] and I shall not announce it again. Let it be understood that we are paired on all these votes.

The roll-call having been concluded, the result was announced—yeas 29, nays 32; as follows:

YEAS—29.

Bayard,	Davis of W. Va.,	Johnston,	Saulsbury,
Beck,	Fair,	Jonas,	Slater,
Brown,	Farley,	Jones of Florida,	Vest,
Butler,	Gorman,	Maxey,	Voorhees,
Call,	Grover,	Morgan,	Walker.
Camden,	Hampton,	Pendleton,	
Cockrell,	Harris,	Pugh,	
Coke,	Jackson,	Ransom,	

NAYS—32.

Allison,	Dawes,	Ingalls,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Frye,	McDill,	Plumb,
Cameron of Pa.,	Hale,	McMillan,	Rollins,
Cameron of Wis.,	Harrison,	Mahone,	Sawyer,
Conger,	Hawley,	Miller,	Sherman,
Conkling,	Hill of Colorado,	Mitchell,	Teller,
Davis of Illinois,	Hoar,	Morrill,	Van Wyck.

ABSENT—15.

Anthony,	George,	Kellogg,	Sewell,
Edmunds,	Groome,	Lamar,	Vance,
Ferry,	Hill of Georgia,	McPherson,	Williams.
Garland,	Jones of Nevada,	Saunders,	

So the Senate refused to adjourn.

Mr. PENDLETON. I move to lay the pending resolution on the table, and upon that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. FERRY. If not paired with the Senator from Georgia, [Mr. HILL,] I should vote "nay."

The result was announced—yeas 31, nays 33; as follows:

YEAS—31.

Bayard,	Davis of W. Va.,	Jackson,	Pugh,
Beck,	Fair,	Johnston,	Ransom,
Brown,	Farley,	Jonas,	Saulsbury,
Butler,	George,	Jones of Florida,	Slater,
Call,	Gorman,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Pendleton,	

NAYS—33.

Allison,	Cameron of Wis.,	Dawes,	Harrison,
Blair,	Conger,	Edgerton,	Hawley,
Burnside,	Conkling,	Frye,	Hill of Colorado,
Cameron of Pa.,	Davis of Illinois,	Hale,	Hoar,

Ingalls,	Mahone,	Platt of N. Y.,	Teller,
Jones of Nevada,	Miller,	Plumb,	Van Wyck.
Logan,	Mitchell,	Rollins,	
McDill,	Morrill,	Sawyer,	
McMillan,	Platt of Conn.,	Sherman,	

ABSENT—15.

Anthony,	Garland,	Kellogg,	Sewell,
Edmunds,	Groome,	McPherson,	Vance,
Ferry,	Hill of Georgia,	Saunders,	Williams.

So the Senate refused to lay the resolution on the table.

Mr. MAXEY. I desire to submit a motion, and before doing so shall give my reasons for it. I am sorely troubled in spirit. Politics makes strange bedfellows. I have heard for several years past the air beaten with cries coming from this Chamber, from the other, from the hustings, from the pulpit, from the press, everywhere beaten into the ears of the people of the North, men, women, and children, that the country was in danger of being placed under the domination of confederate brigadiers. I remember on this floor about five years ago the State convention of my State called to make a constitution was denounced as a rebel, revolutionary, democratic convention; and when we have modestly thrown back to them that there were on their side confederate brigadiers who had been appointed to office—Akerman, Longstreet, Mosby, and others—the reply has been that they had brought forth fruit meet for repentance. Yet I have seen a whole party take into full fellowship and brotherhood a confederate brigadier who announced himself a democrat, yet a democrat, always a democrat, and who proclaimed, and I may say almost defiantly, and turning to the republicans said that he had no apologies to make or excuse to offer for the course that he had pursued; that he had none to make here, he had never made any elsewhere; and yet this confederate democratic brigadier, in the presence of the Senate and of the whole people, was surrounded and an ovation given to him, and the right hand of friendship and fellowship extended. I do not understand that. I cannot see why a confederate democratic brigadier should be blessed on one side and cursed on the other.

There is another thing that troubles me, Mr. President. We are called upon here to reorganize the officers of the Senate, and one of the nominations made is the nomination of a gentleman who is not only a democrat, as I understand, but was a democratic elector at the last presidential election on the Hancock and English ticket, and he is to be given to us by this same republican party as the Sergeant-at-Arms. Mr. President, have the days of the millennium come around? What does all this mean? I do not understand; I cannot understand it. I remember also that this same party have proclaimed in the face of the whole world that they were the authors, the finishers of that clause of the Constitution, in the fourteenth amendment, which I approve and indorse, that the validity of the public debt shall never be questioned. But do they now mean to say that that applies only to the national debt, that the nation shall not dishonor itself or disgrace itself, but that a State may repudiate its debt, and that they may take into their fold and place in the most important office in this Senate a man who is a readjuster according to his own showing?

I remember the other day in the speech, which was certainly adroit, of the Senator from Virginia [Mr. MAHONE] he was asked the questions, "Are you a democrat? Are you a republican?" And he replied from his place in the Senate: "I was elected as a readjuster. Do you know what they are?" The Senator from Georgia [Mr. HILL] did not seem to know. I do. I understand the word "readjuster" means that the Senate is to be readjusted in all its officers; that the republican party readjusts itself under the banner of a confederate brigadier-general, a democrat, who proclaims that he never has repented of any of his past sins; and the offices of the Senate are to be readjusted under his leadership.

Mr. President, that may be. Politics makes strange bedfellows; but I do hope and trust in the Lord that I never shall lie down on such a bed as that. I want to study these things over; I do not understand them; and I propose to submit a motion by which we may have time to understand this new arrangement, this new readjustment, whereby the republican party takes back, as far as one of the important offices, that of Secretary of the Senate, is concerned, a man whom we would call down in Texas a pitching mustang, who pitches out of the republican traces whenever it suits him to pitch out—he is to come back; and why? I remember that the papers were full for months that the Senator from Virginia would vote for certain officers; that he would vote to turn the Secretary of the Senate out and put that man in. I see it is about to be done. That is another portion of the readjustment. The pitching mustangs are to be taken into this circle of readjustment along with the confederate brigadier-generals—democrats who ran as democrats on the electoral ticket, claiming to be readjusters. If that goes before the country and the republican party can stand it, I am perfectly sure that we can on this side. But let us think about this thing a little; and in order that we may think about it, study over it, and comprehend this new readjustment, I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS called for the yeas and nays, and they were ordered and taken.

Mr. MCPHERSON. I will again state that I am paired with my colleague, [Mr. SEWELL.]

YEAS—32.

Bayard,	Davis of Illinois,	Harris,	Pendleton,
Beck,	Davis of W. Va.,	Jackson,	Pugh,
Brown,	Fair,	Johnston,	Ransom,
Butler,	Farley,	Jonas,	Saulsbury,
Call,	George,	Jones of Florida,	Slater,
Camden,	Gorman,	Lamar,	Vest,
Cockrell,	Grover,	Maxey,	Voorhees,
Coke,	Hampton,	Morgan,	Walker.

NAYS—32.

Allison,	Edgerton,	Jones of Nevada,	Platt of Conn.,
Blair,	Frye,	Logan,	Platt of N. Y.,
Burnside,	Hale,	McDill,	Plumb,
Cameron of Pa.,	Harrison,	McMillan,	Rollins,
Cameron of Wis.,	Hawley,	Mahone,	Sawyer,
Conger,	Hill of Colorado,	Miller,	Sherman,
Conkling,	Hoar,	Mitchell,	Teller,
Dawes,	Ingalls,	Morrill,	Van Wyck.

ABSENT—12.

Anthony,	Garland,	Kellogg,	Sewell,
Edmunds,	Groome,	McPherson,	Vance,
Ferry,	Hill of Georgia,	Saunders,	Williams.

The VICE-PRESIDENT. Upon the motion of the Senator from Texas that the Senate now proceed to the consideration of executive business the yeas are 32 and the nays are 32. The motion is lost.

Mr. HARRIS. Mr. President, the six or seven persons nominated to fill the various offices in the organization of the Senate, with the exception of the distinguished divine who is nominated for Chaplain and the gentleman nominated for Secretary, are wholly unknown to me, and I suppose unknown to a majority of the Senators upon this floor. Senators who have been here as long as I have been know that the gentleman nominated for Secretary is an efficient and competent officer, not more so than the present incumbent. In respect to the others I have known nothing until they were nominated, I have had no opportunity of ascertaining anything as to the character of men they are; and in order that I, in common with other Senators, may have time to satisfy myself as to the propriety of turning out a corps of officers that I undertake to say—and every Senator upon this floor will verify the fact—have been efficient and obliging and blameless, before we substitute the new names for those gentlemen we should take time to maturely consider the propriety of the step, and in order that we may do so, I move to postpone the further consideration of the pending resolution until the first Monday in December next; and upon that motion I demand the yeas and nays.

Mr. LOGAN. Will the Senator withdraw that motion for a moment?

Several SENATORS. It is debatable.

Mr. HARRIS. It is a debatable motion.

Mr. LOGAN. That is true. Mr. President, I do not wish to detain the Senate on this motion, but I desire to answer the suggestion made by the Senator from Tennessee, for it certainly is a very novel one.

He says that he desires time to examine into the capability of the gentlemen nominated by the republicans for officers of the Senate, that the Senate may understand whether or not they are suitable persons to be chosen. This would not appear strange at all if the Senator desired this examination for the purpose of ascertaining whether he would cast his vote in favor of these men or not. Now, I presume he will not say here that under any consideration whatever he would vote for either of these men that have been named. When he says that their names are brought forward without any knowledge of himself, and I suppose that might apply to his side of the Chamber, as to the fitness of these individuals, I would like to ask him what notice did he and his colleagues give to this side of the Chamber when they changed every officer in it? What history did these gentlemen give to us of those men? What information did they give us in reference to their qualifications and fitness? The names were presented here in the Senate and voted without a word.

Mr. FARLEY. Will the Senator allow me to interrupt him a moment?

Mr. LOGAN. Certainly.

Mr. FARLEY. The names of the gentlemen who are now the officers of this Senate were presented here about two years ago, and they were debated; the question of the election of these officers and the removal of the then officers of the Senate was discussed at large for two or three days. The Senator from Rhode Island [Mr. ANTHONY] and the distinguished Senator from New York [Mr. CONKLING] and the then Senator from Maine (Mr. Blaine) opposed the organization of the Senate at that time by the election of new officers. We now have officers, the Senate is organized, and the proposition now before the Senate is to disorganize the officers by electing new officers.

Mr. LOGAN. That is not the point at all. What I was speaking to was the fact that we had not sent word to your side of the Chamber as to the capacity of these officers; had not gone and consulted your side of the Chamber in reference to it. When I said "without a word," I meant a word as to the character and fitness of the nominees. The Senator from Tennessee appeals to us that the gentlemen on the other side should have a certain kind of knowledge as to the fitness of these nominees. Why, sir, this is an unheard-of proceeding, to require one side of the Chamber to present names for consideration to the other side of the Chamber before we shall decide as to whether we shall elect them or not, if we have the power to do it. No such

thing has ever been thought of before at any time, so far as the different party organizations are concerned.

I thought when I rose that I would only say this much; but now the Senator from Texas says that one of the persons selected by our side of the Chamber, the person selected for Secretary of the Senate, is what is termed in Texas a kicking mustang. By that remark I should infer that there was another kind of mustang that is not a kicking mustang.

Mr. HARRIS. "Pitching mustangs," not "kicking."

Mr. LOGAN. I do not wish to apply any such—I will not say epithet—or to try to cast opprobrium on any officers here by comparing them with mustangs or with broad-horns or with anything else; but in answer to the Senator I will say that the gentleman he referred to is as well qualified a man as ever performed the duties of Secretary of the Senate.

Mr. MAXEY. Will the Senator allow me?

Mr. LOGAN. Certainly.

Mr. MAXEY. I said nothing against the gentleman referred to. I know him well. He was an excellent officer, one of the best I think that could be presented. That is not the point with me. As a question of party discipline, I was simply trying to understand how the republican party could place a gentleman in such an important position who was in the habit of doing pretty much as he pleased on questions of party nominations. That was the point I made, and I referred to it in the manner I did not with any design to injure him in the least.

Mr. LOGAN. I will say to the Senator from Texas that this side of the Chamber is under many obligations for the kindly suggestion that he has made to them in reference to the manner in which they should manage their own party discipline. I know the Senator is quite a disciplinarian; he has been in former times, and is entitled to much credit for that; but if he will only be kind enough to allow us to manage our own affairs in our own way, we shall not try to interfere with the management of his affairs in his way. If we make mistakes, you are not responsible for them, but we are. Let the responsibility rest with us; we take it, and ask no man to share it with us.

Now, then, let me say, so far as that is concerned, that I hope the other side of the Chamber will allow us, whether we mismanage our affairs or not, to at least think that we are of age and are competent to decide for ourselves. If we present unworthy men for consideration, do not vote for them. If we vote for them, it is our responsibility, not yours. I say this in all kindness. I think I may appeal to the Senator and his colleagues that we at least be considered in our manhood and not in our infancy. We certainly do not consider that side of the Chamber in this light. You managed your affairs when you had the majority. You say now we have not the majority, and I desire just for a moment to reply to what was said by the Senator from Ohio [Mr. PENDLETON] on that point.

He said this morning that many persons whose opinions were to be considered did not believe that we had a right to organize because of the fact that we had not a majority of Senators here. I believe that was substantially what the Senator said. If we do organize the Senate, it shows that we have a majority; if we fail to organize it, it shows that we have not a majority. How are majorities ascertained except by the roll? There is no other way. If the Senate stands a tie so far as the Senators themselves are concerned in numbers, then by virtue of the Constitution it is provided that that knot shall be untied by the voice of the presiding officer of the Senate of the United States; and, sir, if it was not so provided this Senate might stand locked day after day, week after week, and month after month. If there is any reason for any man to say that such a knot in the Senate cannot be untied by the voice of the Vice-President, I should like to know the reason. The reason is all the other way. If reasonable men make a constitution providing a body for the purpose of legislating for the country, they will certainly provide in that instrument that legislation may go on; and if you announce the doctrine that legislation may not go on because the Senate is tied and the Vice-President must sit there voiceless so far as a decision is concerned, you provide then by your Constitution a way by which you may not legislate, and not a way by which you can legislate.

Hence I say the provision of the Constitution is a wise one and the precedents which we have before us are numerous in fact that the Vice-President has untied the Senate in the election of officers of the Senate. I read one the other day. Senators will find, if they examine the precedents, that the Senate was again untied by Vice-President Fillmore under exactly such circumstances. When the Senate was a tie in reference to the election of an officer of the Senate he voted to untie the Senate, for the reason that there is no means by which legislation can proceed where there is a tie, except by the exercise of that right of the Vice-President, who sits as President of the Senate. That much I say merely in answer to the Senator from Ohio.

Now, Mr. President, let us proceed in order and organize the Senate. The Senator from California [Mr. FARLEY] says we seek to disorganize it. Why, sir, the disorganization he speaks of is not disorganizing the Senate; it is merely changing the officers of the Senate, which we have a right to do at any time when we have the numerical strength to do it. Having that strength——

Mr. BUTLER. I wish to propound an inquiry to the Senator from Illinois. I ask him if there are any charges of inefficiency against the present officers of the Senate?

Mr. LOGAN. Any charges?

Mr. BUTLER. Any charges of inefficiency as a reason for their removal?

Mr. LOGAN. Why, Mr. President, no. I will only act toward the Senator as he has acted toward me, and ask him, were there any charges of inefficiency against the officers that you turned out two years ago when you put these in their places? No, sir. That is not the question. The question is, have we the power to change them? If we have, we have the right. That is all there is in it.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. LOGAN. Certainly.

Mr. JONES, of Florida. I desire to know when it was in the history of the Government that this thing ever was done under the same circumstances as now proposed; when it was that at an executive session called as this has been, for the purpose of considering such communications as the Executive might feel disposed to send to this body, it went into the business of a complete and radical reorganization?

Mr. LOGAN. I will answer the Senator. I have not examined the precedents to know whether or not this was done in an executive session. I listened only yesterday morning to the Senator from Indiana [Mr. VOORHEES] who piled precedent on precedent to show that legislative business had been done at executive sessions. It is not a question whether the change of officers has been made in an executive session heretofore. The question is, have we the right and the power to do it? The Senate, as well as the Senator from Florida, for he is a good lawyer, knows that under our Constitution the Senate of the United States is a continuous body. It is the Senate in legislative session; it is the Senate in executive session; it is the same organization, the same body, the same power, having control of itself at all times; having control of its organization and its officers every day, every hour, every minute that it has an existence when it is in session. That is the Senate of the United States, and that is its power under the Constitution.

Mr. GARLAND. Mr. President——

Mr. DAWES. Will the Senator allow me to put an interrogatory to the Senator from Florida?

Mr. GARLAND. I give way.

Mr. DAWES. Suppose the Secretary of the Senate should resign to-day, would there be any impropriety in proceeding to an election? Would it not be our duty to proceed to an election? And suppose the result should be a tie vote in the Senate, what would the Senator propose to do?

Mr. LOGAN. Adjourn. [Laughter.]

Mr. JONES, of Florida. The Senator wants an answer, I suppose.

Mr. DAWES. I should like to know what the Senator from Florida would propose to do if the misfortune should fall upon the Senate of having its worthy and efficient Secretary resign to-day?

Mr. JONES, of Florida. We would elect a new one.

Mr. DAWES. How would you do it if the Senate, proceeding in pursuance of just such a resolution as is now pending, should find the result to be a tie vote?

Mr. JONES, of Florida. If the Secretary of the Senate were to die or resign there would certainly be a very pressing necessity to put somebody in his place; but I cannot for the life of me see the analogy between that case and the existing one, because we have already, as is admitted on all hands, a very efficient and capable officer now filling the place.

Mr. DAWES. Does the Senator think that would alter the Constitution?

Mr. JONES, of Florida. Not at all.

Mr. DAWES. Then I infer——

Mr. JONES, of Florida. I do not raise any question as to the power. I do not raise any question as to the mere naked power; but there are many cases where power exists and where propriety forbids its exercise.

Mr. GARLAND. I would yield further, but I am afraid the Senate will adjourn before I get a chance to say something about this matter. [Laughter.]

The VICE-PRESIDENT. The Senator from Arkansas resumes the floor.

Mr. GARLAND. I want to say a few words, Mr. President, on the motion submitted by the Senator from Tennessee. Before I do that, however, I wish to say in reference to the power that is claimed for the Vice-President to cast his vote when the Senate is equally divided, that I have not a particle of doubt as to the power of the Vice-President to do that. I think it is one of the most clearly conferred powers in the Constitution of the United States and one of the wisest provisions in that very wise instrument, and given for the express purpose of untying the Senate when it is in the predicament it is now. I shall not attempt to debate it, but if it becomes a question to be talked about I shall have something to say and shall give the reasons at length for this position. I believe, in other words, that whenever the Senate shall be equally divided, the Vice-President, under the Constitution, becomes *quoad hoc* a Senator; in other words again, he is a latent Senator, only waked up for action whenever any question whatsoever comes before the Senate on which they are equally divided.

As to the procedure that is asked for here, the election of new

officers for the Senate, my impression is—I do not state it with the utmost confidence, however—that it has not been the custom of the Senate at what is called an executive session to change its officers. It has done so at extra sessions of Congress as a matter of course, and for good reason; but so far as my knowledge goes the existing officers at the close of a Congress have always continued through an executive session following it as they existed at the session preceding that executive session. If I am in error about this, the Senator from Massachusetts who has charge of these resolutions can correct me.

But I wish to say something to the Senate now that goes beyond and above the mere matter of party discipline in this controversy, that goes far beyond the mere question of party power and party success. I assert it as a fact that I think cannot be successfully controverted, that until last Monday week there were not half a dozen men on the face of the earth who knew for a certainty what the complexion of this Senate would be, the Vice-President of the United States and President of the Senate thrown in. I may be in error as to that; but I assert with a considerable degree of confidence that until last Monday a week ago it was not known what would be the complexion of this Senate in casting its vote on any proposition. Upon the revealing of that fact and its way and manner, I have nothing to say. These are matters that gentlemen must take care of for themselves with a proper regard to their own constituency and their accountability to them. The mixtures and intermixtures of politics and of political bedfellows, as was said by my friend from Texas, are like the verdicts of petit juries, among the unaccountable things, and life is too short to undertake now, at least on my part, to make out any true diagnosis or prognosis of the matter; but here is the fact before us that a large number of gentlemen, officials of this Senate, who are acceptable, against not one of whom, as I believe, can one single charge be brought, either of malfeasance or misfeasance or non-feasance in office, upon a sudden, not even a respectable justice of the peace's notice, are called upon to take their beds and walk, without a day's preparation, without a moment's notice compared with that which should be assigned to them when they are called upon to leave these places. These gentlemen have been here now nearly a period of two years, many of them depending for every particle of bread (and salt in that bread) that they have upon the small salary they get here; and they are called upon suddenly to leave, without any preparation, without anywhere to go, like the Son of Man, who it was said in the Scripture "Hath not where to lay His head;" and this at a short executive session, called by the President for special executive business.

If my friend from Illinois alluded to the change of these officers two years since, there is no comparison at all between the cases. When the Senate met here on that occasion, it was distinctly known in every corner of the United States what the majority on this side was and would be on the roll-call; it was known after the election that preceded the assembling of Congress the preceding winter, so that Mr. Gorham, Mr. French, and those officials then here had due and timely notice and preparation to leave these places. Now I appeal to both sides of the Chamber—I am not speaking of party now at all, but I am speaking for these gentlemen who have demeaned themselves as faithful servants—do not inflict an injury on some of these gentlemen and probably an irreparable injury upon them for life. It is a matter of but a few days at best; and if an extra session of Congress is called, (which God in His wisdom I hope will avert as one of the calamities to the country,) you may then, so far as I am concerned, have full leave and power and authority to go forward and elect your officers; but you are now to strike down some of the best officials the country has ever had for a little gain of possibly a week or two or a few months at most.

It is not seriously, my brother Senators, a subject worthy of your consideration; it is not a subject worthy of your action at this time. If these men could have known what was revealed here last Monday week, a month or two months or six months in advance, it would have been a different thing; and under the precedents as far as I have examined them, or as far as I have been told of them, if you organize according to your own notions next December no subsequent executive session will cut you out of the officers then elected, but they will continue.

Now let us see if there is not something decent and respectable left at last, irrespective of party discipline and party whip, where we may meet together on a common ground and let this matter go over until the regular session as indicated by the motion of the Senator from Tennessee. I do not wish to be drawn into a contest of this sort here. I do not, for the sake of the country, for the sake of all parties, for the sake of all peoples, want to have this contest, and I ask you, in the name of justice to these gentlemen who have had this short notice, to spare them, to give them a little more time. It is not, as the Senator from Illinois says, (if he will allow me to differ with him,) simply because you have the power you have the right to exercise it.

> Oh! it is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant.

I have taken leave, Mr. President, to say this much, and with this I expect to say no more on the subject.

Mr. BROWN. Mr. President, I do not know how many Federal officers there are in the United States; I have heard it said about one hundred thousand. There are about nine million voters in the United States. Of that nine million the republican party of the United States do not vote one-half. The republican party of the United States have nearly all the Federal offices of the United States. There is now and then a democratic postmaster; possibly some other democrat occasionally in office, but it will not be denied that the great body of the offices are now held by republicans.

Two years ago when the Senate was reorganized the democrats had 11 majority. At that time the republicans had nearly all the offices in the gift of the different heads of Departments of the Union. What was then the conduct of the democratic Senate? If the publications that I see be correct—and I take it they are—the democratic Senate retained in office almost one-half of the officers who are now in office and were then in office under the authority of the Senate. In other words, nearly one-half of the officers of the Senate to-day and those under them I understand to be republicans retained in position by a democratic Senate. Why? Because they were efficient and faithful the proscriptive rule was not applied. Good men in office were retained here; not all the good men who were in office, but a number of them.

We have heard a great deal said about civil-service reform. The retiring President rounded some beautiful periods on that subject in his last message. The present distinguished gentleman who occupies the executive chair of the Union in his inaugural, I believe, referred to the same subject. I understand it to be a very well established rule, at least so far as the professions of the republican party are concerned, that civil-service reform should prevail, that good men in office should not be retired simply on account of political opinions. It is admitted by distinguished Senators that the present officers of the Senate are good men; they are capable men; they can stand a competitive examination anywhere; they would be ready for a competitive examination if you desired it. Why, then, when you have nearly one-half the officers of the Senate, should you be impatient to take the balance? Is it quite liberal? Under the circumstances just referred to by my honorable friend from Arkansas, is it just to these gentlemen? I think not.

I have said that the republican party of the United States is not sustained by the votes of a majority of the voters of the United States. If I am right in that, then it would seem that a popular minority would not under a proper civil-service-reform rule be entitled to all the offices? Am I right?

Mr. LOGAN. Will the Senator allow me? I suppose when he refers to the number of votes he refers to the number of votes that were counted, not to the number of voters in the United States?

Mr. BROWN. Yes, sir; I refer to the number of votes that were counted. I presume there were some not counted, possibly in more sections than one. There was certainly some fraud in the elections in more sections than one. False count, if there has been any, or fraud in votes, or the use of money to control votes, is not confined to one section of this Union.

In 1876 the democratic candidate, Mr. Tilden, received on the popular vote for the office of President 4,284,885 votes; Mr. Hayes, the republican candidate, received 4,033,950 votes; being a popular majority for Mr. Tilden over Mr. Hayes of 250,935 votes, a quarter of a million difference in favor of the man who was counted out as the defeated candidate. At that election Mr. Cooper, the candidate of the greenback party, received 81,740 votes; the prohibition candidate received 9,522; there were scattering 2,636 votes, making an aggregate of 93,898 greenback, prohibition, and scattering votes. Add those to the votes that the republican candidate for President received, and Mr. Tilden, the democratic candidate, still had a popular majority over all of 128,519 votes. Thus the popular voice was uttered in 1876.

How did it stand in 1880? According to the American Almanac Mr. Garfield, the candidate of the republican party, received in 1880 4,442,950 votes; General Hancock, the candidate of the democratic party, received 4,442,035 votes, being a majority for Garfield over Hancock of 915 votes. At that election the greenback candidate received 306,867 votes. There were scattering 12,576, making a greenback vote and a scattering vote, added together, of 319,443 votes. The aggregate vote cast was 9,204,428. Mr. Garfield lacked 159,264 votes of receiving a majority of the whole number of votes cast in the United States for President.

Thus the republican party to-day holds its power by a minority vote of the people of the United States. Then it would seem to be proper, as the two parties are so nearly balanced, less than a thousand of the popular vote between the two parties, that if we were to apply an honest, fair, civil-service rule, the democrats ought to have some of the offices. There are about four and a half million democratic voters in the United States. Except, as I have said, a few postmasters, and now and then one who has strayed into the camp, under a mistake probably of the appointing power, you have on the republican side nearly all the offices, amounting to about one hundred thousand. We have a few officers still holding over under the authority of the House of Representatives, and about one-half, or a little over one-half, of the officers and employés of the Senate, and now you covet the little balance that are here.

But let it be borne in mind that not only the two parties on the popular vote are about equal in the United States, but that the pop

ular vote is fairly and honestly reflected in the Senate of the United States, and to-day the two parties stand exactly balanced in this body. We have thirty-seven republican Senators and thirty-seven democratic Senators; we have one independent and one readjuster, as General MAHONE terms himself, and I prefer that he speak for himself.

Mr. LOGAN. Will the Senator allow me to ask him a question, so that I may understand him? I do not wish to debate this matter, because I see where that would lead, and I certainly wish to avoid that; but I should like to understand the Senator's position. I ask if he is stating his own position, or whether he is trying to state the position which has been taken by the republican party when he says that the offices should be divided? What I mean is, is that his own position?

Mr. BROWN. That is my own position, that under civil-service reform, if you were to be honest about it, you should make a division. That is exactly my position.

Mr. LOGAN. It is not a question as to whether we are honest.

Mr. BROWN. I do not mean personal honesty; I mean political honesty.

Mr. LOGAN. I understand you. Is it your position that because of the fact that the presidential election according to the popular vote was decided by so close a vote, therefore the offices of the Government should be divided between the respective parties?

Mr. BROWN. No, sir, I do not hold any such position; I was simply commenting on your civil-service idea that has been made so prominent by two of your Presidents; and I say if that rule is to prevail there ought to be a fair competitive examination, and in that examination I say that the democrats will often win, and it is fair that the four and a half millions of democrats of the Union should have some chance for office, and if you will not hold competitive examinations and we have a little squad left here, we should hold them and stay here till we do hold them.

Mr. LOGAN. Very well. I wish right here to put in as a parenthesis that so far as I am concerned——

Mr. BROWN. I do not object to the Senator asking questions, but I do object to having his speeches injected into mine or taking up any length of time. He can reply to me when I have done. I have the floor. I will yield for a question, but I will not yield for comments.

Mr. LOGAN. I will not comment; I want to ask a proper question and let the Senator answer it as either on the republican side or his own. According to the theory he now presents to the country, saying that is the republican theory—I do not agree with him, but that is immaterial—if the offices are to be divided upon that principle, then the President of the United States would have to put in one-half his Cabinet republican, or we will say within one of half republicans and within one of half democrats and probably the other one independent. [Laughter.] That is the theory. Do you believe that course would harmonize anything in this country?

Mr. BROWN. No, sir, I do not. I think there is a great deal of humbug in your theory, but you ought to be bound by it.

Mr. LOGAN. I do not believe in any such theory myself.

Mr. BROWN. Neither do I. I do not know but that there was more good sense in the position taken by an old gentleman who once I believe occupied the Presidency, that "to the victors belong the spoils," and I thus judge because you republicans in office have practiced it, and you have done it for twenty years pretty successfully. Though two of your Presidents, it is true, have said a great deal about the theory of civil-service reform and competitive examinations, I say there is humbug in the doctrine, and the practice shows that it is humbug. You do not practice it; you will not allow us to practice it. We are ready for competitive examinations now; not on Cabinet officers, because the President should always choose his own advisers; not on heads of Departments; I say the party in power should have the direction so far as leading positions are concerned so as not to be embarrassed; but when you come to apply it to the minor officers such as we have in the Senate, clerkships and positions of that character, if there is any propriety in the theory of what is called civil-service reform, or if it means anything, you should permit a competitive examination once in a while and let a democrat take a chance. Again, when you have good officers as you have here in the Senate now, and nearly half of them on your side, you are tolerably grasping I think if you do not permit us to hold them at least until you meet for a business session.

Mr. LOGAN. Will the Senator allow me to ask him one other question?

Mr. BROWN. I do not care how many questions the Senator asks. I would prefer, however, to go on with my remarks.

Mr. LOGAN. I merely wish to ask——

Mr. BROWN. I understand the object of the questions very well.

Mr. LOGAN. I do not know whether you do or not. Perhaps you will after I ask it.

Mr. BROWN. I understand it just as well now.

Mr. LOGAN. Will the Senator please state, if he is so minded—I have no right to interrogate him unless he desires to be interrogated—whether or not he carried out the policy he is now suggesting to us at the time he was a republican governor of the State of Georgia?

Mr. BROWN. I will. I answer distinctly that I never was a republican governor of the State of Georgia.

Mr. LOGAN. Then I take it all back. I thought the Senator was.

Mr. BROWN. No, sir; never.

Mr. LOGAN. I remember meeting him in a republican national convention as a delegate when General Grant was nominated, and I recollect that he advocated General Grant's nomination and voted for him.

Mr. BROWN. Yes, sir; and I voted for him.

Mr. LOGAN. I thought he was a republican. I take it all back if he was not. [Laughter.]

Mr. BROWN. I will answer the Senator without any hesitation at all. When the democratic party stood upon the platform that it occupied prior to the war and whenever it has stood upon the platform it occupies to-day, I have never in any case been anything but a democrat or voted anything but a democratic ticket. When it abandoned its former platform, or the platform that it occupied prior to the war, and adopted the line that the reconstruction measures were unconstitutional, null, and void, which I thought would lead to another revolution and trouble, I then did not act with the democracy; and as I am always on one side or the other I acted with the republicans, because they accepted the results of the war. But as soon as the democrats came and planted themselves on that platform, and I believed planted themselves there in good faith, I returned to my first love and acted with them, as I had a right to do.

Now I will ask my friend from Illinois, who I believe was once a very good democrat [laughter]—he lived in the Egypt part of his State, which was very democratic—whether it might not probably be well for him now as his old party has accepted these results to come and act with it?

Mr. LOGAN. I will answer the Senator if he will allow me. When I left the democratic party I left it not to return. I left it because I disbelieved its theories. I disbelieve them still. I stay away from them still. There has been no time since I left them that ever I had, as the boys say, a hankering for returning. I have it not yet. I am always, as the Senator says of himself, on one side or the other, and since I have left the democratic party I have always been with the republican side, and I always expect to remain there as long as the republicans advocate what they do. There is no first love with me to return to. I have no affection for the principles of the democratic party that attracts me in any sense whatever, and if the Senator from Georgia when he abandoned the democratic party and joined the republican party because he thought they were right had staid there because he thought they were right, and had not abandoned them because the democratic party as he says returned to their old principles, he and I would understand one another much better as to our different changes, he having changed once oftener than I have. [Laughter.]

Mr. BROWN. The Senator from Illinois admits, then, that while he acted originally with the democratic party he did not believe in their principles. I did. That is the difference between us. I do not know what policy may have controlled him. Doubtless he was always controlled by honest motives; I do not question that; but whether it was because he was in a congressional district that was strongly democratic, or what his reason might have been, I do not know. He says that though he acted with the democracy he did not like their tenets and never had any love for them. I do not blame him, therefore, for not returning to them. If I had had no affection for the party when I acted with it prior to the war, when it strayed off on a false issue and I did not go with it and acted that time with the republicans, I would have done like he did; I would not have returned to it. But as I had a sincere affection for it and acted with it upon principle, and have always acted upon principle, when I thought it put itself right again upon the reconstruction measures and took a position for the best interests of the country, I returned to it, or rather I should say it returned to me.

Mr. LOGAN. The Senator does not wish to misrepresent what I said?

Mr. BROWN. Certainly I do not.

Mr. LOGAN. I did not say I never had any affection for it; I said I never had any affection sufficiently strong to cause me to go back to it. I say that now; and I will say another thing to the Senator, that perhaps will show a little difference between him and me at the time I left the democratic party. It is not necessary for me to go into that, and I do not wish to; I have gone into it often enough and I presume the Senator has. I left it when my State was a democratic State; I left it when my congressional district had 18,000 democratic majority, and I was elected to Congress by 18,000 majority as a democrat. I resigned my seat and left it when I was in the minority. So it shows that I did not leave it for power or place.

Mr. BROWN. I have not questioned your motives at all.

Mr. LOGAN. If the Senator, when his State was democratic, when there was not a republican majority in it at the time, had joined the republicans and staid there after he changed to be a republican, instead of changing to be a democrat again when the State did, he and I would stand exactly alike; but inasmuch as his changes and mine have been a little different under different circumstances, we do not stand exactly alike. [Laughter.]

Mr. BROWN. The Senator is simply mistaken again, as he was when he spoke of me as a republican governor. When I left the democratic party, or it left me, I left it with a majority in Georgia. I did exactly as he did. I left the party which had a majority

because for the time I thought the minority occupied the right position. When the majority came back to that position, I again acted with the majority as I had done before. So the difference the Senator attempts to draw simply grows out of a mistake of facts upon which he was not well informed.

Mr. LOGAN. I do not think our former history is very interesting anyhow.

Mr. BROWN. Possibly it is not, but I believe the Senator introduced it.

Mr. President, when I was interrupted and drawn off by this digression, I was discussing the impropriety of the majority in this Senate—and I count the Senator from Virginia and the Vice-President to make that majority—pressing this resolution to reorganize the Senate and turn out the few remaining democrats we have here in office when those few remaining democrats and those in the House are almost the only representatives in office now of four and a half million voters. In this state of the case, whether there is any sincerity or propriety in civil-service reform, or whether the whole of it is a humbug, I do think there would be propriety in the Senators on that side not pressing this change at this time, especially as I am told the precedents, with probably not more than a single exception if there be one, are that there has never been a reorganization of this sort pressed at an executive session where it discharged the officers of one party and put in those of another; and I understand in the instance where it was done, probably in 1853, it did not change the political complexion of the officers.

Mr. JONES, of Florida. Only one officer was then elected.

Mr. BROWN. And, as the Senator from Florida says, there was only a single officer elected then. Why is it, then, that you are so impatient for the sacrifice? The parties are equally divided; we have as many votes here as you have, and you can simply carry it at all because you carry the vote of the Senator from Virginia with you.

I do not pretend to make any charges here, for I know no fact that justifies it; but everybody knows that the air is full of rumors of bargain, contract, "capital understanding," and all that. I do not know whether any exists or not, but the very fact that you are so impatient to sacrifice these few remaining democratic officers and put others in who are not regular democrats and who are the special friends of the Senator from Virginia, and other facts stated in reference to their connection with the Senator who now controls the Senate, surely lead us to think it would be better to pause awhile. The country will inquire, naturally, why is this change made in this way, and the response will have to be given. A great many people in the country think that there is an understanding between you and the Senator from Virginia by which he is to have the patronage of the Government in Virginia. I do not say it is so. A great many outside believe that there is an arrangement by which you are to reorganize at this time and give the offices, or part of them at least, to his friends. I do not know whether that is true or not. Those are questions that are prominently discussed every day before the public, and great injustice may be done. I do not know anything about it, but I say that I think it will be better for the interest of all concerned, and it would appear better before the country under all these circumstances, that we delay this matter for the present; that we should not hurry up this organization. You might do great injustice to the Senator from Virginia by causing a great many people to believe that there had been some understanding of this sort when possibly there is none, if you hurry up the organization in this way and put his friends into the offices here.

There is another point that I wish to call attention to, and then I shall have said all I care to say now. My friend from Texas referred to the fact that a great deal was said two years ago and during the last two years about confederate brigadiers having control of the democratic side of the House, the democratic side controlling the Senate, and therefore the confederate brigadiers controlling the Senate. I have no taste for any of these matters. The war is over; we have had fifteen years' time to reconstruct, and I think I am pretty thoroughly reconstructed. I will make no issues with you here in reference to any of the reconstruction measures. I have accepted them in honest, good faith. It was on that question that I differed with my party at the time referred to by the honorable Senator from Illinois. I still accept them. I have never said that I supposed there had been no wrongs perpetrated in the South in reference to ballots or votes. There have been in all sections of the Union. I say I oppose such wrongs, come from what quarter they may. I am for a free ballot and a fair count; I am for carrying out the constitutional amendments in letter and in spirit in good faith. On that point I was a little at variance once with the democratic party; but when they met in convention at Saint Louis, Missouri, they there reaffirmed their devotion to the Constitution of the United States, *with the amendments*, and they thereby accepted them to the fullest extent.

Mr. LOGAN. Will the Senator allow me right there? The convention that met at Saint Louis denounced the reconstruction acts as unconstitutional, revolutionary, and void.

Mr. BROWN. I beg the Senator's pardon. He is thinking of the convention that met at New York at the time Mr. Seymour was nominated.

Mr. LOGAN. Very well; that was one of them.

Mr. BROWN. That is the time I did not act with the democratic party. My friend is in error about his facts again.

Mr. LOGAN. Perhaps I was wrong about the particular democratic platform; but that declaration was in one.

Mr. BROWN. I say I accept in the fullest good faith the reconstruction measures, and I want this war to be over; I desire to see sectional strife ended; and whenever it is necessary to vote on that question, whether with or not with my party, I shall vote in favor of burying the issues of the dead past; but while that is done, as a democrat I think my party has some rights, and I am prepared to stand by those rights, and probably——

Mr. CAMERON, of Pennsylvania. May I interrupt the Senator for a moment?

Mr. BROWN. Yes, I have no objection.

Mr. CAMERON, of Pennsylvania. The Senator stated a moment ago that he was glad that the country had been reconstructed. So am I; and the best evidence of it is what has occurred here within the past few days.

Mr. BROWN. I was coming to that.

Mr. CAMERON, of Pennsylvania. I beg leave to inject just a few words into the Senator's speech, which is a much abler one than I can make, I know. I want to say now, and I want the Senator to understand and I want the country to understand, that while we concede the gentlemen who are here in position to be good and proper men, we think we have just as good and proper men, and we propose to put them in. It seems to be a question of endurance; and being so we may as well "sit it out" now.

Mr. BROWN. Well, we will try and see whether we can endure as long as you can on this issue. We feel that we are right about it; we feel that you have now nearly all the officers of the Union and a minority of the voters of the Union, and we feel that it is our duty to stand by the few we have left, and let me tell you now we intend to do it and we accept the issue that is tendered, if it is a question of endurance. I do not say they are not as good on your side, but I say you have nearly half of them now, and if you seek the balance, no matter what motive may prompt you, we do not consent that you shall have them. Your party has won by standing boldly up to its office-holders. Divest you of your one hundred thousand offices and your party will sink to insignificance. If the democrats yield and permit you wrongfully to turn out our office-holders, we shall cease to command the respect of the country and soon increase your majority. No party can succeed that fails to stand by its friends. We sat here for nearly two weeks trying to go forward with the business for which the President had called us together; you declined to go on with the business or to permit the organization of committees, without which we could not proceed, and you filibustered to prevent it. We, as democrats in this Hall, were ready every moment to go forward and do the business the republican President had called us here to do; you declined until you could fill your vacancies, and with the aid of the Senator from Virginia could get matters in shape to control the committees. Now you have the committees. The reorganization of the offices of the Senate is in no way necessary to the business of the Senate or the session, and you propose now that it shall be a question of endurance whether you reorganize them. Well, we say, we will endure with you. We are ready at every moment to go into executive session and do the proper business of the session, the business which you said on that side yesterday was the only proper business to be done. If you are not ready to do that, then we will invite you to adjourn, and if you will not adjourn, we will invite you to go back to the business for which you were called together by your President, and we will continue that operation until we see justice done to the few remaining democrats. We may be here to June; we have till December.

But I was again called off from the line of thought I was pursuing on reconstruction and fraternal relations at the time my friend from Pennsylvania interrupted me. There are some good features about this movement. Whether it be true or not that there has been any arrangement made with the Senator from Virginia, whether it be true that you are bound to give him some of these positions or not, I do not know; whether the rumor be true that he is to have the control of the Federal patronage of Virginia, I do not know; but one thing I do know——

Mr. HOAR. Mr. President——

Mr. BROWN. I cannot permit Senators on the other side to continue to interrupt me. I shall be through my remarks in a few minutes.

Mr. HOAR. I thought perhaps my friend——

Mr. BROWN. I do not yield.

The VICE-PRESIDENT. The Senator from Georgia declines to yield the floor.

Mr. BROWN. I want to get through with my remarks. I said there was one good point about it. It shows that we have reached a period where no more will be said about confederate brigadiers. It seems to show that the Union is in fact reconstructed, that sectional issues are dead, and we have reached that point now, I suppose, that is spoken of by a very old and a very venerable book where it says: "The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid, and the calf and the young lion and the fatling together, and a little child shall lead them." We have now reached the period when the lion of debt-paying republicanism and the lamb of readjustment or of partial repudiation have lain down in loving embrace together in green pastures of luxuriant richness. I will not

say that a little child or a little general shall lead them; but a gallant confederate general shall lead them, and you all on that side have to hold your positions as chairmen of your respective committees and your patronage at the breath of his nostrils, for he can unseat you any moment he pleases. Therefore I hope the day has come when we have bridged the bloody chasm, and when we shall fold up that old bloody shirt that we have heard so much about and bury it beneath the reach of resurrection.

Mr. DAWES. Mr. President, the resolution before the Senate cannot prevail unless it commands the majority of votes in the Senate. It is admitted upon the other side that that is not only a constitutional majority, but that it was wisely provided for. The complaint is that there is undue haste in submitting that resolution to a vote of the majority. I understand that without that element of undue haste there would be no objection to it. The Senator from Ohio, the Senator from Arkansas, and the Senator from Georgia each says that if in due time, with proper consideration and after sufficient notice for preparation, a majority vote upon that resolution should prevail, they would offer no objection. It is proper, therefore, to look at this question of undue haste and to look at it in the line of precedents, to hold it up as a mirror to our friends on the other side and see how it looks to them.

Two years ago upon the 4th of March the democratic party acquired a majority in this body. That majority was secured to the democratic party by the elections of one-third of the members of this body which took place between the 1st of January and the 4th of March of that year. When those elections took place in the several Legislatures it became apparent that the democratic party had secured that majority. They came into power on the 4th day of March, 1879. On the 24th day of March of that year a Senator on the democratic side offered a resolution in this body in the very words of the pending resolution. It could have been carried over by a single objection. Its consideration obtained unanimous consent from this side of the Chamber. Senators on this side recognized the fact that it was worth while to determine then and there by a majority of the Senate whether it was proper to elect new officers. This side of the Senate indeed urged upon the body, what was admitted on the other side, that all the incumbents were good, faithful, efficient, worthy men. They went out of office that day carrying with them the certificate to that effect of the other side of the Chamber. We appealed to them in vain, urging the merits of those officers, but we offered no delay. We submitted to the majority of the Senate, with such earnestness as was in our power, considerations very much like those urged upon the majority to-day by the Senator from Arkansas and the Senator from Georgia; but other considerations in their minds prevailed and were of greater weight for the public good, as it seemed to them and the proprieties of the organization and a new course of officers here, over the fact that they were efficient men. The resolution offered on the 24th day of March, 1879, passed on that very day, although a single objection would have carried it over.

Mr. HARRIS. Will the Senator from Massachusetts allow me to call his attention to the fact that on the 24th day of March, 1879, the two Houses of Congress were in regular session, having been convened by the Executive for general legislative business, unlike the present session, the Senate then not having been convened in executive session for the performance of such duties as devolve wholly upon an executive session?

Mr. DAWES. If the remarks of the Senator from Tennessee throw any light upon this question, I should be obliged to him——

Mr. HARRIS. Mr. President——

Mr. DAWES. Will the Senator allow me to proceed?

Mr. HARRIS. That is a statement of fact the Senator from Massachusetts was careful not to mention.

Mr. DAWES. It never occurred to me before that the propriety of electing an officer of this body depended upon whether there was a session of the House of Representatives at the other end of the Capitol. I am indebted to the distinguished Senator from Tennessee for that idea.

Mr. HARRIS. Will the Senator allow me to increase the obligation by stating another fact?

Mr. DAWES. If the Senator will allow me to have the floor, I will proceed.

Mr. HARRIS. I certainly shall.

Mr. DAWES. Unless the Senator desires to make some correction in anything I have stated?

Mr. HARRIS. I wished simply to state an additional fact that I thought somewhat pertinent to this question.

Mr. DAWES. Nothing could be so pertinent to the question whether it is proper to have a Secretary of the Senate as to inquire whether there is a session of the House of Representatives! I admit that.

But I was going on to say that a resolution precisely like the one here pending passed the day it was offered two years ago, and immediately thereupon a resolution precisely like the one pending here in reference to a Secretary passed upon the same day it was offered, and so through to the end of the list. In one day all the officers of the Senate were changed, the outgoing ones carrying from the other side a certificate of their efficiency, good character, and gentlemanly deportment toward all the members of this body. The majority, actuated by what was to them a higher consideration of duty, bore down upon them one and all upon one day. That day was the 24th day of March, this very day two years ago, just after the democratic party had secured power in this body.

In the election of one-third of this body between the 1st day of last January and the 4th day of March the democratic party failed to secure a majority of the Senate precisely as they succeeded in doing it two years before. When the Legislatures of the several States electing new members to this body had made their choice, it was just as certain that the democratic party had failed to secure that majority then as it is to-day. In no single State sending a new Senator here on the 4th of March was there a particle of question that the democratic organization as represented on the other side of the Senate had failed to secure a majority of the Senate. There was no doubt about it. Clearly and distinctly in every one of the Legislatures was the line drawn between what is known as the democratic organization in this body and those opposed to it. Senators seem to express a doubt themselves, a doubt that existed in no Legislature that had the duty of electing a Senator to take his seat here on the 4th of March. In every one of those Legislatures the line was drawn between what is the democratic organization here and those opposed to it, and the democratic organization failed to keep its majority in the Senate. They met here on the 4th day of March without that majority; with what the Senator from Arkansas and all Senators on that side admit is a constitutional majority, wisely, as he says, and properly constituted on purpose for such an occasion against them. That was the 4th of March of this year.

On the 24th day of March this year, precisely the day of the month and just so many days this year as intervened between the 4th day of March two years ago, (it is the 24th day of March to-day,) the question is submitted to that majority to-day, just as it was on the 24th day of March two years ago, to which those not in the majority two years ago offered no other objection than that founded in fair and candid argument submitted to the judgment of the majority. Coming here exactly in point of time, exactly in point of power, and exactly with that power as clearly defined to-day as it was two years ago, the constitutional majority submits precisely the same resolution that it submitted then, and is met here with the announcement on the other side that without regard to merit, without regard to precedent, without regard to anything else but the question of endurance, they will oppose it by dilatory motions to the end. That is the position of this matter. That is the comparison between the action here to-day of those who do not control the majority of the Senate and the action submitted by them two years ago to this side, when this side had not the majority in the Senate. There is no difference in circumstances; there is no other difference except in the manner in which questions are met here on this floor.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] to postpone the consideration of the pending resolution until the first Monday of December, on which the yeas and nays have been asked for.

The yeas and nays were ordered.

Mr. HOAR. Mr. President, I wish before the vote is taken to say one word, which I feel constrained to do by what has fallen from the lips of the honorable Senator from Georgia [Mr. BROWN] whom I do not now see in his seat. If I understood him, he gave notice that it was his purpose, and the purpose of those who agree with him, to occupy the time of this body from now until the 1st of December in alternating two motions, one to adjourn and one to go into executive session, to prevent the expression of the will of the constitutional majority of this body in regard to the selection of its executive officers. I regard that declaration as containing the very essence of revolution and treason to the institutions of this country.

There have been instances very numerous elsewhere, some instances here, of what is called filibustering in order to obtain what the minority deemed a reasonable and proper delay in regard to the action of the Senate or the House upon pending measures by motions of this class; but this has been the first time in the history of this country that any gentleman sustaining the character of a Senator of the United States has declared that the will which should finally and to the end govern the Senate of the United States should be the will of a minority and not of a majority of its members. There have been declarations, abandoned by the men who uttered them, that the opinion of one branch of the Government should govern the other branch, that the opinion of the House should govern the Senate or the opinion of the Senate should govern the President, or otherwise the Government should stop; but no considerable number of gentlemen was found to adhere to that declaration in the face of any considerable discussion.

Now what is the thing in regard to which this demand for delay and for consideration and for postponement of action till the 1st of next December comes? With the exception of the mere formal motion to proceed to a vote, the question is whether Mr. George C. Gorham or the present incumbent shall hold the office of Secretary of the Senate of the United States. That is the first practical question on the list of motions of which my colleague has given notice; and is it pretended that any gentleman in this body wants delay for six months to enable him to consider and to inquire into that question? Every gentleman on the other side of the Chamber except four voted upon the precise question of the comparative merits of these two candidates for Secretary two years ago. They had all the time for the consideration of that proposition that they desired, fixing their

own time, and they proceeded to vote, differing with this side of the Chamber, that on the whole the present incumbent was a fitter person for Secretary than Mr. Gorham, and having had, most of them, an opportunity to know Mr. Gorham's qualification by having served in the Senate for many years while he was holding the office of Secretary, after the choice, having attested their opinion of the worth of the present Secretary by voting for him, I believe they proceeded to place upon the Journal of the Senate their opinion also as to the character and capacity and worth as an officer of Mr. Gorham when he went out. But four democratic Senators have come into this Chamber, one from West Virginia, one from Alabama, one from Maryland, and one from Tennessee, since those two votes were recorded.

Gentlemen do not even bring this matter up to the dignity of a joke when they profess that this procrastination is for any purpose of enabling them to inquire into the merits of the resolution upon which they are invited to act. There is not a gentleman on that side of the Chamber, new Senator or old Senator, who will not admit readily that he has thoroughly made up his mind upon the merits of that question and the way he shall vote upon it.

It is therefore nothing else than a doctrine affirmed by the honorable Senator from Georgia, for the first time in the history of this country, that he means that the Senate of the United States shall not act any longer by a constitutional majority. Gentlemen of course reconcile such a position as that with an oath to support the Constitution of the United States, though by a process of reasoning which I have never heard and which I cannot conjecture, that the Senate of the United States shall not elect its own officers, because the Senator from Georgia thinks it will be well that among the offices of this country a certain portion shall be assigned to the democrats. Suppose he is right; is not that a fair question of difference of opinion; and whose opinion is to determine whether any democrat, or how many democrats, or what democrats, shall be assigned to any offices or what offices?

Mr. JONES, of Florida. Will the Senator permit me to ask him a question in that connection? I wish to know if it is not even now a matter about which Senators may fairly differ, notwithstanding the record made up in the past, as to the right of the Vice-President to cast a vote in a case of this kind?

Mr. HOAR. That question will be settled when the right of the Vice-President is brought in question. I suppose the honorable Senator from Florida does not expect to determine that question in any other way except by the vote of the majority of this body. He will find it hard I think to rally a very compact democratic column to a change of the doctrine affirmed by Mr. Calhoun, and Mr. Benton, and all the great lights of that day of the democratic party as to the right of the Vice-President to vote in whatever mode the Senate acts when it is equally divided. As the Constitution provided that the Senate should be a body composed of even numbers, when those numbers are evenly divided the Vice-President is entitled to cast his vote; otherwise that particular act must be stricken out from the constitutional powers of the Senate.

But I was dealing with another question. I say that the honorable Senator from Georgia has in my judgment affirmed the most unconstitutional doctrine, full of treason in substance, ever uttered within the walls of this Chamber by the lips of any Senator, when he declares in reference to any act which the Constitution of this country commits to the power of the Senate, as it expressly does the power to elect its own officers, that the Senate shall never be permitted to proceed to take action unless it will assent to act as he and his associates in the minority think it should. The doctrine which his party took for a few moments and abandoned at the close of the last Congress but one, that it was in the power of one branch of the Government to constrain the will of the other branch of the Government in legislation, is a doctrine no more indefensible, no more inconsistent with the spirit and the letter of the Constitution of the United States than the doctrine upon which the Senator has just planted himself. I think on reconsideration he will hardly adhere to the utterance which we have just heard from his lips. Does the Senator mean to tell the American people that when speaking constitutionally by the voice of the States they have filled the seats of this Chamber, there is any constitutional function which one-fifth of its members have a right to say to the other four-fifths "you shall never perform an act without our assent!" If he does, it is time the parties in this country took issue upon that question.

As I said in the beginning, there are many instances, whether defensible or indefensible I do not mean to say, where reasonable delay for a day or two, or a few days, has been demanded and has been accomplished by the interposition of the practice of filibustering; but the Senator says that the Senate throughout its entire session, which can last according to law only until the first Monday of next December, if it is in session on that day, shall find us engaged in an ineffectual attempt to perform an act which the Constitution expressly commits to the power of the constitutional majority. In other words, the demand of the section of the country or of the party of which he is so conspicuous a representative is that hereafter this is to be a legislation not of a majority, not of two-thirds, but of four-fifths, and that there is no other power committed to the Senate of the United States except to do such acts as four-fifths of the body shall see fit to accomplish.

Mr. BROWN. Mr. President, I did not have the pleasure of hearing all the remarks made by the honorable Senator from Massachusetts, [Mr. HOAR,] as I had stepped out for a few moments. However, I have heard, I suppose, the substance of his remarks since my return. I rather regret that the honorable Senator has found it consistent with his sense of propriety to use some expressions that fell from him, where he states that the doctrine I announced is revolution and treason.

Mr. HOAR. I spoke of the doctrine.

Mr. BROWN. I said the doctrine that I announced.

Mr. HOAR. If the Senator will pardon me, let me restate it. I said that the Senator undoubtedly reconciled it to his own sense of constitutional duty by some process or reasoning which I could not conjecture, but that doctrine was a doctrine as replete with revolution and treason, in my judgment, as any doctrine ever uttered within these walls.

Mr. BROWN. I am very sorry, and I say it in all personal kindness to him, that the honorable Senator has made it my duty to prove him a traitor, and yet I am obliged now to proceed to do it. I do it feeling very kindly to him. He lays down the position that filibustering or the prevention of the regular business of the session here is treasonable, as I understand him.

Mr. HOAR. Not at all. If the Senator will pardon me I wish before he proceeds with his demonstration that he shall take his premises. I said distinctly, and I now repeat, that the obtaining reasonable delay for a short time by this process had become one of our common parliamentary resources. Whether justifiable or not I did not undertake to say, but it has been practiced elsewhere, and here to some extent. But the Senator says not "you shall wait till tomorrow or next Monday until I can look into this matter;" but "this thing shall not be done until the Senate itself, so far as the present session makes a distinct Senate, dies by lapse of time." That is the distinction.

Mr. BROWN. I am still obliged to carry out my promise and prove the Senator a traitor according to his own theory as laid down. He says he does not know how a Senator can reconcile it to his oath of office to do what I say. If it be a violation of the Constitution for us to stay here and accept the challenge given us by the other side, to make the determination of this issue one of physical endurance, and to stay here until June or December, if necessary for that purpose, that is full treason I suppose; but if it be so, then how much treason is there in filibustering a week, or two weeks, or three weeks? The only trouble about my friend's position is that he did not draw the line of demarkation just where filibustering begins to be treason or where it ceases to be justifiable. He says that my statement is that we would stay here and prevent action to the end of the session. Memory is a convenient thing sometimes, and it has entirely escaped the memory of my friend from Massachusetts, I have no doubt, that he (I believe he was one of them) and his party sat here to do exactly that thing, and filibustered and refused to vote in order to prevent the transaction of certain business that was legitimately before us until the adjournment of the Senate at the end of the last Congress. The gentleman found it consistent with his oath of office, and no doubt very conscientiously, not only to interpose objections or points of order to doing things which he did not want done, but he reconciled it to his oath of office, and honestly I have no doubt sat in his seat and refused to vote when the roll was called. That seems to have been obstructing legislation.

Mr. HOAR. The honorable Senator will let me ascertain his facts. The honorable Senator has been very careless in obtaining his facts if he finds that I am the person to whom he referred.

Mr. BROWN. Does the Senator deny that he did sit in his seat here before the end of the Forty-sixth Congress and refuse to vote on questions that were brought up where there was a party end in view?

Mr. HOAR. I do not wish to be understood as admitting that any action of that kind was like what the Senator has avowed his purpose to do.

Mr. BROWN. I understand that the gentleman denies that that is treason, or that he is a traitor who does it, yet he says we are traitors if we do it.

Mr. HOAR. The Senator will be good enough to hear my answer.

Mr. BROWN. Certainly.

Mr. HOAR. The Senator asked whether I denied that I did it. I do.

Mr. BROWN. Does the Senator deny that he sat in his seat when the yeas and nays were called on party questions here one night, a night or two before the termination of the Forty-sixth Congress, and refused to vote when it was necessary to make a quorum?

Mr. HOAR. On the occasion to which the Senator refers I declined to vote I think once, possibly twice.

Mr. BROWN. That was one little act of treason, then.

Mr. HOAR. I then proceeded and voted on the question as long as I remained in the Chamber.

Mr. BROWN. That I suppose we would term petty treason, it being a very small thing, only one little act of treason; therefore in that particular my friend would be only a petty traitor. But his party did it a good deal oftener than once. I am glad the Senator from Massachusetts did not. It seems he only did it once or did it a little, but the party sat here with whom he associates and did it a great many times. He is guilty of less treason than they are, according to his admission. Now I acquit the Senator by saying that I

do not agree with him that he is a traitor, or I do not agree with him that it is treason.

Mr. HOAR. Will the honorable Senator permit me? I stated in the speech which I made in reply to him that more than once, whether justifiable or not, all parties in this country, I believe, certainly the party to which I belong, had accomplished their desire for a brief period of delay by refusing to vote or by motions to adjourn.

Mr. BROWN. It was only for a brief period, and therefore not treason.

Mr. HOAR. Exactly.

Mr. BROWN. Will the Senator tell me how long it should have been before it commenced to be treason?

Mr. HOAR. Certainly, I will tell the Senator exactly how long it would have to be. I believe it to be true, although I did not myself concur in the propriety of that particular proceeding, that some gentlemen on this side of the Chamber accomplished a night's or a day's delay very recently; but the Senator from Georgia says, not "we will accomplish such delay as is necessary to have this question properly dealt with," but he says "we will sit here forever, so far as"——

Mr. BROWN. No, I did not say that.

Mr. HOAR. So far as the term "forever" can be properly applicable to the Senate; "we will sit here till the 1st of December alternating these motions." The distinction between filibustering and treason is exactly this: filibustering is getting a little time at the demand of a minority; treason is saying the act shall never be done by a constitutional majority of the Senate if the minority refuse to do it. That is the difference, and it came in when the statement of the honorable Senator from Georgia fell from his lips, that this thing they would resist until the 1st of December. I think the Senate and the country understand the broad distinction between the two propositions.

Mr. BROWN. I do not think my friend the Senator from Massachusetts understands it, for he has been able to draw no distinction. I have asked him to draw the line of demarkation where obstruction to legislation by the minority on a political question ceases to be justifiable and commences to be treasonable. How many days, how many weeks must it be continued? I want to know where is the line of demarkation.

Mr. HOAR. The line of demarkation is between the purpose to prevent action altogether and the mere purpose to delay it.

Mr. BROWN. Then the Senator and his whole party were guilty of treason, for they sat up that night and filibustered and refused to vote, with a view of preventing action altogether until the Congress ended, and they did prevent it. Therefore I have proved my friend a traitor on his theory. I say he is not a traitor, though; but if his theory be right, then I have proved that he is a traitor, because he did it to prevent *in toto* the action of the Senate on a question legitimately before it where it was its duty to act. It was just before the end of the Congress, and by filibustering and sitting in their seats and refusing to vote they had it in their power to prevent the party action that we wanted to take, and they did prevent it, and it fell at the end of the Congress by the action of the Senator and his party, and never went into effect. But for this action it would have passed.

I do not call them traitors; I do not believe a word of it; but if the Senator's theory be right then I have proved by his own admissions that he is guilty of treason and that his whole party is guilty of it. He does them injustice. I have proved furthermore that they are revolutionists, because they did by those acts prevent legislation during the Forty-sixth Congress, to the end of it, which but for those acts would have been accomplished. Therefore it was revolutionary, according to his theory. I say, however, it was not so. I do not make any such charge against him or his party, but when he makes it against me and the democratic party I must turn it over and show what it proves on him and his party. If he be right, then I have proved that he is a revolutionist and is a traitor. I know he is neither, and I do not say it, but his argument leads him right there, and there is no escape from it.

At this executive session we have sat here for nearly two weeks trying every day to go on with the organization of the committees, so that we could go into executive session and legitimately transact the business that we were called here by a republican President to transact. We were called to act upon treaties and nominations. The Senator and his party sat here and refused to permit us to do it. Why? Because they had certain vacancies that they expected to have filled which with the vote of the Senator from Virginia I suppose they expected would give them the majority and enable them to take control of the committees and patronage of the Senate.

When it is necessary to accomplish an object that the republican party has in view and desires to accomplish it is no treason to filibuster, to refuse to vote or do anything you choose to prevent action; but if the democrats have an object to accomplish and they filibuster or refuse to vote, then it is revolutionary and treasonable. In my statement here I did not go beyond this session, while the Senator and his party filibustered to the end and absolutely prevented action until it fell by the expiration of the Forty-sixth Congress. We have not done that. We do not propose to do it. This Congress will last for two years. We have only proposed to stay here until the 1st of December next, rather than you shall do this great wrong which you are now attempting to do. That is not so revolutionary or treasonable as what you did, for we still leave you time during this Congress to do it; but you did not leave us time to do it, you prevented the action absolutely and it fell with the Congress, where it expired on account of the obstructions that you threw in the way. Therefore we do not propose revolution or treason, according to your theory. But you have been guilty of it if your theory is correct. I say, however, that it is not correct.

The Senator speaks very softly and mildly. I am his personal friend, and I regret to make these remarks. I do it, as he knows, in no unkind spirit; but he tells us very mildly and in persuasive tones that when it is necessary to accomplish some object a little time by filibustering or throwing in motions that stop the business for the time is justifiable, that there is no treason or revolution in that. In other words, when the republican party has a little object in view, and it takes up a couple of weeks or so with filibustering or refusing to vote, it is no treason; there is no wrong in that; but if the democrats want to save a few officers here who are about to be unjustly turned out without notice, and leave their families without bread for the time, who have been dependent upon these offices, and when a republican Senator says, "We are determined to do this thing," and it is a question of endurance, and taunts us with it, and we accept that issue, and say "Very well; we will stay here as long as you will," or "We will stay here until June, or we have till December, if necessary," that becomes treasonable. That on the republican side would be no treason; that would be all exactly right and fair. It is a little object we have to accomplish, and we are only going to do it long enough to accomplish the object, and then go along with business. If it takes only one night, all right; if it takes two weeks, all right; we will do it, but that is all there is in it. It is proper for the republicans to accomplish an object by the use of such means, but it is treasonable for the democrats to do it. We simply say we have a right to practice on the same theory that you have been practicing. We are justified in it when you were not.

The Senate had no committees until within the last few days, because you filibustered and would not permit business to be done. We could not proceed with the business for which we were called here without committees. You were not justified during that two weeks, in our estimation. Though it was not treason or revolutionary, you were not justified in obstructing the business by refusing to permit the organization of the committees, so that the business of the session could proceed.

The committees are now organized; the Senate is now fully equipped. Let us go forward with the executive business. We are ready to do it on our part. You stop all business now and tell the country that nothing more shall be done until you have possessed yourselves of the few little remaining places now held by democrats. It comes from your side. My friend the honorable Senator from Pennsylvania told us it had to be done; that was the substance of it; and it is a question of physical endurance. It is right on your side of the House to have the point carried to the fullest extent of physical endurance; but if we say we accept it on that issue and will stay here as long as you will, or until a certain time before you shall do it, that is revolution and treason, and we are asked how a democratic Senator can reconcile that to his oath to support the Constitution. It is very wrong for the democrats to do it; it is all right for the republican side.

I simply think my friend from Massachusetts has fallen into a little error there. There is an old adage among the country people, "Live and let live." I rather fear he is not willing to practice on that rule. When it is in his favor then it is all right to filibuster; when it is against him it is all wrong. In other words, I think he wants to take it on the rule of "heads I win, tails you lose." In any event it is right with the republicans if they can carry it, and it is wrong for the democrats to throw any obstruction in the way by preventing the republicans from carrying out their purpose to unseat democratic officials.

It seems to me if the Senator will reconsider this matter, he will not insist upon his position, nor will he be satisfied with his reasoning. We invite you into executive session, and we will continue every hour to invite you there. There are treaties upon the table that ought to be acted upon; there are nominations being sent in daily by the President that ought to be acted on. This side of the House is ready and will be ready constantly to go on with that business. Your side insisted yesterday morning that that was the only business in order. Now we say go with us into executive session; that is the proper business before us. If you say you will not, then let us adjourn; there is nothing else for us to do here. If you will not adjourn, let us go into executive session. If you will not go into executive session, let us adjourn. [Laughter.] There is nothing else for us to do. I do not think that is treasonable. But as you have challenged us to a question of physical endurance, we will simply have to accept and do the best we can.

The Constitution of the United States says "each House may determine the rules of its proceedings." The Senate has made rules to govern its proceedings. Those rules give Senators on either side the right to make certain motions. One of those is a motion to proceed to the consideration of executive business; another is a motion to adjourn. These motions can be made as often as we choose, in strict conformity to the rules of the Senate, and those rules are made in strict conformity to the Constitution of the United States. It follows, then, that our action is constitutional and legal. It can therefore be neither revolutionary nor treasonable. This side of the House has not made

a motion to-day that was not in strict conformity to the rules of the Senate, made under the provision of the Constitution above referred to. Nor have we made a motion that was not fully warranted by all the facts and circumstances of the case, or a motion which it was not our duty to the democratic party and to the country to make.

Mr. LOGAN. Mr. President, I desire merely to call the attention of the Senator from Georgia to one of his propositions. So far as the question between him and the Senator from Massachusetts is concerned, the Senator from Massachusetts has stated that so clearly that I shall not attempt to call any attention to it; but the Senator from Georgia said in his remarks that his object in the mode of procedure which he suggests that his side of the Chamber shall adopt is to prevent this great wrong from being done. Do I misunderstand him in that? Is not that what he said?

Mr. BROWN. I believe that is the language. I meant that it would be a great wrong, as I went on, I think, to say that these officers who had no notice should be turned out immediately.

Mr. LOGAN. To that proposition I propose to reply. The 4th of March was the beginning of a term of Congress; the Senate is in executive session.

Mr. BROWN. I did not dispute that.

Mr. LOGAN. Very well. Now, then, the Senate being called together, what is their first duty under the Constitution? Here is a Vice-President. Suppose that the Vice-President should be taken sick to-day, how will you proceed with business? Do you not have to elect a President *pro tempore* of the Senate? If on an occasion of that kind under the Constitution you are required to proceed to the election of a President *pro tempore* of the Senate, why is it not true that we are by the obligation of the Constitution required to proceed to the election of the other officers?

Mr. BROWN. Because there has been no death, and there is no vacancy. Therefore the case that the Senator supposes is not applicable.

Mr. LOGAN. Let me read from the Constitution:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall choose "other officers." What other officers?

Mr. JONES, of Florida. Its own officers.

Mr. LOGAN. Its own officers. That is what it means.

Mr. BROWN. When?

Mr. LOGAN. I will tell you when. Whenever the majority of the Senate shall determine, not when the minority shall determine. That is the Constitution.

Mr. BROWN. If the Senator will allow me to interrupt him, the Constitution fixes no time. The usage has conclusively fixed the time, that it shall not be done at an executive session.

Mr. LOGAN. The Constitution fixes no time, and because it fixes no time the majority fixes its own time.

Mr. BROWN. If it can.

Mr. LOGAN. If it can; and those that prevent it prevent it in the face of that Constitution which you take a solemn oath to obey and support. The oath that you and I have had administered to us with this Constitution open requires us to elect officers of the Senate of the United States, including a President *pro tempore* of the Senate.

Mr. BROWN. We have them now. The Constitution does not require the Senate to have new ones.

Mr. LOGAN. No, sir, we have not a President *pro tempore*. We present a resolution naming a President *pro tempore* of the Senate, and you say he shall not be elected until the last of next November.

Mr. BROWN. If the Senator will permit me to interrupt him, we have said nothing about a President *pro tempore*.

Mr. LOGAN. I understand that, but that is part of the resolution of the Senator from Massachusetts.

Mr. BROWN. Not a word of it. If my good friend from Illinois would post himself a little better on the facts of this case he would get along better.

Mr. LOGAN. I do not know that the resolution has yet been introduced.

Mr. BROWN. No, sir, it has not been.

Mr. LOGAN. It is a part of the machinery of the Senate, and it is a part of this election, although the Senator from Massachusetts may not have introduced the resolution. Whenever the Vice-President vacates the chair, no difference at what time, if he vacates it now on business, it is the duty of the Senate to proceed at once to the election of a President *pro tempore* of the Senate. Is not that the rule and the law?

Mr. BROWN. No, sir; there is a provision that he may call any one for the day to the chair.

Mr. LOGAN. For the day; but suppose he absents himself for more than a day on business, on account of sickness, on any account?

Mr. BROWN. He has been very careful, as he holds the casting vote, not to absent himself in any case.

Mr. LOGAN. I am not talking about what he has done, but I put the question whether it is not the duty of the Senate to proceed at once to the election of a President *pro tempore* of the Senate?

Mr. BROWN. When you bring in your resolution to do so, we will consider it.

Mr. LOGAN. Whenever the time comes we will do so; but when you look at the Constitution the language is not only that the Senate may, if the majority desire, elect officers, but the Senate shall choose other officers.

Mr. JONES, of Florida. No, not other officers.

Mr. LOGAN. "Their other officers."

Mr. JONES, of Florida. Their own officers.

Mr. LOGAN. "Their other officers." That is the language of the Constitution.

Mr. JONES, of Florida. No.

Mr. LOGAN. Suppose the Senator reads it, and perhaps he will be better informed.

Mr. JONES, of Florida. Then it is a misprint.

Mr. BROWN. In what section is that?

Mr. LOGAN. Section 3 of article 1:

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Mr. BROWN. Will my honorable friend permit me to ask him a question? He is reading from the Constitution. Does it not also say that the President shall appoint other officers, referring to consuls, postmasters, and others?

Mr. LOGAN. Certainly. Then the Senate is required to choose its officers——

Mr. BROWN. Permit me to get through with the question. The Constitution requires that the President shall appoint those officers by and with the advice and consent of the Senate, and yet you and your party filibustered for two weeks to prevent us from organizing the Senate so that that could be done.

Mr. LOGAN. That is not the point at all.

Mr. BROWN. The committees were necessary in order to carry on the Government, because we could not act on treaties or upon nominations without unanimous consent until the committees were appointed.

Mr. LOGAN. That is not the question at all.

Mr. BROWN. That is exactly the question. You obstructed the legislation and obstructed action and filibustered so as not to permit us to organize and do what the Constitution says we shall do; and you broke the quorum and would not allow an executive session at the end of the last Congress.

Mr. LOGAN. Did you not then insist that it was the duty of the Senate to proceed to the election of its committees? Was that your position then?

Mr. BROWN. Yes; we were urging it then, and you would not allow it.

Mr. LOGAN. Then if you believed that the Constitution required us to perform that duty and we failed to do it, it justified you in the failure to do it?

Mr. BROWN. We did not believe that the Constitution compelled us to do it just then, but we were anxious to go on with it. We do not believe the Constitution requires these officers to be elected just now, and you are anxious to do it.

Mr. LOGAN. The Constitution does not require that they shall be elected at any time, but it leaves it in the power of the Senate of the United States, and whenever a majority say the officers shall be changed, it changes those officers in compliance with the Constitution, and whenever a minority says that shall not be done, that minority stands in the face of the Constitution of the United States in preventing that act being performed.

Mr. BROWN. If the Senator will allow me to interrupt him again, I will say to him that we are anxious to proceed now to much more important business than that, to proceed to consider the nominations made by the President of the United States and the treaties before us. They are certainly more important than these little offices here in the Senate, and we are anxious to proceed with the most important constitutional obligation.

Mr. LOGAN. The same principle exactly is involved in what the Senator says, that is, the minority is to decide what is more important, although the majority may decide otherwise. You are to decide the importance of these things, and the majority are to have no voice.

Mr. BROWN. Just as you did a few days ago when we were in a majority.

Mr. LOGAN. The Senator will not get me into any discussion in reference to what any person has done at any time. I will not take up the time of the Senate in wrangling over what may have been done or what may be done now. It is a very different proposition when you set yourself up as a judge of what is of the most importance for the Senate to do, and you make yourself the judge, in violation of the Constitution that confers that power upon the majority, and not upon the minority.

Mr. BROWN. If the Senator will allow me to interrupt him, I take it the Constitution does not confer upon the majority the right to determine the question of conscience for the minority as to which nominations ought to be taken up and first acted upon under the Constitution.

Mr. LOGAN. It does not?

Mr. BROWN. I say it does not. The majority may have the power to go on and do it if they can, but we have as much right to our opinion as to what ought to be taken up as the majority have.

Mr. LOGAN. I am not talking about opinion. The Senator cannot dodge the question. I have said nothing about opinion; I am talking about the power of the Senate under the Constitution, not to

suggest an opinion, but as to the right of the exercise under the Constitution of the conscience and wish of the majority. It is not what your opinion may or may not be, but it is the right given to the majority under this instrument that we all swear to support, and we are to judge of our own conscience and of our own acts.

Mr. BROWN. So are we on this side, though you would judge for us.

Mr. LOGAN. We have no objection to your judgment being exercised if you desire, but the Constitution gives the power to the majority to elect our officers. It gives the power to the majority to decide which are the most important nominations. It gives the power to the majority to decide all questions that come up in this body so far as the administration of the body is concerned.

Mr. BROWN. As we have had occasion to see when you were in the minority lately, it gives the power to the minority to prevent the will of the majority.

Mr. LOGAN. It gives the power to the minority to exercise its own judgment, as the Senator from Massachusetts [Mr. HOAR] said, in obtaining time. You do not obtain that from the Constitution. You obtain it from parliamentary tactics and not from the Constitution.

Mr. BROWN. And it gives the minority the right to exercise its own judgment just in the same way.

Mr. LOGAN. It gives the minority the right as a matter of course. When I say the right I mean they have the physical power to do it. But when you say that you get the right from the Constitution to control the Senate by a minority, I say you find no such right. No, sir, there is no such power given to minorities in this country. The whole basis and fabric of this Government is different; all our institutions are based upon the theory that the majority shall control and not the minority, and the Senator who states that he has a constitutional right derived from the power upon which the Government is based and by which the Senate is to be controlled, to obstruct or prevent the election of officers by virtue of that instrument, makes an assertion that he is not justified in making by any construction that can be fairly given to that instrument.

Mr. BROWN. Then you and your party were entirely unjustifiable in what you recently did.

Mr. LOGAN. The Senator, as I told him, will not get me and my party into any discussion except the fact that the Constitution gives us the power, it gives us the right, and says the Senate shall choose their officers, and when you say it shall not be done it is a revolutionary act on your part.

Mr. BUTLER. The Senator does not say that now?

Mr. LOGAN. He did say it should not be done until the 1st of December. I will leave it to him if he did not say so.

Mr. BUTLER. I do not deny that he said that.

Mr. BROWN. I said, in response to the statement made by the Senator from Pennsylvania that this was a question of physical endurance, that we accepted that issue, and could stay here as long as you did, if it would be until June or December. That is exactly what I said, and that is simply acting on the exact line that you have acted on. It is only a question as to how long the endurance will last. We are not proposing to throw an obstruction in the way until the end of this Congress, as you did until the end of the other Congress and cause nominations that it was your duty to act on under the Constitution to lie over and to fall.

Mr. LOGAN. The Senate has a right to decide about nominations. As I notice the mode of argumentation of the Senator from Georgia, he is a very adroit man, and his argument is always about something that is not before the Senate. His argument on this question this morning was upon civil-service reform; it was about who had been republicans and who had been democrats. What has that to do with the question? This is a question of construction of the Constitution, not a question of what he may have been in favor of at one time or what some one else may have been in favor of at some other time. It has nothing to do with that. Come square to the issue and meet it and discuss it as it ought to be discussed. I say the Constitution gives the power to the majority to elect the officers of the Senate, and while the majority attempt to do that they are carrying out their oath under the Constitution of the United States, and while the minority deny them that right they are exercising a physical power and not a constitutional right.

Mr. BROWN. If the Senator will allow me there, I will say that the Senate has elected officers and good officers, and we have them now. It is not a constitutional right that you shall on any particular day change those officers. If the Senate had no officers, then I would admit that we were wrong if we did not go into an immediate election. On the other point I have simply to remark that I always make my arguments in strict conformity to the rules of the Senate, and I never take more latitude than the rules permit.

Mr. LOGAN. Now the artful dodger is seen in this Chamber.

Mr. BROWN. Yes, I have seen him before.

Mr. LOGAN. But none so artful as the Senator from Georgia.

Mr. BROWN. Except my friend from Illinois.

Mr. LOGAN. Yes; we have officers, and we have a Senator too from Georgia whose place the Senator took. There are changes that come continually under the Constitution. There are but seven Senators in this Hall to-day——

Mr. BROWN. I will remark that I never took the place of my predecessor until there was a vacancy.

Mr. LOGAN. There is a vacancy at all times in the Senate whenever the Senate shall choose to change its officers. The Senator as a lawyer pretends that because there are officers of the Senate the Senate has no right to change them; but will he as a lawyer say that because the Senate of the United States in Congress assembled have passed a law which law is not in accord with the opinion of a future Congress, they must not change that law because they have a law? Is that his argument?

Mr. BROWN. Not at all.

Mr. LOGAN. That is the argument the Senator made in reference to the officers.

Mr. BROWN. Not at all.

Mr. LOGAN. His argument is, you must not change the officers because you have officers. Therefore you must not change a law because you have a law; you must not change Senators because you have Senators. There is no argument in that; and I am only astounded that the Senator has, by passing through many years of toil and study, learned more of adroitness than he has of profound reason.

Mr. BROWN. The gentleman may judge me by his own standard. I will leave it for others to decide.

Mr. LOGAN. I presume that we all judge one another according to what we see of one another. I am perfectly willing for the Senator to judge me, because I would be judged by him as all other men would be judged, for he towers so much above all mankind that they all seem little in his eye.

Mr. BROWN. I will leave to the Senator the same right of judgment.

Mr. LOGAN. The Senator's profound wisdom has been shown so often and his contempt for the opinions of others, that of course he, in his profoundness, must be respected on all questions, and I only in my humble capacity, with a right that I have as a Senator, beg leave humbly to differ with the honored Senator from the great State of Georgia on this constitutional question.

Mr. BROWN. I happen to be backed, I believe, in my judgment by the opinions of at least one-half of the Senate.

Mr. LOGAN. I have not heard all the Senators express themselves. I am only speaking of the remark which the Senator made in reference to the right under the Constitution, and I will only say to him now that when he declares before the country that the majority of the Senate have not the constitutional right conferred upon them, and that they are not acting in obedience to their oaths and in accordance with their duty when they undertake to elect officers of their choice—when he denies that right he denies the right which the Constitution confers upon the majority of the Senate.

Mr. BROWN. I have not denied any such right; I have admitted that all the while; but I have said that we have officers now, and when the majority of the Senate elect others we shall then have new ones. Until then we shall retain those we have, and they are very good ones.

Mr. LOGAN. That is all very true. I do not suppose that there is a boy in this country, however unfortunate he may have been in his learning or in his opportunities, but who knows at least that much. I know that much myself.

Mr. BROWN. I congratulate you, sir.

Mr. LOGAN. I do not know but that there are other Senators on this floor who know even that much.

Mr. BROWN. I again congratulate you.

Mr. LOGAN. Oh, yes; I am glad to be congratulated by the great Senator from Georgia, the constitutional expounder from the State of Georgia.

Now, sir, I have said about all that I wish to say except that notwithstanding the great power and authority, wisdom and experience that is within the compass of the expansive intellect of the Senator from Georgia, I cannot understand the Constitution any other way than as I read it, that we have the right to elect officers, we have the power to do it by numbers. The only reason that we shall not or cannot is by Senators who have taken an oath to support the Constitution standing here from day to day until next December, as the Senator says, in violation of that oath and preventing the majority from exercising the right that it has under the Constitution. If that is the proposition, then we understand it. If that is what is intended on that side, then we understand it.

Mr. BROWN. That is not the proposition at all. Nobody denies the right of the majority to do any constitutional act that the minority cannot defeat by the use of the means placed in its power by the Constitution and rules of the Senate.

Mr. LOGAN. That is the proposition as I understood it from the Senator, exactly as I understood it, that you propose to stay here until the 1st day of December and prevent us under the Constitution from performing that act which the Constitution authorizes us to perform. If that is the proposition, it is revolutionary.

Mr. BROWN. "Null and void."

Mr. LOGAN. No, sir; it is revolutionary, and how so? It is a revolution against the power of this Senate under the Constitution, and is only a step that might go further and be revolution against the power of the Government.

Mr. JOHNSTON. Mr. President, I desire to refresh the memory of the Senator from Massachusetts as to the Constitution. As I understood that Senator, he laid down the ground that the proposition of the Senator from Georgia, or what he stated to be the proposition of this side, is treason. Let me read to that Senator——

Mr. HOAR. The Senator will pardon me. I did not say anything about that side. I confined myself to the statement of the Senator from Georgia of a purpose not to permit the Senate to elect its officers if the minority sat here from now until December making dilatory motions. I have not heard the honorable Senator from Virginia announce such a doctrine.

Mr. JOHNSTON. Then the Senator from Massachusetts does say that if the Senate should stay here until that time it would be an act of treason. Let me read to the Senator how the Constitution defines treason:

> Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

Treason shall consist only in that, says the Constitution. I understand the Senator from Massachusetts to announce from his place in the Senate that the attempt to defeat the election of a Sergeant-at-Arms of the Senate of the United States is adhering to the enemies of the United States and giving them aid and comfort!

Now, Mr. President, a word on the subject of what is and what is not revolutionary here. On this side of the House we know the fact that there are pending numbers of nominations for most important offices in the Government to be filled. The Supreme Court of the United States has had to adjourn day after day for want of a sufficient number of justices to proceed to the business of that tribunal; and while that great tribunal is held in abeyance, while the wheels of justice of the United States are stopped to that extent, while we know that before this body is a nomination to fill a vacancy on that court so that the business may go on, and while the Senators on this side propose to go into executive session for the purpose of filling that and other vacancies, the gentlemen on the other side are saying that we are revolutionary in obstructing merely the turning out of a few officers here and substituting others in their places. I leave it to the public to judge between those two which is the party that seeks to practice revolution, that party which says that until we elect officers of the Senate there shall be no vacancies supplied on the Supreme Court of the United States, there shall be none of these vacancies filled throughout the country where they are needed. All of that is to stop; all of that constitutional right, all of that duty to do the public business is to stop until we turn out a few officers here and put others in their places!

Mr. President, I differ entirely with the Senator from Illinois as to his construction as to your right and who has the majority on this floor. You, sir, have no voice whatever in deciding what business shall be brought before this body. The only thing you can do to influence the legislation of this body is when business has been brought before it and when it has been discussed and when a vote has been reached and when it is announced that that vote is a tie; then you can count, you may make a majority then, but not till then. In all the preliminary proceedings you are no more there, sir, than the chair you sit upon. In originating business, in discussing business, in deciding what shall be brought before the body, in deciding what the body shall do, you have no voice whatever; and yet the Senator from Illinois claims that because you can give a casting vote when we come to a vote and have a tie, you constitute a majority in bringing business before the body. That is the claim of the honorable Senator from Illinois. So far as this Senate stands now, it stands exactly divided between the two parties, thirty-eight Senators upon each side. In making motions on the floor, in bringing in bills, in calling up business, in deciding what the body shall do, the Vice-President is as if he did not belong to the body at all; and for the purpose that we are now considering what we shall do, for the purpose of bringing matters before the body, the vote of the Vice-President and his presence here cannot be counted at all. It can only be counted when the time comes that it is ascertained that there is a tie vote. Then his constitutional right comes in, and not till then. We can count him in no other way and at no other time.

Mr. President, I think that this condition of things is one not contemplated by the Constitution. What was meant and what the framers of the Constitution said, according to my idea, was that when an accidental, occasional tie vote arose in the progress of business, then in order to prevent a stop of business the Vice-President might vote; but as it is now, and as claimed by the gentlemen on the other side, the Vice-President is the Senate; he can do everything; the whole business of the body is to be controlled by him. Our rules say that the committees of the body shall be elected by the Senate; but who has elected them? He has made the committees. Our rules say that the officers shall be elected by the Senate, and now it is proposed that the Vice-President shall elect them. This makes the Vice-President the Senate in fact, and takes away from the Senate all right to do anything except put questions in form and the Vice-President determines them.

Mr. LOGAN. Has the Senator any confidence in the opinions of Henry Clay, Mr. Calhoun, and Mr. Berrien?

Mr. JOHNSTON. Yes, sir.

Mr. LOGAN. Will he allow me to read them?

Mr. JOHNSTON. We have all read them. We do not differ about the power of the Vice-President.

Mr. LOGAN. The Senator said he did not believe the vote of the Vice-President was intended for cases of this kind. This is exactly a case of the kind on which those opinions were expressed.

Mr. JOHNSTON. That was an isolated case.

Mr. LOGAN. It arose on the election of officers for the Senate of the United States. Mr. Calhoun said there was no doubt and Mr. Clay said there was no doubt about the right of the Vice-President to vote. Mr. Berrien said so, and so did all the leading men of the Senate in 1850. There is no such question as the Senator now presents in reference to the Vice-President being merely set up as a figure-head; but the understanding was that the Vice-President on the occasion of a tie in the Senate became a part of the Senate for the purpose of untying the Senate, and to that extent he was a Senator, with all the powers of a Senator so far as casting a vote is concerned, and that he was put there not as a figure-head, but to preside over the Senate and whenever a tie occurred to untie the Senate. That is the Constitution and what the Constitution intended by making an officer of this kind, and it was so said by every leading man who has ever been in the Senate of the United States.

Mr. FARLEY. Mr. President, I desire to offer the following resolution:

> *Resolved*, That——

Mr. HOAR. I rise to a question of order.

Several SENATORS. Let it be read for information.

Mr. FARLEY. I only ask that my resolution be read for information.

The VICE-PRESIDENT. The resolution will be read for information.

The Chief Clerk read as follows:

> *Resolved*, That a committee consisting of two Senators be appointed by the Chair to wait upon the President of the United States and inform him that, unless he may have some further communication to make, the Senate is ready to adjourn without day.

Mr. DAWES. Pending this question, that cannot be in order. It cannot be received at all.

The VICE-PRESIDENT. Except by unanimous consent it cannot be received. The Chair sustains the point of order.

Mr. LOGAN. I object.

The VICE-PRESIDENT. Objection being made, the Chair decides the resolution out of order. The question is on the motion to postpone, made by the Senator from Tennessee, [Mr. HARRIS.]

Mr. JOHNSTON. Did the Chair decide that the resolution of the Senator from California [Mr. FARLEY] was not in order?

The VICE-PRESIDENT. The Chair so decided.

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] is absent and paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

Mr. BUTLER, (when his name was called.) The Senator from Pennsylvania [Mr. CAMERON] requested me to pair with him on this question, saying that he was called from the Chamber for a time. I therefore decline to vote.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.] Were he present, I should vote "nay."

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. SHERMAN, (when Mr. LAMAR's name was called.) The Senator from Mississippi [Mr. LAMAR] and myself are temporarily paired on this vote.

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. KELLOGG. On this question I am paired with the Senator from North Carolina, [Mr. VANCE.]

The result was announced—yeas 28, nays 28; as follows:

YEAS—28.

Bayard,	Davis of W. Va.,	Harris,	Pendleton,
Beck,	Fair,	Jackson,	Pugh,
Brown,	Farley,	Johnston,	Ransom,
Call,	George,	Jonas,	Slater,
Camden,	Gorman,	Jones of Florida,	Vest,
Cockrell,	Grover,	Maxey,	Voorhees,
Coke,	Hampton,	Morgan,	Walker.

NAYS—28.

Allison,	Edgerton,	Ingalls,	Morrill,
Blair,	Frye,	Jones of Nevada,	Platt of Conn.,
Burnside,	Hale,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Harrison,	McDill,	Plumb,
Conger,	Hawley,	McMillan,	Rollins,
Conkling,	Hill of Colorado,	Mahone,	Sawyer,
Dawes,	Hoar,	Miller,	Teller.

ABSENT—20.

Anthony,	Ferry,	Lamar,	Sewell,
Butler,	Garland,	McPherson,	Sherman,
Cameron of Pa.,	Groome,	Mitchell,	Vance,
Davis of Illinois,	Hill of Georgia,	Saulsbury,	Van Wyck,
Edmunds,	Kellogg,	Saunders,	Williams.

So the motion was not agreed to.

Mr. PENDLETON. I move that the Senate do now adjourn.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Before the motion is put I ask unanimous consent to make an inquiry of the Senator from Ohio. I would like to inquire if the Senators on the other side will give us any indication of the time when they will be willing to take the vote.

Mr. PENDLETON. I have no authority to make a statement on that point.

Mr. DAWES. Can the Senator give us an expression of his own opinion?

Mr. PENDLETON. I cannot do that.

Mr. CONKLING. Can he give us an expression of the opinion of the honorable Senator from Kentucky, [Mr. BECK?]

Mr. PENDLETON. I leave the Senator from Kentucky to answer for himself.

Mr. DAWES. Mr. President——

Mr. VOORHEES. Will the Senator from Massachusetts raise his voice so that we can hear?

Mr. CONKLING. Let the Senator from Kentucky also raise his voice.

Mr. FARLEY. A motion to adjourn is not debatable.

The VICE-PRESIDENT. The Chair understands that the debate is going on by unanimous consent.

Mr. FARLEY. I object.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate do now adjourn.

The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. McPHERSON, (when his name was called.) On this question I am paired with my colleague, [Mr. SEWELL.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. SHERMAN. Before the vote is announced I desire to repeat the statement of my pair with the Senator from Mississippi, [Mr. LAMAR.]

The result was announced—yeas 28, nays 27; as follows:

YEAS—28.

Bayard,	Davis of W. Va.,	Harris,	Pendleton,
Beck,	Fair,	Jackson,	Pugh,
Brown,	Farley,	Johnston,	Ransom,
Call,	George,	Jonas,	Slater,
Camden,	Gorman,	Jones of Florida,	Vest,
Cockrell,	Grover,	Maxey,	Voorhees,
Coke,	Hampton,	Morgan,	Walker.

NAYS—27.

Allison,	Edgerton,	Jones of Nevada,	Platt of Conn.,
Blair,	Frye,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McDill,	Plumb,
Cameron of Wis.,	Hawley,	McMillan	Rollins,
Conger,	Hill of Colorado,	Mahone,	Sawyer,
Conkling,	Hoar,	Miller,	Teller.
Dawes,	Ingalls,	Morrill,	

ABSENT—21.

Anthony,	Garland,	McPherson,	Vance,
Butler,	Groome,	Mitchell,	Van Wyck,
Cameron of Pa.,	Hale,	Saulsbury,	Williams.
Davis of Illinois,	Hill of Georgia,	Saunders,	
Edmunds,	Kellogg,	Sewell,	
Ferry,	Lamar,	Sherman,	

So the motion was agreed to; and (at four o'clock p. m.) the Senate adjourned.

FRIDAY, *March* 25, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

APPOINTMENTS IN WAR DEPARTMENT.

Mr. INGALLS. I offer the following resolution, and if there is no objection I ask for its present consideration:

Resolved, That the Secretary of War be directed to report to the Senate at this session—

First. A list of all appointments other than those in the Army of the United States made in his Department from December 1, 1879, to March 15, 1881.

Second. Under what provisions of law said appointments have been made, the rate of payment per annum, and the amount paid to each person appointed.

Third. What changes, promotions, details, and transfers have been made within said period, with the reasons for such transfers and details from one bureau or division to another.

Fourth. What revocations of appointments and promotions have been made, if any, with dates thereof, and reasons for the same, with copies of all official and personal correspondence and telegrams relating thereto.

Fifth. What clerks, if any, have received pay when not on duty; what clerks have had leave of absence with or without pay, and for what reason, and for what length of time in each case.

Sixth. What reductions of salary have been made within said period, and why said reductions, if any, were made.

Seventh. What dismissals have been made, if any, and for what causes.

Eighth. What employés, if any, have been paid out of a "lapse fund," and how such fund was obtained.

Ninth. Whether any board or commission has been convened for the purpose of making or considering the subject of appointments in said Department, and if so, of whom said commission was composed and what duties it performed.

Tenth. Whether clerks and employés have been paid lower salaries than were provided by the statutes authorizing their employment.

Mr. SHERMAN. I would rather see that in print before I vote for it.

Mr. INGALLS. The resolution can lie over and be printed.

The VICE-PRESIDENT. It will be so ordered.

OFFICERS OF THE SENATE.

Mr. DAWES. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded, and the unfinished business of yesterday is before the Senate, which is the resolution submitted by the Senator from Massachusetts [Mr. DAWES] for the election of officers of the Senate. The pending question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] to postpone the consideration of the resolution until the first Monday of December next, upon which the yeas and nays have been ordered.

Mr. JOHNSTON. Mr. President, I ventured to express some surprise yesterday at the utterances of the Senator from Massachusetts [Mr. HOAR] in regard to what he chose to denominate the conduct of the party with which I act. That Senator declared yesterday in his place that the proceedings on this side of the Chamber were both revolutionary and treasonable, and if I have not forgotten what he said, he stated that he had seen nothing and that nothing had occurred in this Hall so extreme in that direction as the proceedings of yesterday. We have seen the doctrine of secession advocated on this floor, and twenty years ago we saw the whole of the Senators from the Southern States leave their seats and go home to put the doctrine of secession into execution and to dissolve the Union. Yet the Senator from Massachusetts now rises in his place and declares our proceedings were more revolutionary and treasonable than any which had heretofore occurred. I do trust some Massachusetts college will take note of that discovery of the honorable Senator, and will bestow upon him the degrees of which Dr. Peter Pangloss was so proud, the degree of LL. D. and A. S. S.

But I agree to some extent with the Senator that this is a revolution, and a very revolutionary proceeding indeed, and let me call the attention of Senators to what the revolution is. If there are two things on this earth which the republican party up to this day have hated and denounced it is what they call repudiation, and the democratic party. They have kept the North solid by pointing to the South and to Southern States and saying, "Look what the democratic party of the South is doing; it is repudiating its debt and sowing the seeds of repudiation broadcast. The only way for us to do is to strangle the doctrine of repudiation wherever we can." That is the position they have taken; that is the way in which they have kept the North solid against the South. They have all the time declared that no misfortune could occur to the country so great as the accession of the democratic party to power, and the individual democrat has been denounced as well as the party itself. I say it is a revolution and a great revolution when we see the republican party in their caucus nominate for one of the principal offices of the Senate a democrat and a man whom they themselves denounced as a repudiationist, a man who has acquired his only distinction, and who would to-day have been a petty county court lawyer in the county of Shenandoah, Virginia, but for the prominence given to him by his repudiation efforts in that State. Then I am justified in saying that such a course on the part of the republican caucus and the republican party here is revolutionary, and to that extent the honorable Senator from Massachusetts was perfectly right.

The honorable Senator from Kentucky [Mr. BECK] asked yesterday who Mr. Riddleberger is. He asked whether he is the author of what is known as the Riddleberger bill. I want to answer that question and tell the Senate who Mr. Riddleberger was and is, and tell them something about that Riddleberger bill. I want to see whether the Senator from Ohio, [Mr. SHERMAN,] who is so distinguished for his preservation of the public faith, who has built up the credit of the United States as he has done, and who is so justly proud of it, whose reputation is so high for doing it—I want to see, when he knows Mr. Riddleberger's record, knows his opinions, knows what he has done and what he proposes to do, whether or not that Senator will vote for him.

In giving the record of Mr. Riddleberger I shall have to advert to the record of my colleague, because the two are so shaped together that they cannot be separated. I give now the record of my colleague up to the time that Mr. Riddleberger became associated with him, and then the joint record of the two from that time down.

The first time that my colleague ever appeared upon the theater as a public man and an active politician in the State of Virginia was in the election of 1869. We had had a constitutional convention in 1867, and the constitution was framed by the republicans, who sought to disfranchise nearly the whole white people of the State of Virginia. If the constitution had been adopted as proposed by them the white

people of the State would not have been entitled to vote nor to sit on juries, and would have had but few rights. The whole white people of the State of Virginia with a very few exceptions would have been disfranchised. General Grant stepped forward and authorized a separate vote to be taken upon those clauses of the constitution. On that occasion my colleague performed what we all agree in Virginia were very signal services to the State, because he took a very decided, active, and prominent ground against the disfranchising amendments, and was as instrumental as any man in the State of Virginia in defeating them. For that my colleague is entitled to the thanks not only of that State but of the people of the whole country.

The next time he appeared on the stage was in the election for governor in the year 1873. At that time the prominent candidates before the convention for governor were Colonel Withers, my late colleague, and all here know what his sentiments were and how warm a democrat he was, and Governor Kemper. In the contest it was understood that my colleague threw his great weight and influence in favor of Kemper and secured his nomination. Kemper was an extreme debt-paying man, and had been the friend and advocate of every bill that had ever been brought forward in the Legislature for the payment of the debt in full. So was Withers. They both stood upon the same platform, but my colleague espoused the cause of Kemper and secured his nomination.

That brings us down to the year 1877. At that time my colleague was himself a candidate for governor before the regular democratic convention. There was no other convention held that year of any sort. My colleague was opposed by John W. Daniel and F. W. M. Holliday, the present governor.

After long balloting it was found out that my colleague could not get the nomination, and he transferred his whole forces in a body to Holliday and thus secured his nomination. Up to that time there was not a man in Virginia who had any idea that my colleague was not as good a democrat as I am or any other man in the State of Virginia. Never up to that time had he ever, that I heard of, indicated one word of opposition to any funding bill that had ever been passed. The funding bill of 1867 had been passed, the funding bill of 1871 had been passed, and if my colleague ever gave any public utterance through the press or on the stump in opposition to those measures before that date I never heard of it.

The next event was that the readjusters separated themselves from the regular democratic party as they said on State issues merely, not on national issues. They did not separate on national issues, because, as the Senate has heard, my colleague in his speech made here referred to the fact that certain Senators on this floor had gone into the State of Virginia and undertaken to instruct the people in regard to State issues and to talk about things that belonged to the people of the State of Virginia only and that did not concern the people of the United States at large at all.

Therefore it was claimed by the readjusters that they were democrats and separated from the party only on the question of the public debt and nothing else; that in all other respects they were with the democratic party; that that was a local issue to be settled in the State of Virginia, and that any man from the outside that said anything or did anything or interfered in the matter in any way was to be considered an intruder. That was the ground which they took.

That brings us down to what is called the Mozart Hall convention. That convention met in February, 1879, and was the first regular convention of the readjusters that was ever held in the State of Virginia. That convention met in Mozart Hall, in the city of Richmond, on the 25th of February, 1879, laid down a platform of their own, and announced what they intended to do as a party, for before that time without a separate organization they had been fighting inside the democratic party. They then met and organized, but they then claimed to be democrats. My colleague made on that occasion, as the head of the readjuster party, a careful and elaborate speech, in which he spoke of the conservative party as if he was a member of it. I have here his speech on that occasion, prepared with great care, in which he speaks as if he was still a member of the conservative party, and as if those men there were conservatives; because you must understand that in the State of Virginia the democrats are called conservatives. They are democrats, but their local name is conservatives. Here is what my colleague said in that speech delivered only two years ago, in regard to his connection and the connection of the party that was then assembled with the conservative party. He is speaking now of what the party had done:

> Certain it is that without the express sanction of the people no obligations should be assumed which necessitate an increase of the present rate of taxation. The platform of the conservative party on this point is too clear for argument.

He was speaking then in support of and advocating the platform of the conservative party, which was the democratic party.

Then in the fall of 1879 the election came on. At that election the debt-paying party were defeated on the debt question. That was the issue. As to the complexion of the Legislature I wish to refer to what my colleague also said on that subject.

Mr. DAWES. Will the Senator allow me a moment to call his attention to the fact that his colleague is absent from the Senate?

Mr. JOHNSTON. Yes, sir.

Mr. DAWES. I wish to call the attention of the Senator from Virginia while he is making his remarks upon the public career of his colleague to the fact that his colleague is necessarily absent from the Senate to-day.

Mr. JOHNSTON. I did not know that fact, but I am not saying anything personally offensive to my colleague. I am speaking of his public acts.

Mr. DAWES. I presumed the Senator from Virginia would want to be reminded of the fact.

Mr. JOHNSTON. I am sorry it is so, but I am reading the official record, and my colleague will have an opportunity to reply. I am not making any personal attack upon him at all. I am speaking of his public acts, of which I can speak whether he is present or whether he is absent.

Mr. DAWES. There are times when in discussing the public acts of Senators it is very desirable that they should be present.

Mr. JOHNSTON. If the Senator will postpone his resolution, I will postpone my speech until my colleague, the Senator from Virginia, is here.

Mr. DAWES. I have no suggestion to make to the Senator from Virginia. The Senator understands the courtesy that is due to members of the Senate so much better than myself, being a much older Senator than I am, that I thought he would take it kindly if I brought to his attention what it seemed to me it must be he had not observed, the fact that his colleague could not be here to listen to his very interesting remarks. I thought they must lose much of their force (which I regretted very much) if the Senator should be aware that his colleague would not enjoy the benefit of them. I have no suggestion to make.

Mr. JOHNSTON. I have no observation to make, but inasmuch as you insist on having this resolution considered, if you do not want me to speak just stop your resolution and I shall stop the speech. That is the only way you can get me to do it.

Mr. DAWES. The resolution is in the interest of the public business.

Mr. JOHNSTON. Oh, no, it is exactly the reverse; it is an obstruction to the public business.

Mr. COCKRELL. Will the Senator from Virginia yield that I may make a motion to go into executive session in order to transact the public business? ["No!" "No!"]

Mr. DAVIS, of Illinois. Let the Senator from Virginia finish his speech.

Mr. COCKRELL. The Senator from Massachusetts wants to transact the public business, and we will give him an opportunity by going into executive session.

Mr. JOHNSTON. If the other side will vote to go into executive session, I will yield.

Mr. ROLLINS. Let the Senator from Virginia make his speech.

Mr. JOHNSTON, (to Mr. DAWES.) If you will vote to go into executive session I will yield. Will you do that?

Mr. DAWES. If the Senator will yield to me a moment—I do not wish to take him off the floor; I could not deprive myself of the enjoyment that his speech is sure to bring—but if the Senator desires to yield, I assure him that I shall press the public business to the extent of my ability.

Mr. JOHNSTON. The public business is executive business at this session. If you will press that, I will yield.

Mr. DAWES. The Senator and myself differ as to what the public business is. I prefer to take the sense of a majority of the Senate upon that question. The Senator is not willing to take the sense of the majority upon that subject.

Mr. JOHNSTON. I am not making any personal attack upon my colleague. I did not know that he was absent. I am speaking of his public acts, which he will not deny here or elsewhere. I am reading extracts from his own documents and speeches that he will not deny. I am speaking of his opinions and his public acts.

I want to speak now of the detail of the election of 1879, when the Legislature that elected my colleague was chosen, and I am going to quote now what my colleague said on that point. I have his interview written out with care and elaboration and published in the National Republican of this city during the present winter, in the month of January just passed, from which I propose to read an extract. My colleague was asked by whom he was elected, if he was elected in a way in which he could take what course he pleased here. I desire to give his own statement as to by whom he was elected and the complexion of the body which elected him. In this interview he is himself telling the complexion of the Legislature that elected him, and here is what he says about it:

> In the senate were chosen twenty-three readjusters to seventeen funders, and in the house were elected fifty-seven readjusters to forty-three funders. A majority of the legislators-elect, of both the republican and the conservative parties, were strongly opposed to the McCulloch bill. These, co-operating as readjusters, elected all the capitol officers and county judges, I myself being chosen a United States Senator over Colonel Withers by a joint conservative white majority, exclusive of all colored and republican votes, of seven, of which three were in the house and four in the senate—my total joint readjuster vote being eighty, to sixty cast for Colonel Withers and all others.

He claims in that interview that of the white conservative or white democratic votes he got a majority of seven over all others, three being in the house and four in the senate. There is a declaration of the complexion of the body that elected him, who it was that elected him. He does not pretend that the readjusters were republicans. He himself denominates them democrats, or, as they are denomi-

nated in Virginia, conservatives, which is the name, as I have said, of the democratic party in that State.

These were the events of the year 1879; and I come now to the year 1880. Let us see what occurred in 1880, which was the year of the presidential election. The two great parties, the republican and the democratic, were arrayed against each other in every State and every Territory of the country. That was the election which was to decide which party should prevail for four years or perhaps for twenty years. Let us see what course my colleague and Mr. Riddleberger took in that election.

The democrats of Virginia, the regular democrats as they are called, held a convention in May, 1880, and put out an electoral ticket. In the call for the convention their committee invited all the democrats of the State of Virginia to come forward and unite on a democratic ticket. My colleague and Mr. Riddleberger and their party refused to come into that convention. The Chicago convention was held, and nominated General Garfield. The Cincinnati convention was held, and nominated General Hancock. These conventions were held in June. The readjusters of the State held their convention on the 7th of July, 1880, after both the tickets were in the field, after Garfield and Hancock both were nominated, after the platforms of both parties were enunciated and when the whole world knew exactly what each proposed to do and exactly what each was. In that condition of things the readjuster convention held its session, and I want to read to the Senate what it did. I read from the National Republican, which is a sort of organ of my colleague now, I believe, and I take it from the report of the proceedings of that convention. It is from the Republican of July 8:

RICHMOND, VA., *July* 7.

The readjusters' State convention met in the theater to-day at 11.30 a. m., and was called to order by General William Mahone, chairman of the State executive committee, who made a brief speech counseling harmony and wisdom in the deliberations. He then nominated Colonel H. H. Riddleberger, of Shenandoah, as temporary chairman.

The same man now whom the republicans propose to make Sergeant-at-Arms.

Upon assuming the chair he was greeted with the wildest enthusiasm, the applause continuing for some moments.

The convention went on and took its proceedings, which I shall not read except one resolution. Here is one resolution that the convention adopted to which I want to call the attention of my republican friends:

And believing that the objects hitherto declared and the interest of all people of Virginia are to be best subserved by the election of Hancock and English to the Presidency and Vice-Presidency, therefore it is further declared that the electoral ticket nominated by this convention are instructed in behalf of those candidates and that they are cordially commended to the earnest support of every member of the readjusters' organization in Virginia.

That was the resolution of the readjusters' convention called to order by my colleague, Mr. Riddleberger being temporary chairman. They then proceeded to make an electoral ticket, and let me call the attention of my republican friends to who were on that electoral ticket pledged to Hancock and English. The following electoral ticket was then chosen:

Electors at large, Colonel William E. Cameron, of Petersburgh, and Colonel H. H. Riddleberger, of Shenandoah.

Then we have on the 7th of last July my colleague presiding over a democratic convention, calling it to order, Mr. Riddleberger, temporary chairman, a resolution adopted indorsing Hancock and English, and declaring that the best interests of the country would be subserved by their election, (which I religiously believe myself,) and then making an electoral ticket and putting H. H. Riddleberger at the head of it for the election of Hancock and English.

The election came on, and this ticket was in the field. The readjuster organization in Virginia was pledged to Hancock and English, and the electors were pledged to vote for them if they got a majority of the people of the State of Virginia. I take it for granted that if Mr. Riddleberger voted at all he voted for himself. I do not know whether he voted; I do not know that my colleague voted; but I presume that if they voted at all they did vote for that ticket, and they voted for Hancock and English, as we all understand it.

The Richmond Whig is the organ of my colleague and of the readjuster party in the State of Virginia. It speaks their sentiments, and denounces everybody who is not a readjuster. It is the well-known and admitted organ of that party in the State of Virginia. I do not see that paper often, but on the 25th of last December I happened to take up a number of it, as I was in Richmond that day, and I looked at an editorial that was in it. The editorial was a fierce attack on General John Echols, a member of the house of delegates of Virginia from Augusta County, for daring and presuming to want to vote for General Williams C. Wickham, a distinguished and high republican of the State of Virginia, for Senator against a democrat, William Mahone.

Mr. LOGAN. Did not the Senator himself agree with the article in the Whig at that time?

Mr. JOHNSTON. I did not at the time of the election, but I do now.

I think that that history establishes the fact that the republicans in their caucus have nominated a democrat for one of their principal offices, a man who has been a democrat until to-day, and if he is not a democrat now it is because they have nominated him for Sergeant-at-Arms. I do not know what he is to-day. I reckon he is a republican, and has changed probably since he came here and thought that he could perhaps get this office.

Having given that much of the democratic history of Mr. Riddleberger, I want to revert to another branch of his history. I desire to do it because the gentlemen on that side have boasted so much on their strict adherence to public faith and public credit, because they are never done with twitting the democrats with their want of it; because they set themselves up to be the peculiar guardians of the public faith and public credit of the United States; because they declare continually that if the democrats get possession of the Government the public credit will be ruined and the bonds of the country could not be sold. Let us see what Mr. Riddleberger's record on that point is.

Mr. LOGAN. I should like to ask the Senator a question right there. What effect does the Senator from Virginia think the election of a Sergeant-at-Arms of the Senate would have upon the credit of the United States?

Mr. JOHNSTON. If you elect a man who is a repudiationist you indorse his public act and career. When a man is elected his previous conduct and his career are indorsed. That is the effect it will have on the country. It is saying that a man is under no obligation to preserve the public credit, that he can do as he pleases, and that you republicans on that side, let him be what he may, will indorse him. That is exactly the effect that it will have upon the credit of the country.

Now, Mr. President, in order that this question may be understood in regard to the public debt of Virginia, I propose to have the Riddleberger bill read out and out, the whole of it. It is a long bill; but before I have it read I want to call particular attention to some portions of it, and the first portion of it to which I wish to call particular attention is this: I will venture to say such a thing as this was never put in any bill before:

Whereas the net revenue of the State cannot be safely relied on for more than $2,165,000 after the reassessment required to be made in 1880, owing to the reduction in taxable values estimated to be consequent thereupon, and certain necessary reforms in the system of assessment of property and licenses.

I hold that that portion of the preamble of that bill was an instruction to those who were to assess the lands to assess them below their value. The same Legislature that had this bill under consideration was at the time engaged in the election of judges of the county courts of Virginia and it elected about eighty, all readjusters but one, and he was only saved because he had a son in the Legislature who was a readjuster. These county judges were to appoint the assessors of the lands, and did appoint readjusters. They took care to put in the bill an instruction as to how the duty was to be performed. In order to carry out their views in regard to the public debt and its readjustment it was a necessary thing that the lands should be reduced in value, whether an actual decrease of value at the time or not. Now I want to read for the edification of some of my republican friends what the most prominent republican editor in Virginia says in regard to that thing. The man from whom I now read is prominent enough to be urged by his friends for a Cabinet position; this paper is able, independent, and bold. I ask the Secretary to read from that paper, the Valley Virginian, what he said in regard to that very identical feature of the Riddleberger bill and the proceedings of the readjusters under it.

The Chief Clerk read as follows:

Take in the entire State and judge by the general improvement—not here and there a thriftless county, where the blight of chattel slavery still leaves its perceptible foot-prints—and there is not a fair-minded man in the Commonwealth who will not conclude that values have increased at least 20 per cent., and that if the same measure of valuation had been observed in 1881 which was accepted in 1875, and the same rate of taxation applied, the result would show a revenue of $3,000,000 instead of $2,500,000. Instead of this, by preconceived and preconcerted arrangements the assessments have been so reduced as to sustain the estimate that a reduction of revenue to $2,100,000 will be the result. This is, in plain business language, concealing assets to defraud creditors. It is dishonest, and is as certain to work the destruction of the instigators of it as night follows day. The moral sense of the people will revolt against any such disreputable devices, and they will vindicate their own integrity and the fair name of the Commonwealth by a crushing verdict in November next.

We place the prediction here on record that the people of Virginia will indignantly repudiate the plea of bankruptcy and proclaim to the world that they intend to deal fairly with their creditors in settling the public debt upon just and honorable terms, let the assessments of taxable resources be what they may, under the new process of reaching values adopted in 1881. They cannot afford to stand before the country in the attitude of beggars when the evidences are visible to every eye that values have augmented. They will not consent that party necessities shall be the rule of their moral action, nor that the ambition for place and power shall be held higher than the honor of the State. The contest upon which we are entering is going to test the metal of every man in the Commonwealth; his moral courage will be brought to the crucible and those who dare to do what is right; who, rising to the demands of conscience and public integrity, declare their readiness to disdain the mushroom popularity of an hour, and if necessary sacrifice some little of comfort and convenience, will meet a response that is not dreamed of by those who are chattering about public mendicancy as a false excuse for an open, palpable, flagrant repudiation of $13,000,000 of just and honest debt.

Mr. JOHNSTON. Now, Mr. President, I desire to have read also what the New York Times, the leading republican paper in the United States, says about the Riddleberger bill, and I ask the Clerk to read that.

The Chief Clerk read as follows:

THE VIRGINIA DEBT QUESTION.

For some time past there has been a reasonable hope that the mongrel party of repudiation in Virginia would not succeed in further disgracing the State. It is

now no longer a matter of dispute that the precious plan which proposes "to restore the public credit" by repudiating the debts of the Commonwealth originated in the fertile brains of gentlemen who had long enjoyed the distinction of being prominent in the "white man's party," and who were recognized as belonging to that peculiar class of society known in the South as "the native and best." But alone and unaided, frowned upon as they were by the more honorable and conservative of their own party, they soon discovered that they could make no headway unless they could win to their support at least a portion of the negro voters and of the colored members of the Legislature.

Unfortunately their success in this direction was only too great. The colored legislators, the best of whom had but scant views in regard to finance, were readily caught by the plausible stories of the readjusters. They were told that a repudiation of the debt would result in untold benefit to them, that their taxes would be lowered, the public schools for their children greatly improved, and the obnoxious poll tax, which they have always regarded as one of their chief burdens, removed. Deceived by these representations, and by the statement frequently made that their co-operation with the white readjusters would certainly result in the overthrow of the Virginia democracy, the colored men gave cordial support to the demagogues who sought to gain popular favor by swindling the unfortunate men and women who held the State securities. By the efforts of the black men who were thus deluded, the readjusters gained control of the Legislature, and for a time seemed powerful enough to carry out any programme of repudiation, no matter how outrageous, which might be proposed.

Recently, however, there was one indication that the more sensible colored men, quick to understand that they had been deceived, had resolved, as far as possible, to retrace their steps, and on Saturday last, in spite of the most determined efforts on the part of the readjusters, every white republican in the Assembly and all the colored members except three voted to postpone the consideration of the infamous measure known as "the debt bill," and succeeded in carrying it over. From this action it was argued, with some plausibility, that the agents of Secretary Sherman had been using their peculiar influences with the colored men, and that they had so far succeeded that the complete overthrow of the readjusters' combination was only a matter of time. There were many reasons for the belief that the Secretary was instrumental in bringing about the change described, chief among them being the fact that he, boasting as he does of having been instrumental in securing resumption, and anxious as he is to obtain in his presidential canvass the support of the Virginia delegates, cannot afford even the appearance of being on friendly terms with men who deliberately propose to repudiate the just debts of a State. For this reason, if for no other, it was held that he had exerted himself to take the colored men out of the repudiators' alliance.

If the Secretary really did make the attempt, he has failed. The time between Saturday and Monday was used to the best advantage by the leading readjusters, and on the latter day, much to the surprise of those who, from their success on Saturday, had predicted the complete triumph of the debt-payers, the repudiation bill was passed by the aid of the colored members. By the provisions of the measure in question, the principal of the debt is reduced to $20,000,000, and the interest to 3 per cent. Further than this, it is provided that the bonds shall be taxed, that the interest coupons shall not be receivable for State taxes, and worst of all, that the sinking fund established under the constitution for the ultimate payment and extinguishment of the debt shall be abolished. In other words, the bill repudiates nearly one-half of the just and legally-contracted debt of Virginia, and makes no provision for the payment of that portion of it which remains. The only hope of the bondholders is that the governor will veto the bill. That he will be brave enough to do so, thereby incurring the lasting hostility of the readjusters, there is, it is feared, some reason to doubt. Meanwhile, General MAHONE, who was recently elected to the United States Senate by the votes of the repudiators, seems to be more completely in command of the political situation in Virginia than before. At the same time he is being abused by the democrats with increased bitterness, and in retaliation it is not improbable that he may learn to mend his ways, and when he takes his seat in Washington act with the republicans, thereby, under certain contingencies, giving them control of the Senate.

Mr. DAVIS, of West Virginia. I ask the date of that paper?

The CHIEF CLERK. March 4, 1880.

Mr. JOHNSTON. About the time of the passage of the Riddleberger bill.

Now, Mr. President, I want to have a few more extracts read, and these extracts are from the Providence Journal, the paper of the distinguished Senator from Rhode Island, [Mr. ANTHONY,] as I am informed, so much respected on both sides of this Chamber, and the chairman of the republican caucus. I send to the Chair extracts from his paper to be read. Let us see what he says.

The Chief Clerk read as follows:

[From the Providence Journal, Tuesday Morning, January 11, 1881.]

SENATOR MAHONE'S MANIFESTO.

Senator MAHONE, of Virginia, has published a manifesto in behalf of his party. In regard to the debt, he furnishes a great many and some rather bewildering figures; but the sum and substance of his purpose is that Virginia shall repudiate twelve millions of its legally contracted debts, because it finds it inconvenient to pay them. He claims, and by the admission of his own organs, with justice, that the funding party does not propose to pay the whole of this debt, but to readjust it; that is to say, arbitrarily reduce the interest and compel the exchange of bonds, which differs from the bolder repudiation only in name and degree. In regard to other State affairs, Senator MAHONE declares that the platform of his party will be "free suffrage for all men; a fair count at the polls; free education of all children, and an impartial administration of the Constitution and laws for all citizens." In regard to its relations to the Union, its policy is announced to be in favor of accepting the results of the war, the observance of the constitutional amendments and reconstruction acts, the cultivation of fraternal relations with the rest of the Union, and the removal of sectional jealousies and race distinctions from politics. With the exception of its position in relation to the debt, there is no question that the platform of Senator MAHONE is a good one, and that they represent the progressive, intelligent, and unprejudiced element in Virginia, as opposed to the Bourbon reactionists. We even believe, as we said at the time of the formation of the party, that the question of the debt was rather the opportunity for a revolt against the hide-bound despotism of the aristocratic and intolerant party that ruled the politics of Virginia with an iron hand, than the sole desire for repudiation; and it is evident that those who claim the title of the honest party are by no means sound in financial faith. And it might be wished that so liberal a programme regarding political equality and fraternal feeling might triumph over its opposite as held by the Bourbon party. But it is nevertheless true that the stain of repudiation is a fatal one. The party cannot and ought not to live that makes it the basis of its existence.

It will be as fatal as the idea of proscription to foreigners which was made the basis of a similar revolt in the political period preceding the war, and which, after a temporary success like this of Senator MAHONE, fell by the inherent weakness of the knownothing idea. Its purpose was good, and its origin was not jealousy of foreigners—for there were very few in Virginia—but a desire to break up the Bourbon despotism; and if it had been permanently successful it would have been a vital wound to the aristocratic element and perhaps even have preserved Virginia to the Union. But the weakness of its name and platform was fatal. A platform of naked repudiation cannot be less so; and however much regret there may be that more liberal ideas should not rule in Virginia through the effective organization of Senator MAHONE's party it has cut itself off from sympathy as well as from success; and the republican party in nation or State cannot consistently or honorably ally itself with it or help to support it. The way may be long for the republican party in Southern States out of political bondage; but it will not be permanently shortened by wandering in the swamp of repudiation, and the national party cannot afford to stain its name with any affiliation with a faction that ranges itself under that banner. In this case, as in all others, the path of policy will be found to be the path of duty.

[From the Providence Journal, January 28, 1881.]

Circumstances make it especially a misfortune that the senatorial contest in Tennessee did not result in the election of Maynard, aside from the loss of so able, experienced, and honest a legislator in the councils of the nation. It leaves the political authority in the Senate dependent upon the action of Senator MAHONE, of Virginia, the character of whose political success and the foundation of whose party policy in his State will invite a suspicion of bargaining. It places him in the position to demand unworthy consideration in influence and patronage and offers the temptation to either party to yield to it. The influence of hybrid and self-seeking politicians is always injurious, and particularly so when circumstances give them a deciding weight; and, if suspicions do not wrong Senator MAHONE, he is likely to endeavor to improve his opportunity. The one "independent" in the Senate has chiefly achieved for himself a position of ridicule for time-serving and indecision in an endeavor to obtain popularity, and the second is likely to be charged with motives of a darker sort if his conduct is not rigidly partisan from principle or the lack of temptation to be otherwise. In such cases decisive partisanship is a virtue and independence is a disguise for a demagogic indecision or political corruption.

Mr. HAWLEY. Will the Senator from Virginia allow me to make a suggestion here?

Mr. JOHNSTON. Certainly.

Mr. HAWLEY. I noticed that in introducing those articles from the Providence Journal the Senator from Virginia called attention to the fact that the Senator from Rhode Island, now absent, is connected with that paper. That is quite correct; but in asking the Clerk to read the article the Senator from Virginia added, "let us see what he says." Now I am somewhat familiar with journalism, and I am quite aware that Governor ANTHONY, as well as myself, is very often charged with an article published in the journal in which he happens to have a proprietary interest when in fact he may not have written a line for it within six months or a year. It is hardly right to let the inference go that this is exactly what Governor ANTHONY says. It is the expression of a paper with which he is in general in sympathy and in which he has an interest.

Mr. JOHNSTON. I do not know whether he wrote those articles or not, but I take it for granted that every editor is responsible for what appears on important topics in the editorial columns of the paper; and do you mean to say those are not the sentiments of Mr. ANTHONY?

Mr. HAWLEY. I called attention to the exact phrase, "let us see what he says." The odds are a thousand to one that he did not write either of those articles, while in general the paper is conducted in accordance with his ideas. I only called attention to the inference conveyed by the words "let us see what he says."

Mr. JOHNSTON. I do not know particularly about that. I only say these are extracts from his paper.

Mr. BURNSIDE. Will the Senator from Virginia allow me to make a statement?

Mr. JOHNSTON. Certainly.

Mr. BURNSIDE. My colleague has nothing whatever to do with the editorial department of that paper, and is not responsible for it in any way. It frequently criticises his action here in the Senate, and it is hardly what may be called a representation of his views. The editor of it is entirely independent of him, and very often criticises Governor ANTHONY's action as frequently as he does my own. My colleague is no more responsible for the editorial course of that paper than I am. He is a stockholder in the paper, and no doubt during the vacation once in a while he writes an article at the request of the editor. He very rarely does even that. I do not think he writes one article a month.

Mr. JOHNSTON. I did not know what Governor ANTHONY's habit was in regard to this paper. But it is a matter of public notoriety that it is his paper, and represents his views.

Mr. BURNSIDE. He owns stock in the paper.

Mr. JOHNSTON. It is admitted that he does own part of it, and nobody is prepared to deny that those are his sentiments.

Mr. BURNSIDE. I do not mean to say that those are not his sentiments.

Mr. JOHNSTON. Then there is no use making any remark about my quoting them.

Mr. BURNSIDE. I do not mean to say whether they are his sentiments or not.

Mr. JOHNSTON. If these are the views of the paper of which he is a stockholder and for which he sometimes writes, they may be presumed to be his sentiments.

Mr. HAWLEY. They may or may not be his sentiments.

Mr. JOHNSTON. Do you not believe they are his sentiments?

Mr. HAWLEY. They are very nearly mine.

Mr. JOHNSTON. Very well, take it in that way. So much for the opinions——

Mr. LOGAN. Before the Senator proceeds will he allow me to make a suggestion? I do not wish to interrupt the thread of his argument; but if I understood his argument aright, it is about this: because of the fact that the republicans on this side of the Chamber have

suggested the name of Mr. Riddleberger as one of their officers therefore they are responsible for his sentiments; that is to say, they indorse his sentiments. That is the proposition.

Mr. JOHNSTON. I say that.

Mr. LOGAN. Very well; now I desire to put this proposition to the Senator for him to answer: Mr. Riddleberger was an officer in the confederate army, is not that true?

Mr. JOHNSTON. I believe he was; I do not know, but I think he was a captain.

Mr. LOGAN. Will the Senator from Virginia pretend to argue to an intelligent people that because of the fact that this side of the Chamber selects him for one of the offices therefore they indorse his services in the confederate army? Is that his argument? Will he pretend that because General Longstreet is minister to Turkey and sent there by a republican administration after having been in the rebellion against this Government—will he before an intelligent community pretend that by that act we indorse the treason of General Longstreet in former years? Is that his argument? I merely make this suggestion and I ask the Senator to answer it, if that is his view.

Mr. JOHNSTON. The war is over; General Longstreet has repented very humbly of his sins, and you have given out the idea on your side that when a man does that you take him to your bosom. But peace has come, and there is no question of rebellion or secession now before the country; but there are questions of public faith and public credit, and when you undertake to indorse a man on these points now you indorse him in regard to a living, present, and vital issue. That is the difference between the cases.

Mr. LOGAN. Let me ask this: If we elect a Secretary of the Senate here and he should appoint on the suggestion of republicans a democrat as one of his assistant clerks, would we thereby indorse his democracy?

Mr. JOHNSTON. I do not know whether you would or not. I know when you nominated Mr. Riddleberger you endorsed his sentiments.

Mr. LOGAN. Not at all.

Mr. JOHNSTON. When you support him do you not say, "We approve this man and approve of what he has done?"

Mr. LOGAN. Not at all. I understood the argument of the Senator and others yesterday to be that the officers now in position should be retained on account of their efficiency, that it was not a question of politics at all, but a mere question of efficiency. That was the argument as I understood it yesterday; but now the Senator proposes that we shall not put officers in here on account of their efficiency. That must not be the rule which shall govern us. The rule that governs on his side cannot be applicable to our side at all. I do not say this out of any disrespect whatever to the officers who hold positions here now; but will the Senator contend that because Senators from Northern States who were not in rebellion and did not sympathize with it voted for their election they thereby indorsed the theories of these officers who were elected, who did sympathize with it and who have never said they did not sympathize with it? Will he make that argument?

Mr. JOHNSTON. I do say that if the republicans hold a caucus and deliberately select a man of that sort, they indorse him.

Mr. LOGAN. You say the democrats did this?

Mr. JOHNSTON. No; you.

Mr. LOGAN. No, sir. Having no reference to anything I have done, I ask the Senator this question: At the time the Senate, having a democratic majority, elected the officers who now occupy the positions in the Senate, those officers being, some of them—I will not say all—men who had been in rebellion against the Government, does he pretend to say that the northern democrats who did not sympathize with that rebellion in voting for those officers thereby indorsed what they had done? Is that his argument?

Mr. JOHNSTON. I have already said that the war is over, and there is no longer any issue on that point.

Mr. LOGAN. That is no answer.

Mr. JOHNSTON. The Senator might as well talk about the revolutionary war as the late war, so far as it has any bearing on the question here to-day.

Mr. LOGAN. Well, I do not know that a principle on account of age becomes any the less weighty when we come to argumentation. If the principle is good that we shall not indorse a man now because he had on a former occasion done that which we did not then indorse, are we thereby required to indorse that act now because that man performed it? Is that the argument?

Mr. JOHNSTON. The Senator's questions are a little too long, and they take up a little too much of my time.

Mr. LOGAN. They are on the point the Senator has been arguing.

Mr. JOHNSTON. I again state that all these questions as to the war are dead issues.

Mr. LOGAN. I am not talking about the war now.

Mr. JOHNSTON. But the question of the public credit of the country is a live issue to-day; and by your action here you are taking a course in regard to a thing now before the public a living issue.

Mr. LOGAN. Now I will put another question if the Senator will allow me, and I beg his pardon——

Mr. JOHNSTON. Do not take too long.

Mr. LOGAN. No, I will not. I will be very short.

Mr. JOHNSTON. Make that the last.

Mr. LOGAN. I will ask the Senator this question, which is precisely in the line of his argument: Will he pretend to say that certain Senators whose names I could give him, who have very defined notions in reference to our financial system, in other words were for the resumption of specie payments and were what are called hard-money democrats, when they voted for some of the men who are now officers of the Senate who did not agree with them on the subject of finance, thereby the chairman of the Committee on Finance of the Senate for instance indorsed their notions on finance because he voted for them as officers of the Senate? Is that what the Senator contends for? Is that his argument and his logic?

Mr. JOHNSTON. My argument is simply that when the republicans have a caucus and take up a man for an office and indorse that man, they indorse his views and his character and his person and the man. That is the answer to your question.

Mr. LOGAN. Well, then, I will only say if the gentlemen to whom I referred indorsed these men, if they indorsed their financial views, they voted differently when they came into the Senate. That is all.

Mr. VOORHEES. If the Senator from Virginia designs to continue to yield to the interruptions of the Senator from Illinois without limit, I do not know but what I should like to take a hand in this myself; but I hope the Senator from Virginia will conclude his remarks, and then we may attend to some other things that may arise. I do not want to delay the Senator from Virginia; but if the discussion is to be delayed in this way, I may assist in it.

Mr. LOGAN. Does the Senator from Indiana object to my interrogatories to the Senator from Virginia?

Mr. VOORHEES. Not in the slightest; but I should like to propound some to the Senator from Illinois myself at the first opportunity I get.

Mr. LOGAN. With the greatest pleasure, I say to the Senator, I will attempt to answer.

Mr. VOORHEES. I will ask one now, whether he would put his name, with all the patronage of Illinois at his command, on the back of the papers of an applicant for the smallest post-office in his State who said that he was not in favor of paying the national debt or the debt of Illinois or any part thereof—not as a thing of yesterday, but now, for I do not understand that Mr. Riddleberger has changed his views as they were laid down, not on a dead issue as to the war, but on a living issue, as was boasted in the presence of this Senate by the leader with whom the other side have made their coalition.

Mr. LOGAN. Mr. President——

Mr. JOHNSTON. I hope the Senator from Illinois will answer that question hereafter and not take up my time now.

Mr. LOGAN. Certainly.

Mr. JOHNSTON. Take your time for it and consider your answer well.

Mr. LOGAN. It will not require any time at all.

Mr. JOHNSTON. Now, Mr. President——

Mr. DAWES. I should like——

Mr. JOHNSTON. I will yield if the question is not too long.

Mr. DAWES. I am interested in the Senator's discussion of the debt of Virginia, and I hope he will do me the favor to state how large the public debt of Virginia is.

Mr. JOHNSTON. I am going to do that. If the Senator will listen he will get the information after waiting awhile.

Mr. DAWES. I have an anxiety to know how large this debt is that the Senator desires to pay, so that we can see exactly what it is and how it is to be paid.

Mr. JOHNSTON. You shall know. Mr. President, I desire to say a few more words about the Riddleberger bill. As I said, I intend to have the bill read and spread upon the record. I want everybody to see it, the whole bill, and all its details, and I want to dwell somewhat upon some features of the bill.

The Riddleberger bill declares the public debt of Virginia to be $19,695,196, and undertakes to provide for the payment of that at 3 per cent. interest.

Now, I wish to call the attention of the Senate to what the bill proposed to do with the public debt of the State of Virginia. It has a long preamble, one of the recitals of which I have already read, which seems to be an instruction to the assessors to be appointed to reduce the valuation of land irrespective of the real facts.

Then the Riddleberger bill in the first place knocks off one-third of the principal of the debt; it knocks off all the war interest of the debt and all the reconstruction interest; it says that during the period of the war no interest shall be paid to any holder of that debt, no matter where he lived, and it is justified on the ground that the North subjugated the State of Virginia and destroyed the property of the State, and it takes the ground that the subjugation absolved the State of Virginia from paying any interest to her own citizens, or to northern citizens, or to English subjects, or to French citizens, or German subjects. In addition to that, it reduces the rate of interest from 6 to 3 per cent. Then, besides that, it reserves the right to tax these bonds, and to tax them out of existence if the State chooses to do so.

So the Riddleberger bill in the first place throws off a third of the debt; in the next place it throws off arbitrarily all the war and reconstruction interest; in the next place it cuts the interest down one-half, and lastly, reserves the right to tax the bonds, and tax them so that the interest may be taken away and the holder get nothing.

Mr. Riddleberger himself and those who supported and favored that bill undertook to make it a law, and their readjuster party proposes to go into the next canvass with the Riddleberger bill as its issue. They have already announced that.

Then, I want to say to the Senate still further in regard to that point that the Riddleberger bill has been substantially pronounced unconstitutional by the Supreme Court of the United States in the late case of Hartman *vs.* Greenhow, coming up from the city of Richmond; and notwithstanding the fact that the highest judicial tribunal in the United States has pronounced certain features of the bill a violation of the Constitution of the United States, still they insist that they are going before the people and will try to get the people to indorse that bill and force it upon the country, and not only defy the rights of the creditors but the decision of the Supreme Court of the United States itself; and to-day they are in rebellion against that tribunal because they dispute and defy its authority and say they are going to pass this bill notwithstanding the decision of that court.

These are the main features of the bill. If the Senator from Massachusetts wants to know what the debt is I will tell him that it is one-half larger than the Riddleberger bill wants to make it, and I will read the record. The constitution of the State makes it the duty of each Legislature to publish a debt statement with its acts of Assembly, so that the world may see exactly what it is, and the same Legislature which passed the Riddleberger bill exercised that constitutional duty, and did publish to the world what the debt was. The same Legislature which said they would only pay $19,000,000, put under their oaths as obeying the constitution of the State of Virginia a statement of the true amount of the debt, and here I have it, and will read it for the edification of the Senator from Massachusetts. Here it is in the acts of 1879–'80; and here is the statement made under that constitutional requirement where the principal of the debt is put at $29,667,304.76.

Mr. DAWES. You state that to be the correct amount?

Mr. JOHNSTON. Yes, sir; on that authority of the statement of the readjuster legislature.

Mr. DAWES. What interest does it bear?

Mr. JOHNSTON. A portion of it bears 3 and a portion 6.

Mr. DAWES. What portion of it bears 6?

Mr. JOHNSTON. I can tell the Senator exactly in a moment. The portion of it that bears 3 per cent. is $7,944,315.80. The balance of it is at 6 per cent.

Mr. DAWES. Are you in favor of paying that sum and that interest?

Mr. JOHNSTON. I am in favor of paying everything that we are justly bound to pay; but I am in favor, if the creditor will accept it, of paying a less rate of interest.

Mr. DAWES. But are you willing to pay that sum and the interest?

Mr. JOHNSTON. Yes, I am in favor of paying that sum and the interest. I am in favor of paying every cent which the State owes.

Mr. DAWES. Has the State provided for the payment of it?

Mr. JOHNSTON. No, sir, it has not. There are some arrearages of interest on a portion of the debt. The debt stands in a very peculiar condition. On a portion of the debt the coupons are receivable for taxes; on another portion they are not.

Mr. DAWES. Will the Senator state fairly that he is in favor of paying the debt according to that statement and the interest in full prescribed by the law?

Mr. JOHNSTON. Yes, I am.

Mr. DAWES. And of course providing by taxation to meet the interest?

Mr. JOHNSTON. Certainly.

Mr. DAWES. And I suppose in that respect the Senator represents the action of his own party.

Mr. JOHNSTON. I understand it so.

Mr. DAWES. I am very glad to have the opportunity of giving the Senator the advantage of that statement.

Mr. JOHNSTON. My sentiments on that subject have never been disguised from anybody. The Senator need not have asked me on this floor what my sentiments were on that point. They have been made public wherever I have had occasion to present them.

Mr. DAWES. It was not from any doubt I had, but it was the gratification I should feel in hearing the Senator state it publicly on this floor.

Mr. JOHNSTON. It gratifies you to know what you knew before or ought to have known without asking the question.

Mr. DAWES. The Senator will allow me to say that I regret exceedingly that he has not kept his own party up to that high standard while they have been in power in the State of Virginia.

Mr. JOHNSTON. The Senator is very much troubled.

Mr. DAWES. I regret it exceedingly because on that position I agree with the Senator that every dollar of the debt and of its interest should be paid in full. I only regret that when his party has been in power and has sent so able a representative to the national councils, he has been unable to hold up his party to that point.

Mr. JOHNSTON. The party that I belong to has been held up to that point.

Mr. DAWES. I understand his party to have been in power up to this last Legislature, and still they have not provided for the debt. I may be mistaken, perhaps.

Mr. JOHNSTON. No, sir. There have been various bills for the settlement of the debt, but they were defeated by one means or other by the readjusters, although they did not have a distinct organization.

Now, on the subject of the public debt I also want to state what the report of the present auditor of the State of Virginia for the year ending September 30, 1880, shows. This is the auditor put in by the readjusters; he is their man, elected by them, and he states what the debt proper is, and he is very particular to call it "debt proper." That is the language he uses in this report:

Change in amount of principal of debt proper since last report:

Amount reported October 1, 1879	$29,667,304 76
Amount now reported	29,685,693 00

He gives this as the amount of "debt proper," a little changed, owing to the operation of the sinking fund and the funding of back interest.

Now, we have the declaration of the Legislature of what the debt proper is—we have the statement of the auditor of what it is. With these tables of the amount of the debt—the debt proper—the amount that the State of Virginia owed, the Riddleberger bill knocks off upwards of one-third and declares that the State shall pay no more. Then the Riddleberger bill does not pretend to ask the consent of the creditors, but it makes a bargain all on one side. It says to the man who has a bond and paid value for it "we will make a new contract for you; we do not ask your assent to it"—it does not take two to make a contract according to them but one party can do it—"and we will make a contract to pay you only so much and reserve the right to tax your bonds." The Legislature of a State only has a right to tax property within its confines; but they undertake to tax property of a man who has his bonds locked up in his safe in London and say "we will tax not only property in the State of Virginia but we will tax bonds of the State held wherever they may be, by our own citizens or by anybody else, and tax them as high as we choose."

Now I desire to read a little from what General MAHONE himself said on the subject of the amount of this debt to show what his views were. In his Mozart Hall speech he undertook to state to his friends there assembled at the convention, in an elaborate and carefully prepared manner, what the amount of the debt was, and he was so particular as absolutely to descend to cents and made the debt of the State $32,977,090.02. He said that was the amount the State owed. Some time after that his paper indorsed that same statement in this language:

I would use my best endeavors to secure a vote of the people sanctioning a settlement at 3 per cent. for forty-five years, on the basis of $32,977,090.02.—*General Mahone's Mozart Hall speech.*

And then the paper says:

And that is still the general's position, as we understand it, in which he is heartily supported by readjusters as a whole.

With those declarations of their leaders that the debt was upwards of thirty million, with their published statement in the acts of the Assembly that it was thirty million, with the report of their auditor that it is thirty million, the Riddleberger bill proposes to pay only nineteen million and some odd thousands of dollars, repudiating absolutely one-third of the debt. It proposes to reserve the right to tax that part which it does not repudiate, and proposes to do all this without asking the consent of the creditor or making him a party to the transaction in any manner, shape, or form; and the Senator from Illinois now proposes to vote for the author of that bill, and the man who championed it in the Legislature of Virginia, who announces that he is going to champion it in the future and get the people of Virginia to indorse it again in despite of the decision of the Supreme Court of the United States.

Mr. LOGAN. Will the Senator allow me? Why do you say that the Senator from Illinois proposes so to vote? Do you suppose I am going to vote singly and alone?

Mr. JOHNSTON. No, I do not.

Mr. LOGAN. Why did not the Senator say the republicans of the Senate will so vote.

Mr. JOHNSTON. Very well, the republicans of the Senate.

Mr. LOGAN. Does the Senator propose to charge that I indorse any repudiation because I vote for this man?

Mr. JOHNSTON. If you indorse a man of that sort it is a public act, and I hold that every public man indorses a man he votes for for office.

Mr. LOGAN. I will say, then, to the Senator once for all that at no time in my life have I ever indorsed repudiation, nor do I ever expect to; and if the constituency of the Senator from Virginia had been as honest in paying their debts as the constituency that I represent, the question of the payment of their debt would not now be before them.

Mr. JOHNSTON. I have something to say on that debt.

Now, Mr. President, I want to read a short extract from a letter written by a prominent gentleman in the State of Virginia, a man who was so prominent that he was temporary chairman of the Mozart Hall convention of which I have already spoken, and contested the nomination for Congress of the readjuster party at the late election in that State in the district in which I live, Mr. Frank Blair. He wrote a letter which is published, and I want to read to the Senate an extract from that letter as shadowing the opinions of those with

whom he acts, because during the last canvass Mr. Riddleberger was in that part of the State, he and this man Blair appearing on the same stumps together and advocating the same thing. Here is what Mr. Blair said:

Having achieved a great triumph in the State on our view of the debt issue, I now favor a vigorous application for the readjustment principles to the national debt.

That is Mr. Blair, a prominent readjuster, an aspirant for Congress, contesting the nomination, after the publication of that letter and after his views were known and supported by half the readjuster party in the district where he lived.

Now, Mr. President, I wish to say only a word in regard to the party to which I have belonged in the State of Virginia. I do not know why it should be attacked. I desire to know what is called here the Bourbon party in the State of Virginia has done. Permit me to give a brief statement of that.

Mr. HOAR. I can tell the honorable Senator what a Bourbon is if he would like to know. It was a man who never learnt anything or forgot anything; but the Bourbons are advancing down South, and now it is a man who never learns anything and forgets a great deal. [Laughter.]

Mr. JOHNSTON. I cannot be a Bourbon, then, because I learnt something from the Senator yesterday. I learnt that filibustering was treason.

Mr. HOAR. No.

Mr. JOHNSTON. So I cannot be a Bourbon. I have learnt that much from the Senator from Massachusetts.

Mr. LOGAN. But you may forget it.

Mr. JOHNSTON. No, a Bourbon never forgets anything.

I wish to state now very briefly what that party that is so much denounced has done in the State of Virginia. Everybody knows that the State of Virginia was the theater of the war. I do not know whether my honorable friend from Illinois was in that State during the war; I think he served almost wholly in the West, but he knows, and all here know, that the State of Virginia was the theater of the war, and that it suffered as much as a State could suffer from the marching, the encampment of armies upon its territory. That being the state of things in Virginia, the people being left without property—their farms were fenceless, their very houses gone—it is said that General Sheridan said he made the Valley of Virginia so that when a crow flew over it it would have to carry its rations along with it. I do know how the State was devastated. Notwithstanding that, in the little time that has elapsed since the end of the war, but a brief period in the life of a State, this party has done these things:

The State of Virginia, under the rule of that party, has increased since 1870 three hundred thousand in population, or at the rate of 23 per cent.

That party to which I belong in the State of Virginia was the party that gave to the Hampton Normal and Agricultural School, which is a school for colored people exclusively, without one dissenting voice, one-third of the land scrip that the United States donated to the State for agricultural-college purposes.

That is the party that established the common schools six years in advance of the time they were required by the constitution of the State to do so.

That is the party that are educating now the colored people all over the State.

That is the party that in the city of Richmond has expended $250,000 of its own means to build school-houses in that city, and spends $50,000 annually for the same purpose, independent of the contribution of the State fund.

That is the party that are taxing themselves to educate the children of the colored people, many of whom will not even pay the capitation tax of $1 upon their own heads, which goes to the school fund, and require the whites to contribute the money almost entirely for the education of their children.

That is the party that proposed what is called the Henkle bill and passed it over the opposition of the readjusters, by which the school fund was put in position where it could not be diverted from its purpose, but should be secured in each county to the schools in that county.

That is the party under whose rule railroads have been built over the State, new steam lines established, business revived, the population of some of our cities doubled, the export business of the city of Norfolk increased 800 per cent., its internal trade increased 1,200 per cent. That is the party under whose government mines have been opened and capital invited.

It is the party with which my colleague and Hon. H. H. Riddleberger continued to act up to a very recent period; I do not know when, but a very short time ago.

Now, Mr. President, I will ask the Secretary to read the Riddleberger bill, which I send to the desk to have read.

The Chief Clerk read as follows:

A bill to re-establish the public credit.

Whereas the people of Virginia have renounced the basis and principles of the proposed settlement of the public debt which are comprehended in the act of Assembly approved March 28, 1879; and

Whereas it is confidently believed that the people of this State will never acquiesce in any settlement which shall obligate them and their posterity to pay any part of the interest upon the public debt which accrued during the war and the period of reconstruction; and

Whereas the principal of the debt recognized by the act approved March 30, 1871, computed to the 1st of July following, and taken as the debt of the State before the creation of West Virginia at $45,718,112.23, embraced $15,025,604 of capitalized interest, which had accrued during the period of war and reconstruction; and

Whereas every consideration of equity and the circumstances of war, the immense loss of property by the people of Virginia, aggregating $500,000,000, and the shrinkage in assessed values from $723,000,000 to $336,000,000, reducing the revenues from over four millions to two and a half millions, further justify the elimination of such capitalized interest from any computation of the debt; and

Whereas the amount of such capitalized interest constitutes, as near as may be, one-third of said indebtedness so computed to July 1, 1871; and

Whereas legislation assigning two-thirds of said indebtedness to Virginia and one-third to West Virginia has been generally acquiesced in, and the principal of the indebtedness thus wrongfully apportioned to Virginia under the computation of the act approved March 30, 1871, is, as of January 1, 1880, $31,102,573, whereof $22,909,447 is evidenced by bonds or other obligations issued under acts of March 30, 1871, and March 28, 1879, and hereinafter denominated as Class A, and the remainder by bonds and other evidence of debt designated as Class II, by the act approved March 28, 1879, aggregating as of January 1, 1880, the sum of $8,193,124; and

Whereas the holders of said obligations of Class A (except as to $2,500,000 of Class II, funded under the said act of March 28, 1879) have for nine years, including July 1, 1880, received interest nominally at 6 per cent. upon a principal one-third too large by the wrongful capitalization of interest as aforesaid, which reckoned at 4½ per cent. amounts to over three million dollars, and ought not in equity to have been paid; therefore the principal of said indebtedness as it now stands, amounting to $22,909,447, ought to be reduced by the amount of interest so wrongfully capitalized, and the interest upon interest thus wrongfully paid to the holders of such bonds; and therefore the principal of this class of the State indebtedness should in equity be reduced to $12,142,000, or at the rate of $53 for every $100 of the face of such indebtedness as is now outstanding; and

Whereas the principal of that part of the debt known as Class II, in the act of March 18, 1879, amounting as of January 1, 1880, to $8,193,124, is one-third too large by the wrongful capitalization as aforesaid, the same should be reduced to $5,462,083, or at the rate of $66.66⅔ for every $100 of the face of such indebtedness as is now outstanding; and

Whereas interest for nine years to 1st July, 1880, has been allowed upon the principal of the debt embraced in Class II, aforesaid, which principal is too large by one-third of the amount thereof because of the capitalization of interest aforesaid, and there is now past due and unpaid of such interest $3,435,145, therefore it is equitable that the same should be reduced by the sum of $1,474,762 (that being interest upon the one-third of principal so wrongfully capitalized) or funded in the bonds authorized to be issued under this act at the rate of $60 for every $100 of such past due and unpaid interest aforesaid; and

Whereas the equitable adjustment of the public debt of the State as determined by the application of the facts and principles aforesaid fixes the aggregate thereof at $19,665,196; and

Whereas there are now outstanding $783,241.50 of past-due tax-receivable coupons and balances due to the schools, asylums, and on other accounts, amounting to some eighteen hundred thousand dollars, for the payment of which it is of paramount importance that provision be made in the apportionment of the current net revenues of the State; and

Whereas the net revenue of the State cannot be safely relied on for more than $2,165,000 after the reassessment required to be made in 1880, owing to the reduction in taxable values estimated to be consequent thereupon and certain necessary reforms in the system of assessment of property and licenses; and

Whereas the existing rate of taxation is recognized to be the highest that can be endured under the circumstances of the long distress and heavy burdens of this people, and the search for new subjects of taxation has been exhausted; and

Whereas the necessary expenses of conducting the government, after adopting and applying every practicable measure of reform and economy, cannot safely be estimated below the sum of $900,000, and the proportion of such estimated revenue due to the public schools will be $431,700, the balance remaining for the liquidation of the public debts aforesaid and for the payment of interest upon the bonds created by this act cannot exceed $833,300; and

Whereas the means of prompt and regular payment should be apparent and the people's approbation of this settlement should be expressed at the polls, in order to give assurance of the good faith and performance thereof: Therefore,

1. *Be it enacted by the General Assembly of Virginia*, That the board of commissioners of the sinking fund of the State be, and they are hereby, empowered and directed to create bonds, registered and coupon, to such an extent as may be necessary to comply with the provisions of this act.

2. Said bonds shall be dated July 1, 1880, and be payable at the office of the treasurer of the State on the 1st day of July, 1920: *Provided*, That the State may at any time and from time to time after July 1, 1890, redeem any part of the same, principal and interest, at par. In case of such redemption before maturity, the bonds to be paid shall be determined by lot by said board of commissioners, and notice of the bonds so selected to be paid shall be given in a newspaper published at Richmond, New York, and London, England, when interest from and after ninety days from the date of such publication in London shall cease upon the bonds so designated to be paid.

3. The form of the bond shall be as follows, to wit:

"The Commonwealth of Virginia acknowledges herself indebted to —— (in the case of a coupon bond to bearer, and in the case of a registered bond inserting the name of the person or corporation) in the sum of $——, which she promises to pay in lawful money of the United States at the office of the treasurer of the State, Richmond, Virginia, on the 1st of January, 1920, with the option of payment at par, principal and interest, before the maturity at any time after July 1, 1890, and interest, at the office of the treasurer of the State, in such lawful money, on the 1st days of January and July, at the rate of 3 per cent. per annum until paid, (according to the tenor of the annexed coupons—in the case of coupon bonds.) In testimony whereof witness the signature of the treasurer and the counter-signature of the second auditor hereunto affixed according to law."

4. The form of coupon for coupon bonds shall be as follows, to wit:

"No. —— (of bond.)

"The Commonwealth of Virginia will pay to bearer —— dollars, in lawful money of the United States, at the office of the treasurer, Richmond, Virginia, on the 1st day of, (January and July, alternately, the first coupon to be payable January 1, 1880.)

"$——. "—— —— *Treasurer.*"

Each coupon to be impressed on the back with its number, in the order of maturity, from one forward.

5. The said board of commissioners are authorized to issue such bonds in denominations of one hundred, five hundred and one thousand dollars, as may be necessary to carry out the provisions of this act, each denomination to be of different tint: provided that registered bonds may be issued of any denomination multiple of one hundred, and all registered bonds to be of the same tint; and they are authorized to issue such bonds, registered or coupon, in exchange for the outstanding obligations of the State hereinbefore enumerated, including the bonds held by the literary fund, as follows; that is to say:

(a) For the principal of all bonds or other evidence of debt embraced in Class A,

at the rate of 53 per cent.; that is to say: $53 of the bonds authorized under this act (principal and accrued interest from the preceding period of maturity to the date of exchange at par) are to be given for every $100 face (principal and accrued interest from the preceding semi-annual period of maturity to the date of exchange) of such indebtedness, and for any interest which may be past due and unpaid upon such indebtedness funded bonds issued under this act may be given dollar for dollar.

(b) For the principal of all bonds or other evidences of debt embraced in class 2 at the rate of 66⅔ per cent.; that is to say $66.66⅔ of the bonds authorized by this act (principal and accrued interest from the preceding period of maturity to the date of exchange at par) are to be given for every $100 face of the principal of such indebtedness.

(c) For two-thirds of the interest past due and unpaid upon the unfunded debt, including the sterling bonds since July 1, 1871, and for all other past-due and unpaid interest upon other bonds and evidences of debt embraced in class 2 to the date of exchange, at the rate of 60.1 per cent.; that is to say for every $100 of such interest so computed $60 of the bonds issued under this act (principal and accrued interest from the preceding period of maturity to the date of exchange at par) are to be given.

6. For the one-third of the unfunded debt, including the sterling bonds computed as of the 1st of July, 1871, the said board of sinking-fund commissioners shall issue a certificate, as follows:

"No. ——.

"The Commonwealth of Virginia has this day discharged her accepted share of the (registered or coupon, as the case may be) bonds for —— dollars, held by ——, dated the —— day of ——, and numbered ——, leaving a balance of —— dollars, with interest from the 1st day of July, 1871, to be accounted for by the State of West Virginia without recourse upon this Commonwealth.

"Done at the capital of the State of Virginia this —— day of ——, 18——.

"—— ——, *Treasurer.*

"—— ——, *Second Auditor.*"

7. The said board of commissioners are empowered to issue for any fractional part of $100 of the indebtedness funded under this act the following certificate:

"*Fractional certificate.*

"Register No. —. Transaction No. —.

"This certificate entitles the holder hereof to the sum of $——, fundable at its face in the bonds of the Commonwealth of Virginia, authorized by an act approved the —— day of ——, 1880, when presented with certificates of like tenor or in conjunction with other evidences of debt fundable under said act in amounts of $100 and multiples thereof.

"Done at the capital of Virginia this —— day of ——, 188–.

"—— ——, *Treasurer.*

"—— ——, *Second Auditor.*"

The certificates so issued shall be registered by the second auditor in a register kept for that specific purpose, giving the date and number of the transaction to which it relates, the amount of the same, and the name of the person or corporation to whom it was issued; and as such certificates are refunded the same shall be canceled and preserved as herein provided in respect to other obligations refunded.

8. All the bonds and certificates of debt and evidences of past-due and unpaid interest taken in under the provisions of this act shall be canceled by the treasurer, in the presence of the board of commissioners of the sinking fund, as the same are acquired by the treasurer, and the same shall be carefully preserved until such time as the General Assembly may otherwise direct; a schedule of the bonds, certificates, and other evidences of debt so canceled from time to time shall be certified by said board and filed with the treasurer for preservation.

9. All the coupons and registered bonds and fractional certificates issued under this act shall be separately registered by the second auditor in books kept for the specific purpose, in each case giving the date, number, and amount of the obligations issued, and the name of the person or corporation to whom issued, and the date, number, and amount and description of the bond, bonds, or indebtedness surrendered.

10. The plates from which the bonds and fractional certificates authorized by this act are printed shall be the property of the Commonwealth, and shall remain in the keeping of the said board of commissioners of the sinking fund.

11. In the year 1890, and annually thereafter until all the bonds issued under and by authority of this act are paid, there shall be separately levied and collected as other taxes are collected a tax of two cents on the $100 of the assessed value of all property in the State subject to taxation for other purposes, which shall be paid into the treasury to the credit of the sinking fund; and the commissioners of the said sinking fund shall annually, or oftener, apply the same to the redemption or purchase (at a rate not above par) of the bonds issued under this act, and the bonds so redeemed shall be canceled by the said board, and the same registered by the second auditor in a book to be kept for the purpose, giving the number, the date of issue, the character, the amount, and the owner at the time of purchase of the bonds so redeemed and canceled.

12. Executors, administrators, and others acting as fiduciaries, may invest in the bonds issued under this act when so authorized by the county, corporation, or circuit court, to which such executor, administrator, or other fiduciary is accountable for the trust subject, and the same, when so made, shall be considered a lawful investment.

13. That the semi-annual interest as it may become due and payable upon the bonds issued under this act may be promptly and regularly met one-third of the net revenue collected from the levy on all property, (personal, real, and income,) and one-half of the net revenue collected from licenses, shall be separately collected and paid into the treasury to the credit of the public debt, and the same applied to the payment of the interest thereon: *Provided*, That the Legislature may at the end of every succeeding two years from the 1st of January, 1892, pass to the credit of the sinking fund such balance as may then stand to the credit of that account over and above any interest which may then remain due and unpaid upon the bonds issued under this act, such balance so transferred to be employed by the said commissioners of the sinking fund in the redemption of the said bonds, as provided in the eleventh section of this act.

14. The several tax collectors of this Commonwealth shall receive in discharge of the taxes, license taxes, and other dues, gold, silver, United States Treasury notes, national-bank currency, and the temporary-loan certificates as hereinafter provided, and nothing else: *Provided*, That in all cases in which an officer charged by law with the collection of revenue due the State shall take any step for the collection of the same, claimed to be due from any citizen or tax-payer, such person against whom such step is taken, if he concedes the same to be unjust or illegal, or against any statute, or to be unconstitutional, may pay the same under protest, and upon such payment the officer collecting the same shall pay such revenue into the State treasury, giving notice at the time of such payment to the treasurer that the same was paid under protest. The person so paying such revenue may, at any time within thirty days after making such payment, and not longer thereafter, sue the said officer so collecting such revenue in the county or corporation court in which said revenue was assessed and paid. If it be determined that the same was wrongfully collected, for any reason going to the merits of the same, then the court trying the case may certify of record that the same was wrongfully paid and ought to be refunded; and thereupon the auditor of public accounts shall issue his proper warrant for the same, which shall be paid in preference to other claims on the treasury. There shall be no other remedy in any case of the collection of revenue or the attempt to collect revenue illegally, or the attempt to collect revenue in funds only receivable by said officers under this law, the same being other and different funds than the tax-payer may tender or claim the right to pay than such as are herein provided, and no writ for the prevention of any revenue claim, or to hinder or delay the collection of the same, shall in any wise issue—either injunction, supersedeas, mandamus, prohibition, or any other writ or process whatever; but in all cases where for any reason any person shall claim that the revenue so collected of him was wrongfully or illegally collected the remedy for such person shall be as above provided, and in no other manner.

In all such cases if the courts shall certify of record that the officer defendant acted in good faith and diligently defended the action, the necessary cost incurred by him shall be taxed to and paid by the State as in criminal cases. The Commonwealth's attorney of the county or corporation in which suit is brought shall appear and represent the defense. In every case where judgment is rendered for the defendant a fee of $10 shall be taxed in favor of said attorney and against the plaintiff; and whenever the court shall refuse to certify the good faith and diligence of the officer defending the case, a like fee of $10 shall be taxed against the said officer. Any officer charged with the collection of revenue who shall receive payment thereof in anything other than that hereinbefore provided shall be deemed guilty of a misdemeanor and fined not less than $100 nor more than $500, in the discretion of the court, but nothing herein contained shall be construed to subject any officer of the State to any suit other than as hereinbefore provided for any refusal on his part to accept in payment of revenue due the State any kind or description of funds, security, or paper not authorized by this act.

15. The auditor of the State shall prepare and furnish to the clerks of the county and corporation courts of this Commonwealth, on or before the 15th day of July, 1881, a book known as "Temporary-Loan Book," which shall consist of printed forms of certificates and stubs, as follows:

[Stub.]	[Certificate.]
No. —.	No. —. County (or city) of ——, —— day of ——, 188–. The Commonwealth of Virginia owes ——, of —— county, (or city,) Virginia, in consideration of money loaned her to meet a casual deficit in the revenue and to redeem previous liabilities of the State, under act of —— day of ——, 1880, —— dollars, payable on demand, without interest, at the office of the treasurer of Virginia, on presentation of this certificate by said —— in person, at the rate of one for two, or receivable at par by all collectors of taxes for any and all taxes on real or personal property assessed against the above-named lender for which he is not delinquent, if presented within six months from this date, and not otherwise. Not transferable. —— ——, *Auditor.*
[Name of lender.]	
[Date of issue.]	
[Amount of certificate.]	
[Amount of cash received.]	

Said stubs and checks shall be signed by the auditor in person or by stencil, and numbered serially, beginning with No. 1, for each county (or city) and the number of such for each county (or city) shall be at least equal to the number of land owners and property-holders therein. On or before the 1st day of July the several clerks of the county and corporation courts of this Commonwealth shall execute and forward to the auditor of the State a bond in the penalty of $10,000, with security approved by the judge of the county or corporation court of which they are respectively clerks, conditioned faithfully to perform the duties imposed upon such clerk by the provisions of this act, and to account for and pay over to the treasurers of their respective counties on the first of every month, beginning August 1, 1881, all moneys received under this act. Accompanying said temporary-loan books the auditor shall furnish to said clerks printed advertisements—at least five for every election precinct in their respective counties or cities—as follows:

"*To all good citizens of the county (or city) of ——, State of Virginia:*

"The Commonwealth of Virginia, in order to meet *a casual deficit in the revenue*, and in order to *redeem existing liabilities of the State*, desires to borrow from her citizens a sum sufficient to meet said casual deficit and redeem said liabilities, and solicits from the citizens of this county (or city) subscriptions to a temporary loan. Every citizen of this county (or city) is invited to subscribe to said loan.

"Subscriptions to any amount not exceeding in any instance the amount of taxes annually assessed against the land and personal property of the subscriber for which he is not delinquent are solicited from the citizens of this county (or city.) Any person subscribing to said loan will apply to the clerk of the county (or corporation) court of this county, (or city,) and upon the payment in cash of his subscription to said clerk will receive a certificate of indebtedness dated upon the day of such subscription, acknowledging the liability of the State to him for an amount twice as large as his subscription, payable on presentation of said certificate by him in person at the treasury at the rate of one for two, or receivable at par by all collectors of taxes for any or all taxes on real or personal property assessed against him for which he is not delinquent if presented within six months from its date, and not otherwise. Not transferable.

"—— ——, *Auditor.*"

Upon receipt of said advertisements said clerks shall immediately post the same at the court-house doors of their respective courts and in at least three public places in each voting-precinct of their respective counties, (or cities.) A similar advertisement shall be inserted by the auditor in some paper published in each of the cities having a corporation court, and in every county in which a paper is published, beginning July 1, 1881, at least once a week for eight weeks, and inviting subscriptions to said loan.

And any person or corporation so desiring may apply directly to the treasurer of the State to subscribe to said loan, and upon the payment in cash of his or their subscription shall receive from the auditor a certificate such as is hereinbefore described, provided the same shall not exceed the amount of taxes on real and personal property assessed against him on and after 1st February, 1881. The clerk receiving such book shall receipt for the same and state in said receipt the number of certificates therein. Upon application of any subscriber and payment in cash of his subscription, the clerk of the court to whom such payment is made shall fill up the first blank certificate upon his book with the date of payment, the name and residence of the subscriber, and an amount double the subscription. On the stub he shall enter the same, and the actual amount of cash received. If in making out any certificate he damages the same so that it becomes useless, he shall leave it untorn from the book, obliterating the signature and indorsing the stub, and take the next serial number. If any certificates be lost or stolen from said book he shall forthwith notify the treasurer of his county (or corporation) of the missing numbers and warn him not to receive the same, and shall likewise notify the auditor of the facts concerning said loss or theft, and on the stub of the lost or stolen certificates shall indorse the facts. Upon affidavit of the facts satisfactory to him any clerk may issue a duplicate for a certificate which has been lost or destroyed to the person entitled thereto, and across the face and on the stub of such he shall indorse duplicate of number. The treasurer of the county (or city) shall, on the 1st day of August, 1881, and upon the first of each succeeding month, so long as the temporary-loan books remain in the hands of the clerk,

call upon him for his books. The treasurer shall, upon blanks to be furnished him by the auditor, make up a tabulated statement, as follows:

Clerk of the county (or city) of ——, in account with the Commonwealth of Virginia for subscriptions to temporary loan of 188–, for the month of ——:

No. of certificate.	Name of subscriber.	Date of issue.	Amount of certificate.	Amount of cash received.	Redeemed.	Not redeemed.

For the amount of cash received by said clerk he shall write his receipt at the foot of said tabular statement, and shall forward a duplicate of such statement and receipt to the auditor. The clerk shall immediately pay over the sum so received by him to the treasurer upon his tendering said receipt. If he fails so to do, it shall be the duty of the treasurer to move against him and his securities forthwith upon his bond in the court having cognizance of such motions, and to notify the auditor of his default. It shall be the duty of the clerks of the courts to whom said temporary loan books are transmitted by the auditor, on the 1st of July next following their receipt, to return the same to the auditor, together with the receipts of the treasurer, for verification.

The amount of subscriptions to said loan received in any county (or city) shall in no case exceed the aggregate of revenue from taxes on land and personal property due the Commonwealth for the current fiscal year by more than 10 per cent., and preference shall be given to the land and property owners of each county and city in receiving subscriptions to said loan. Any clerk who shall falsely and fraudulently issue any temporary-loan certificate authorized by this act, without receiving the cash therefor at the time it issues, shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one nor more than five years. The county and city treasurers of this State shall receive at par in payment of taxes on land and personal property assessed in their counties or cities, which are not delinquent, the certificates aforesaid issued by the clerk of their county or corporation when the same are presented by the person to whom they were issued, or his agent, in payment of his taxes on real or personal property. Said treasurer shall arrange all such certificates redeemed by him according to their serial numbers, and return the same, with his accounts, to the treasurer of the State. The treasurer of the State shall receive at par, in payment of any taxes assessed on or after February 1, 1881, due to the Commonwealth which are payable to him directly by law, whether such taxes be delinquent or not, temporary-loan certificates issued by the auditor, as hereinabove provided.

Provided, however, That the aggregate of temporary-loan certificates issued directly from the office of the auditor for subscriptions to the treasurer of the State under this act shall not exceed $1,000,000. Any treasurer who shall fail to move in the proper court against any clerk who is delinquent for ten days in paying over on the 1st of the month the amount of temporary loan subscribed for the previous month shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than $100 nor more than $500; and he and his securities upon his official bond shall be liable for the amount due by said clerk; and the county and city treasurers of this State and their securities shall forthwith appear before the court which took their bonds, and so alter the same as to make them embrace their liability under this act; and they shall forward to the auditor a certificate of the clerk that said bonds have been so altered. The clerk receiving said subscriptions shall be entitled to a commission of —— per cent. on all subscriptions received by him under this act, and may deduct the same from such receipts in accounting with the treasurer.

16. All necessary expenses incurred in the execution of this act shall be paid out of moneys in the treasury not otherwise appropriated, on the warrants of the auditor of public accounts drawn upon the treasurer on the order of the board of sinking-fund commissioners.

17. It shall be the duty of the officers conducting the election at the several places for holding elections in the State, as provided by law, on the Tuesday after the first Monday in November next, to prepare a separate ballot-box, in which shall be deposited the ballots of the qualified voters of the State who shall desire to vote upon this act. Ballots shall be respectively as follows: "For the act;" "Against the act." The ballots so cast shall be deemed and taken as a vote for or against this act. All persons entitled to vote for members of the General Assembly shall have the right to vote "for" or "against" the act.

The manner of receiving and canvassing the ballots cast at such election on the question of the adoption and rejection of this act, and making returns and abstracts of the results thereof, shall conform in all respects to the regulations prescribed by the general election laws of this State, except that the certificates of the judges in this respect shall be as follows:

"We hereby certify that at the election held on the —— day of November, 1880, —— votes were cast 'for the act' and —— were cast 'against the act.'

"——, ——,
"——, ——,
"——, ——."

(Signed by the judges.)

And provided further, That the commissioners of election shall make on a separate sheet an abstract of said votes for and against the act, which abstract shall be duly signed by said commissioners and certified to the secretary of the Commonwealth.

And if from such returns and abstract of votes it shall appear that a majority of those voting at said election have voted in favor of said act, then it shall be the duty of the secretary of the Commonwealth to certify the same to the governor, who shall immediately make proclamation thereof by publication in one or more newspapers published in the city of Richmond, having the largest circulation in the country, and from and after the date of such proclamation all the foregoing provisions of this act shall be in full force and virtue.

18. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

19. This act shall be in force from its passage.

Mr. PENDLETON. Mr. President, I move that the Senate now proceed to the consideration of executive business; it is getting late in the day.

Mr. HARRIS called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAYARD, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. MITCHELL,] who is temporarily absent from the Chamber.

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. MORRILL, (when the name of Mr. EDMUNDS was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Arkansas, [Mr. GARLAND.]

Mr. FERRY, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.] Were he present, I should vote "nay."

Mr. GARLAND, (when his name was called.) I am paired on this question with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. GROOME, (when his name was called.) Upon this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If the Senator from Rhode Island were here, he would vote "nay" and I should vote "yea."

Mr. HARRIS. Upon this question I am paired with the Senator from Kansas, [Mr. INGALLS,] who is temporarily absent from the Chamber. If he were present, I should vote "yea" and he would vote "nay."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay."

Mr. PENDLETON, (when Mr. MCPHERSON'S name was called.) I was requested by the Senator from New Jersey [Mr. MCPHERSON] to announce his pair with his colleague, [Mr. SEWELL.]

Mr. VOORHEES, (when his name was called.) At the request of the Senator from Pennsylvania, [Mr. CAMERON,] I am paired on this question with the Senator from Virginia, [Mr. MAHONE.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. SAUNDERS. I wish to announce again my pair with the Senator from Kentucky, [Mr. WILLIAMS.]

The result was announced—yeas 29, nays 29; as follows:

YEAS—29.

Beck,	Fair,	Johnston,	Ransom,
Brown,	Farley,	Jonas,	Saulsbury,
Call,	George,	Jones of Florida,	Slater,
Camden,	Gorman,	Lamar,	Vest,
Cockrell,	Grover,	Maxey,	Walker.
Coke,	Hampton,	Morgan,	
Davis of Illinois,	Harris,	Pendleton,	
Davis of W. Va.,	Jackson,	Pugh,	

NAYS—29.

Allison,	Frye,	Logan,	Rollins,
Blair,	Hale,	McDill,	Sawyer,
Burnside,	Harrison,	McMillan,	Sherman,
Cameron of Wis.,	Hawley,	Miller,	Teller,
Conger,	Hill of Colorado,	Morrill,	Van Wyck.
Conkling,	Hoar,	Platt of Conn.,	
Dawes,	Ingalls,	Platt of N. Y.,	
Edgerton,	Jones of Nevada,	Plumb,	

ABSENT—18.

Anthony,	Ferry,	McPherson,	Vance,
Bayard,	Garland,	Mahone,	Voorhees,
Butler,	Groome,	Mitchell,	Williams.
Cameron of Pa.,	Hill of Georgia,	Saunders,	
Edmunds,	Kellogg,	Sewell,	

So the motion was not agreed to.

Mr. HOAR. Mr. President, I do not propose to follow the honorable Senator from Virginia [Mr. JOHNSTON] into the domain of cheap and vulgar jokes. He is the sole judge of what is fit for his lips, and with his judgment I do not presume to interfere. If he thinks he has fitted himself for his senatorial duties by the perusal of the comic almanac rather than of the Constitution of the United States, he knows the extent of his own intellectual capacity and the correctness of his own taste. The miserable jest which he thought fit to bring in here originated with the low comedy of the lesser theaters, and has descended from the low comedy of the lesser theaters to scurrilous newspapers, from the scurrilous newspapers to the drinking shops. Is it possible that it has descended from the drinking shops to the Senator from Virginia? The Senator has undertaken to put in my mouth and to deal with a statement which not only I never made, but which I again and again and again and again disavowed in his hearing yesterday. I never said that the proceedings of that side of the Chamber or even that the purposes of that side of the Chamber had anything in them either of treason or of revolution, and I do not say it now. I said that a certain doctrine which I was sure the gentleman who uttered it did not couple with any such purpose, and which had to his mind no such character, in my judgment was replete with treason and with revolution. I was dealing with the logical consequences of a doctrine, and not presuming to discuss the public conduct of any gentleman on this floor; and that I stated with as much clearness of language and as much directness of speech as I could command yesterday. I was but repeating precisely what Mr. Webster said in this Hall many years ago. He declared that there was no power either of foreign force or of domestic violence which could overthrow our institutions, but that the only thing which could do it would be the refusal of the component bodies which make up the Government of this country to perform their constitutional functions. I say that again. I do not say—whether filibustering be right or wrong, whether it be logical or illogical, whether it be in accordance with the duty of Senators or not—that the obtaining delay by that process is justly to be imputed to any gentleman as

a wrong. I have done it myself in both Houses of Congress formerly and recently. But I do say that the announcement that an act expressly and in terms committed to the power of this Senate by the Constitution shall never be performed unless the minority of the Senate can dictate the quality of that act (which I understand to be in substance the announcement of the Senator to whom I was replying) is replete with revolution and with treason. It is a refusal by the persons whose act is necessary to the continual operation of the machinery of the Constitution to perform the political duty which the Constitution imposes upon them. I say that again.

Now, Mr. President, I wish also to disclaim for myself the doctrine imputed to this side of the Chamber by the honorable Senator from Virginia in another respect. He claims, as I understand him, that the Senator or the Senate which votes for an executive officer thereby necessarily indorses all the opinions and all the actions of that executive officer on every political question whatever, provided they relate to issues which are now living and practical issues before the country. I do not so understand it. If I correctly understand the financial opinions of both the gentlemen proposed as the principal officers of the Senate, I do not agree with them. I have voted in a very much stronger case than the selection of a mere executive officer, the selection of chairmen of committees of this body, for six democrats, and they hold their offices by my vote at this moment. Does any one of those distinguished gentlemen, does my friend from Delaware, who sits opposite me, suppose that in accepting that office in consequence of my vote and that of my associates he was pledging us to an agreement with him in his political opinions?

Mr. SAULSBURY. Does the Senator want an answer?

Mr. HOAR. I have no objection to an answer if you want to give one.

Mr. SAULSBURY. I say, in reference to that, everybody knows that the Senator voted for six members of the democratic party for chairmen of committees in obedience to a courtesy which had obtained and become the common law of the Senate.

Mr. HOAR. Certainly.

Mr. SAULSBURY. And therefore not a question of personal preference or personal regard on the part of the Senator from Ohio or the Senator from Massachusetts, nor was it done from any other motive than simply to carry out and recognize a courtesy existing in this body.

Mr. HOAR. Undoubtedly. I should add that I agree with the honorable Senator from Delaware, except that I hope he will consider that it was to some extent an expression of personal regard as well from the Senators on this side of the Chamber; but he agrees with me in holding that it was by no means an indorsement of his political view on any particular question.

Mr. SAULSBURY. Will the Senator allow me to interrupt him? I do not wish to do so inconveniently at all. While I do not admit the correctness of his position——

Mr. HOAR. I think I must decline to yield. I do not want to debate this subject.

Mr. SAULSBURY. The Senator called on me and I should like him to allow me——

Mr. HOAR. I will allow you.

Mr. SAULSBURY. I think I might possibly agree with the correctness of the opinion indicated by the Senator from Massachusetts as he has expressed it; but I propound this question to him: When an alliance is made between political parties, an alliance in form between the readjuster party and the republican party, I ask him if in all good conscience there has not been a coalition and an agreement of views entered into, a compromise of opinions, whereby whatever of fault or sin attaches to the one has become absolutely incorporated into and identified with the other?

Mr. HOAR. No, sir. I answer the question propounded by the Senator from Delaware with an absolute negative. It never occurred to anybody to impute impropriety even when the democrats put six republicans as chairmen of important committees of this body, and when the republicans put six democrats as chairmen of important committees of this body, or to impute that we were undertaking even in clothing them with legislative power to indorse their opinions? How, then, can it be said that in the mere selection of an executive officer having nothing to do with legislation, or simply a recording officer, or an officer to execute order within the limits of this Chamber, there was any departure from the opinions which we had previously entertained?

Why, Mr. President, the republicans retained in office as the chief office next to the Secretary of the Senate Mr. McDonald, a life-long democrat, never supposing for a moment that they were indorsing his opinions. When Mr. McDonald died the republican party elected his son, who now sits at the side of the Secretary of the Senate, himself a well-known and accomplished democrat, who I hope and believe the republicans will keep in the service.

If we may do these things from mere courtesy, as in the case of our committees; if we may do these things from a mere sense of our convenience, as in the case of our clerks and several cases of important offices under the Sergeant-at-Arms, can we not do the same thing when the Senate is made up of three parties and we know it is impossible that the public business shall proceed at all unless the organization of the Senate is completed from more than one of those three parties?

Mr. President, it is too late for the democratic party, whatever party may criticise this action, to plant itself on any such doctrine. In the year 1851 the first great national triumph of the anti-slavery cause in this country was won by a coalition between the democrats and the free-soil party, so called in my native State of Massachusetts. Mr. Boutwell, a democrat of the democrats, pledged to the enforcement of the fugitive-slave law, pledged to all the compromise measures, so called, a national Union democrat, was elected to the office of governor of Massachusetts by the united vote of those two parties, and Mr. Sumner was sent to the Senate. Mr. Chase was elected in the same way from the State of Ohio; John P. Hale was elected in the same way from the State of New Hampshire. And what American, what lover of liberty, what lover of an honest and fair vote in the length and breadth of this land would wipe out of the political history of this country the election of Salmon P. Chase, of Charles Sumner, and of John P. Hale?

Mr. President, I put again the question which the honorable Senator from Illinois put so much better: Does the distinguished chairman of the Committee on Finance of the last session or his distinguished associate on that committee, now not a member of this body, from the State of New York, does any Senator on the other side entertaining the views which are known as the hard-money doctrine in relation to the most distinct and important living issue before the American people suppose that in voting for the Secretary and the Sergeant-at-Arms of the Senate, as he did when it was organized in the interest of the democratic party, suppose or admit for a moment that he indorsed the opinions on those questions of the gentlemen whom he helped elect to those places?

When the democratic party, in the face of its past action, undertakes to lecture us for organizing the Senate in the interest of that one dearest constitutional right of American freemen, the right to cast an honest ballot and have it honestly counted, there is but one sufficient answer to the lecture: "Beware of the leaven of the Pharisees, which is hypocrisy."

Mr. JOHNSTON. Mr. President, I desire to read what the honorable Senator from Massachusetts [Mr. HOAR] said yesterday, and in the same connection to read the remark of the Senator from Georgia [Mr. BROWN] which called this declaration forth, and in order that we may get them in proper order I will read first what the Senator from Georgia said, and then the speech of the Senator from Massachusetts. Prior to that let me read the declaration of the Senator from Pennsylvania not now in his seat [Mr. CAMERON] as to what the purpose of the gentlemen on that side was. Let me read that as part of the proceeding. It is found in this morning's RECORD, containing yesterday's proceedings.

> I beg leave to inject just a few words into the Senator's speech, which is a much abler one than I can make, I know. I want to say now, and I want the Senator to understand and I want the country to understand, that while we concede the gentlemen who are here in position to be good and proper men, we think we have just as good and proper men, and we propose to put them in. It seems to be a question of endurance; and being so we may as well "sit it out" now.

That was the declaration of the Senator from Pennsylvania. After that the Senator from Georgia made this reply:

> Well, we will try and see whether we can endure as long as you can on this issue. We feel that we are right about it; we feel that you have now nearly all the officers of the Union and a minority of the voters of the Union, and we feel that it is our duty to stand by the few we have left, and let me tell you now we intend to do it and we accept the issue that is tendered, if it is a question of endurance.

There is the declaration of the Senator from Georgia, and let us see how the Senator from Massachusetts characterized that. Turn over to the next page of the RECORD, and read what was said. That was the simple declaration of the Senator from Georgia: "We have as much physical endurance as you; if you put it on the platform of physical endurance, then we accept the issue." The gage was thrown down by the republicans, and only by the Senator from Georgia accepted, and the remark——

Mr. HOAR. You have not read the whole of what the Senator from Georgia said.

Mr. JOHNSTON. How much do you want me to read? I will read it all if you wish.

Mr. HOAR. If the Senator wishes to state that question fairly I wish him to read from the close of the first paragraph on the second column of the eighth page: "If you are not ready to do that, then we will invite you to adjourn."

Mr. JOHNSTON. Well, I will read that:

> We are ready at every moment to go into executive session and do the proper business of the session, the business which you said on that side yesterday was the only proper business to be done. If you are not ready to do that, then we will invite you to adjourn, and if you will not adjourn, we will invite you to go back to the business for which you were called together by your President, and we will continue that operation until we see justice done to the few remaining democrats. We may be here to June; we have till December.

That was the declaration, and let us see the language of the honorable Senator from Massachusetts used in regard to that simple declaration. Let me read it:

> But I was dealing with another question. I say that the honorable Senator from Georgia has in my judgment affirmed the most unconstitutional doctrine, full of treason in substance, ever uttered within the walls of this Chamber by the lips of any Senator, when he declares in reference to any act which the Constitution of this country commits to the power of the Senate, as it expressly does the power to elect its own officers, that the Senate shall never be permitted to proceed to take action unless it will assent to act as he and his associates in the minority think it should.

There is his declaration that this is unconstitutional doctrine, full of treason in substance.

Mr. HOAR. Now, the Senator will perceive, whether that be a sound or unsound declaration, that it contains nothing about the proceeding of gentlemen on the other side. If the Senator will look at the tenth page he will see that I several times restated that. Down at the lower part of the first column on the tenth page the Senator from Georgia [Mr. BROWN] said:

I rather regret that the honorable Senator has found it consistent with his sense of propriety to use some expressions that fell from him, where he states that the doctrine I announced is revolution and treason.

Mr. HOAR. I spoke of the doctrine.

Then I restated it in about the same words in which I stated it before, and then at a later point in the debate the Senator from Virginia himself, now on the floor, said:

Mr. President, I desire to refresh the memory of the Senator from Massachusetts as to the Constitution. As I understood that Senator, he laid down the ground that the proposition—

By which I suppose he meant the statement of purpose—

of the Senator from Georgia, or what he stated to be the proposition of this side, is treason. Let me read to that Senator——

Mr. HOAR. The Senator will pardon me. I did not say anything about that side. I confined myself to the statement of the Senator from Georgia of a purpose not to permit the Senate to elect its officers if the minority sat here from now until December making dilatory motions. I have not heard the honorable Senator from Virginia announce such a doctrine.

Of course I stand by the proposition as I stated it yesterday and I state it now, but, as the Senator will see, I have not undertaken to say that any act of any Senator in this body is in any degree improper. I was speaking simply of a doctrine, not of a person.

Mr. JOHNSTON. I knew very well that the Senator was in very great haste after he made the first declaration to explain it away if he could.

Mr. HOAR. Not in the least. I reaffirmed it then and reaffirm it now.

Mr. JOHNSTON. When his attention was called to it and the enormity of it was shown, he was very ready to undertake to explain it away.

Mr. HOAR. If the honorable Senator will permit me, I deny that I explained it away or qualified it in the least. I pointed out at last precisely what I had said at first. When the Senator from Georgia began his reply, I said to him that I spoke of the doctrine; to which he replied that he understood me to speak of the doctrine.

Mr. JOHNSTON. The doctrine which the Senator from Georgia announced, and which you understood this side was acting under.

Mr. HOAR. I said nothing about that. I spoke of the doctrine.

Mr. JOHNSTON. You understood no doubt this side was acting together on that doctrine. Now, Mr. President, I have already said the language that the Senator from Massachusetts used was:

The honorable Senator from Georgia has in my judgment affirmed the most unconstitutional doctrine, full of treason in substance, ever uttered within the walls of this Chamber by the lips of any Senator.

That was the language of the honorable Senator from Massachusetts, and he still says that he is right. I stated before that the Senator has heard and known the fact historically that on the floor of this Senate the doctrine of secession was time and time again announced and upheld; and just twenty years ago nearly all the Senators from one section left the Senate Chamber to execute, to put in operation by force of arms if necessary, the doctrine of secession to the dissolution of the Union.

Mr. HOAR. The Senator will permit me. If the democratic party of that time, instead of going down and making their futile attack on the life of the Union, had staid here and refused to perform their constitutional duties, they could have overthrown the Union.

Mr. JOHNSTON. I am not talking of what might have been; I am talking of what was done here on this floor. Here on this floor was the right announced to dissolve the Union and to do it by force of arms, and the Senator compares that with our present proceedings and announces that no Senator ever uttered such treasonable doctrine in this Chamber before.

And, Mr. President, as for the reference I made, it was no Jo. Miller joke; the Senator ought to know that it was in the classical drama of England that the character to which I made allusion was portrayed.

Mr. BROWN. Mr. President, the President of the United States convened the Senate by a proclamation in an extraordinary session for the purpose of acting upon business that is properly to be done in executive session. I suppose there is no Senator on this floor who would contend for a moment that we would have had this extra session of the Senate to do any other duty than to act upon treaties and nominations; in other words, the President would have been guilty of great folly to have called it for any other purpose. We met for that purpose, and it was a call that is usually made at the end of a Congress. It was proper that it should have been made.

The President sent to this body the nominations for his Cabinet. They could not have been acted on without committees if a single objection had been made. Anxious to make no issues with the incoming administration, but to give it a fair opportunity, we waived by unanimous consent all objection and confirmed the Cabinet and a number of other officers who were nominated; but we could not go on with the regular business of the session until the committees of the Senate were organized, because we have to refer treaties and nominations to committees.

The democrats at the time held the majority in the Senate. They moved forward in the usual way for the organization of the committees. We sought no delay; we sought to take no advantage; we sought to go forward with the business which the President had convened us to attend to.

How were we met by the republican side? We were met with a determined opposition to the organization of the Senate until they could have elected a number of Senators where there were vacancies and get them here; and to carry into effect that purpose they filibustered from day to day in this Chamber at this session. We sat here doing all we could to organize the committees of the Senate and go forward with the business of the session. We were prevented by the dilatory motions made from the republican side of the House. Those dilatory motions were interposed from day to day. In other words, the republicans filibustered from day to day for nearly two weeks to prevent the organization of the committees, without which we could not proceed with the regular business of the Senate. It was all right then on that side; there was nothing treasonable in that, nothing revolutionary in that. It was proper, it was commendable, because it suited the interest of that side.

Finally we reached the point where the vacancies in the Senate were all filled. Up to about that time there had been great doubt as to how the Senator from Virginia [Mr. MAHONE] would vote. It was ascertained finally that he would vote with the republican side. We could then have turned around and filibustered, and prevented the organization of the committees. Would we have been justified in doing that for as long a time as you filibustered? Would it have been treasonable in us to do the same as you did for the same length of time? I suppose we would have had that right without being guilty of treason; but as we were very careful not to commit treason we waived the right and did not follow your precedent, for in doing so we would have been obstructing the legitimate business of the Senate; we would have been keeping it here in session without the committees, as you did by filibustering to prevent the appointment of the committees. We did not choose to obstruct the legitimate business of the Senate a single day; and the first hour that you were here with the power, you were permitted without any dilatory motions on our part to move forward and organize the committees which gave you the control

After you had done this and proceeded with two or three sessions, a proposition was brought forward from your side of the House to change the officers of the Senate, to set aside the present officers, and by resolution appoint other gentlemen in their places. No Senator in this Chamber will pretend to say that such a change of officers is at all necessary to the transaction of the business for which we were convened by the proclamation of the President. The Senate is now fully organized and thoroughly equipped, with all the committees and machinery necessary for the orderly and proper transaction of business.

At this stage the proposition comes, as already stated, from your side to change these officers. We give you reasons why it should not be done. We state to you that when the democrats were in power two years ago, and they reorganized the Senate, they retained nearly half of the republican officers in their positions, so that to-day you have about half the officers.

We appealed to you by saying that it was only a few days ago that even you knew that the Senator from Virginia would vote with you. These officers did not know it. They have had no time to secure places for themselves, so that they might be in a condition to provide for the wants of their families, but you propose at once to turn them out, to send them adrift without employment. We contended that you ought not to do this. Usually the officers elected at the commencement of a December session serve for two years, until the commencement of a December session. These, elected in December, would be entitled, under the usage as constantly in practice for a long period, to continue to serve until Congress is convened next December. You seek, therefore, to set them aside not only under these circumstances of great hardship but in violation of the usual practice of the Senate in such cases. You seek to reorganize the officers of the Senate at an executive session when it has never been the practice to do it. We stand before the country, therefore, in the position of seeking to carry out the established practice of the Senate and in the position of insisting upon simple justice to the officers now in position.

I was discussing this question yesterday and pointing out these hardships and this impropriety when the honorable Senator from Pennsylvania [Mr. CAMERON] rose and interrupted me, and he gave us notice in effect that your side intend to stay here until you have accomplished your object by the appointment of your officers. He said:

I want the country to understand, that while we concede the gentlemen who are here in position to be good and proper men, we think we have just as good and proper men, and we propose to put them in. It seems to be a question of endurance; and being so we may as well "sit it out" now.

To that I replied, accepting the challenge as tendered, saying that we would see if we could have as much endurance. In concluding my remarks on that subject, after stating that I would invite you

into executive session, and if you would not do that, then invite you to adjourn, I said:

We will invite you to go back to the business for which you were called together by your President, and we will continue that operation until we see justice done to the few remaining democrats. We may be here to June; we have till December.

That is the expression that my honorable friend from Massachusetts [Mr. HOAR] said yesterday and in substance reiterates to-day is so rank with treason. Why? Because he construes it to mean that the minority intend to sit here and finally defeat the action of the Senate in a matter where he says, if I understand him, that the majority have a right to act. He says it is the doctrine contained in that expression that is treasonable. I confess I was very much astonished to hear that remark, and I then said to my friend, while I know he is no traitor and no revolutionist, his position carried out and compelled me to prove him a traitor. In other words, this doctrine carried to its legitimate sequence makes him a traitor for what he has already done in the Senate, not a traitor in fact. To that he replied that it had grown into a custom by dilatory motions to prevent action for a time, but if it goes to the extent of defeating action, then it becomes treason and revolution.

Contrast that expression of mine with the conduct of the Senators on that side before the end of the last Congress, and how does the account of revolution and treason stand between us? First, take my expression. This Congress, which is understood, I suppose, to commence from the 4th of March, the time when the Forty-sixth Congress adjourned, has two years to serve. This particular Senate has two years to sit, and it has the power within that time to reorganize its officers if it chooses to do so. I did not say we would stay here either till the 1st of June or of December. I accepted the challenge saying that we would endure as long as you will. I said we might be here until June, and we have till December. What does that mean? We have no business session of Congress to intervene between now and December. We obstruct none of the business of the country by remaining here till December. It is a simple question of personal convenience to the Senate whether we will extend this executive session till the first Monday in December, when the regular session will convene for business, and extend it on the proposition of that side of the House to do a thing that has never been done before; that it is not the custom of the Senate to do; and that we have shown for obvious reasons it is entirely improper to do at this time.

That, according to the Senator from Massachusetts, is treason. To say that we will subject the Senators on the other side to a little personal inconvenience in remaining here as long as they choose to remain, or when the taunt of endurance is held out to us to say that we can endure as long as you can, is treasonable. Have you not from the first Monday in next December to the end of the Forty-seventh Congress within which to do this job? Then we do not obstruct any legitimate business of the Senate by delaying you by dilatory motions if we choose to do so. We say to you every hour, "We are ready to go with you into executive session and do the business that a republican President has called us here to do." Why will you not do it? You are in power now by the aid of the Senator from Virginia. Why do you stand here and retard the necessary business of the country in order that you may displace a few honest, upright officers, admitted by you to be good and competent men, and put a few others in their places?

I have a right to this extent to speak of matters that may come before us in executive session. The fact that a nomination has been made is not a secret; the fact that there has been a confirmation is not a secret. I am authorized to say that there are now before us nominations for public ministers to the courts abroad; that there is now before us a nomination for a justice of the Supreme Court of the United States; that there is now a nomination before us for the circuit judge of the fifth district, in which several of us reside, where there is now a vacancy, and the business of the country is suffering for want of a judge. There is also a nomination before us to fill a vacancy in the Court of Claims. Why do you not go on and act upon the nominations and fill these places? Why will you not confirm your foreign ministers? Why will you not act upon the nomination made by your President of a judge of the Supreme Court, where there is a vacancy to-day calling for his presence to discharge the high functions of that position? Why will you not fill the vacant benches in the fifth judicial circuit of the United States, and in the Court of Claims, and let the business go on? Because you judge that it is more important to stay here and elect a Secretary of the Senate and a Sergeant-at-Arms, putting out a little remaining handful of faithful democrats. If you choose to make that issue before the country and to meet it, we are not afraid to meet it. We accept that.

Mr. MORGAN. The little price of a bribe.

Mr. BROWN. I will say nothing about the reasons why you must neglect these important affairs of State and refuse to go on and confirm officers to do these high duties. I said yesterday that while the air was full of rumors of bargain and sale and bartering and "capital understanding" I knew nothing about them. For the honor of your party and the honor of the Senator from Virginia I appeal to you not to take this unwise step, for by doing it you might do great injustice. If there be no bargain, no contract, no "capital understanding" that General MAHONE is to have the patronage of Virginia and is to have certain officers of the Senate, still if you remain here and keep the Senate in session and neglect the important duties of the session to seat these friends of his here it will be a little hard to convince the country probably that there was not at least a "capital understanding" about it, and you will have to meet the responsibility. You who are the debt-paying party, who have made so much boast of it, who are staying here and defeating the confirmation of foreign ministers and high functionaries and judges, do it to put a man into office who is, to say the least of it, a partial repudiationist. If you want to go before the country on that issue, we are willing to meet you there.

Mr. BECK. There are eighty-seven important nominations and four treaties now pending.

Mr. BROWN. The honorable Senator from Kentucky informs me that he has gone to the docket and looked, and that we have eighty-seven nominations and four treaties now pending. A great proportion of these are very important nominations, of the character that I have just mentioned. Here they are, and the functions of the Government cannot be properly performed without their confirmation. At the end of the last Congress a large number of names of persons lay upon our table who were nominated for places, and you did not permit them to be confirmed, and why? Because it did not suit your purpose to have some of them acted upon. There came in the treason, under the doctrine laid down by the honorable Senator from Massachusetts. Those high officials had been nominated by the President of the United States; the duties of those officers were important; the country needed their services. On the democratic side we proposed to go with you into executive session, and to act upon the nominations, but you refused, and you filibustered and would not permit us to go there, and about one hundred nominations, I believe it was, a large number anyway, fell at the end of the Congress on account of your filibustering. What do you say to that as treason? We reached near the end of the session; we moved again and again to go into executive session and act upon these important matters, and you declined; and as you were in the minority you filibustered to the end of the session, and you absolutely prevented it. When filibustering would not do, you sat in your seats in the Senate and refused to answer the roll-call on the yeas and nays on any question that might come up that related to any controversy then existing between the two parties. You justified all that then; you were not obstructing any important matters in your estimation. Oh, no; you were not even preventing the majority from going on under the Constitution and doing important duties as you understand it, I suppose.

Now the Constitution is held up to us; our oath of office is held up; it is said the majority have a right to change the officers of the Senate; that it is a constitutional right, and that we are not performing our duties under our oaths as Senators if we throw any obstacles in your way. What do you think of that compared with your conduct the last few days of the Forty-sixth Congress? If we are wrong now at the commencement of this Congress, when you have two years to correct the wrong in, or to do the duty you say you ought to perform as the majority, how did it stand with you when you filibustered till the end of the session and prevented this action, and left us in round numbers one hundred nominations not acted on, and with the country suffering for the want of filling the places.

If there be treason in this matter, who have been the traitors? If it be not treasonable to filibuster for a little while at a time, as we may be doing, and if it is treason to prevent action as the honorable Senator from Massachusetts lays down the doctrine, then you committed it to the fullest extent when you prevented action by filibustering till the end of the Congress, and the nominations and other important acts fell for want of action. This, the Senator from Massachusetts being the judge, was rank treason and revolution, and the Senator from Massachusetts and the republican party were the traitors and revolutionists. I am glad his doctrine is wrong. Its repudiation by his party is the only escape before the country from the guilt of this high crime.

But let us see whether in fact we are violating the Constitution on this question. Much was said yesterday evening on that subject. I find in the Constitution of the United States in article 1, section 5, these words:

Each House may determine the rules of its proceedings.

There, then, the authority is given to each House to make its own rules. That authority is given by the Constitution of the United States. The Senate has proceeded under that authority and made rules. Among those rules is one that authorizes any Senator, when he thinks proper, to move to proceed to the consideration of executive business. Among those rules is another one that authorizes any Senator, when he thinks proper, to move that the Senate do now adjourn; another that authorizes a Senator to move to lay any pending proposition on the table; another that authorizes a Senator to move to postpone to a future day. These are constitutional motions. The Constitution of the United States says the Senate shall have power to make its rules, and it has made these rules for the government of the conduct of its members. Are we on this side guilty of treason when we act within these rules? Is it treason to make a motion to adjourn any particular number of times, when it is a legal motion under the rules of the Senate authorized by the Constitution of the United States? How often may you make it on that side and com-

mit no treason, and how often must we make it on this side before it becomes treason?

How are we violating our oaths of office as a minority to impose legal objections to what we consider pernicious measures? Has it come to this in the Senate of the United States that a majority, and a majority of one, (that majority believed by many to have been obtained by questionable means, whether it was so or not,) shall turn upon the minority and say, "You are traitors if you interpose constitutional restraints upon our will, or if you enforce the rules of the Senate to prevent what you consider improper legislation?" What protection has a minority against bad legislation and the tyranny of a majority if it is not in resorting at certain times to all the delay that the Constitution and the rules of the body permit? Where is the wrong in it? When we were in the majority it was all right on your part, but when you are in the majority our oaths under the Constitution are appealed to, and we are asked how we can sit here and for a day prevent the consummation of the will of the majority.

We are told the Constitution of the United States says that the Senate may appoint its officers. So it does. Then it is said we violate the Constitution if we throw any obstruction in the way of reorganization whenever a majority of one of the Senate wants to reorganize it. We reply that we have a right, as the Senate has good officers, to throw every obstruction in the way that the Constitution and rules of the Senate authorize us to use.

In a word, then, you have prevented the business of the country from being done by filibustering. You have filibustered until the end of a Congress, and caused one hundred nominations of your own President to fail of action because you filibustered. You have prevented other important legislation by filibustering until the Congress expired. We at the commencement of a session, for the reasons already given and under the circumstances already stated, resist by constitutional means and under the rules of the Senate a change in certain officers; and if we say that we may stay here until June or December, a time when there is a recess of Congress, rather than permit you to do this act that we think so unjust, that sentiment is highly treasonable.

As the honorable Senator from Massachusetts quoted Scripture awhile ago he will excuse me for saying: Take the beam out of your own eye and you can then better see how to take the mote out of your brother's. It is a beam with you; it is large treason on your part. You held up the business to the end of the Congress; you obstructed the business of the session; you prevented action upon important measures that ought to have been acted upon. That was a big beam; but if we filibuster a little at the commencement of a Congress to take care of our friends upon a question where we are right, then you say it is treasonable. I say it is a small mote compared with what you have done.

I deny the doctrine laid down by my honorable friend from Massachusetts that it is treasonable or in any way criminal if I had said we would stay till the 1st of December. I now say that we will stay as long as you do. If I had said till the 1st of December, which is simply the recess until the business session of Congress commences, I deny that there was anything treasonable, or wrong, or unusual in it.

Therefore I say that my friend was entirely wrong in the announcement of the doctrine; and I think he was unkind somewhat in his reply, without intending to be so, to use such an expression. However that might have been, I repudiate the doctrine as wrong, and I say you cannot maintain it upon any principle or any practice. You cannot justify your conduct and condemn ours. But if the Senator from Massachusetts still insists upon his doctrine, then I submit it to the whole Senate that I have proven, if his rule be correct, that he is a traitor and a revolutionist; and that the whole republican side of the Senate, in obstructing and preventing, until the end of the last Congress, important acts it was our duty to perform, were guilty of the high treason defined in his code. There is no escape from the conclusion; and I do not fear that my position will be controverted seriously by any Senator on the republican side of this Chamber.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] to postpone the resolution of the Senator from Massachusetts [Mr. DAWES] until the first Monday in December, on which motion the yeas and nays have been ordered.

Mr. HARRIS. I move to lay the resolution of the Senator from Massachusetts on the table, and upon that motion I demand the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to postpone until the first Monday in December.

Mr. HARRIS. True, but my motion is in order to lay the resolution on the table pending the motion to postpone, and I make it now.

The PRESIDING OFFICER. The Senator from Tennessee moves to lay the resolution on the table and asks for the yeas and nays. Is the demand sustained?

The yeas and nays were ordered.

Mr. MORGAN. Pending that motion, I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were here, I should vote "yea."

Mr. FERRY, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.] Were he here, I should vote "nay."

Mr. ALLISON, (when Mr. TELLER'S name was called.) The Senator from Colorado [Mr. TELLER] desired me to state that he is paired with the Senator from Illinois, [Mr. DAVIS.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] I should vote "yea" if he were present.

The roll-call was concluded.

Mr. BECK. I announced yesterday that my colleague [Mr. WILLIAMS] was absent because of serious illness. He is paired with the Senator from Nebraska, [Mr. SAUNDERS,] and that pair will continue so long as my colleague is not able to be here.

Mr. BURNSIDE. I desire to announce that my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

The result was announced—yeas 28, nays 28; as follows:

YEAS—28.

Bayard,	Davis of W. Va.,	Harris,	Morgan,
Beck,	Fair,	Jackson,	Pendleton,
Brown,	Farley,	Johnston,	Pugh,
Call,	George,	Jonas,	Ransom,
Camden,	Gorman,	Jones of Florida,	Saulsbury,
Cockrell,	Grover,	Lamar,	Slater,
Coke,	Hampton,	Maxey,	Walker.

NAYS—28.

Allison,	Edgerton,	Ingalls,	Platt of Conn.,
Blair,	Frye,	Logan,	Platt of N. Y.,
Burnside,	Hale,	McDill,	Plumb,
Cameron of Wis.,	Harrison,	McMillan,	Rollins,
Conger,	Hawley,	Miller,	Sawyer,
Conkling,	Hill of Colorado,	Mitchell,	Sherman,
Dawes,	Hoar,	Morrill,	Van Wyck.

ABSENT—20.

Anthony,	Ferry,	Kellogg,	Teller,
Butler,	Garland,	McPherson,	Vance,
Cameron of Pa.,	Groome,	Mahone,	Vest,
Davis of Illinois,	Hill of Georgia,	Saunders,	Voorhees,
Edmunds,	Jones of Nevada,	Sewell,	Williams.

So the motion to proceed to the consideration of executive business was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] to lay the resolution on the table, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay." I announce once for all that my colleague is paired with the Senator from Maryland on all questions that come up of a political nature to-day.

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. BROWN, (when the name of Mr. HILL, of Georgia, was called.) I desire to state that my colleague [Mr. HILL] is paired with the Senator from Michigan, [Mr. FERRY.]

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Nevada [Mr. JONES] until he is present in the Chamber.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. KELLOGG. I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay."

Mr. GROOME. I desire to state that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If the Senator from Rhode Island were here, I am informed that he would vote "nay," and I should certainly vote "yea."

The result was announced—yeas 26, nays 26; as follows:

YEAS—26.

Bayard,	Davis of W. Va.,	Harris,	Pendleton,
Beck,	Fair,	Jackson,	Pugh,
Brown,	Farley,	Johnston,	Ransom,
Call,	George,	Jonas,	Saulsbury,
Camden,	Gorman,	Lamar,	Slater.
Cockrell,	Grover,	Maxey,	
Coke,	Hampton,	Morgan,	

NAYS—26.

Allison,	Edgerton,	Logan,	Platt of N. Y.,
Blair,	Frye,	McDill,	Rollins,
Burnside,	Hale,	McMillan,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sherman,
Conger,	Hawley,	Mitchell,	Van Wyck.
Conkling,	Hoar,	Morrill,	
Dawes,	Ingalls,	Platt of Conn.,	

ABSENT—24.

Anthony,	Garland,	Kellogg,	Teller,
Butler,	Groome,	McPherson,	Vance,
Cameron of Pa.,	Hill of Colorado,	Mahone,	Vest,
Davis of Illinois,	Hill of Georgia,	Plumb,	Voorhees,
Edmunds,	Jones of Florida,	Saunders,	Walker,
Ferry,	Jones of Nevada,	Sewell,	Williams.

So the Senate refused to lay the resolution on the table.

Mr. BECK. Yesterday morning I endeavored to direct the attention of the distinguished Senator from Massachusetts, [Mr. DAWES,] who has charge of the present movement, to the fact that a gentleman by the name of Riddleberger is perhaps not the sort of public man that he would desire to patronize. I think the Senator from Virginia [Mr. JOHNSTON] developed the fact to-day that the distinguished Senator from Massachusetts would have to abandon many of his former principles if he shows an uncommon zeal in placing a gentleman of that sort of politics in high position in the Senate in order to obtain for his party or his principles power in Congress. As that fact has now been developed, I want to say to the Senate and to the Senator from Massachusetts, whom I have always adhered to when I could, as he knows, earnestly, and in whose teachings I have had great confidence, that I think he had better take a little more time, after the developments of to-day, to consider whether he had not better change front in regard to the resolution nominating Mr. Riddleberger with his repudiation record and bill and substitute somebody else. I was about to suggest whether it would not be well to adjourn so that the Senator from Massachusetts might think over it to-night after what has been said.

Mr. DAWES. Does the Senator desire an answer?

Mr. BECK. I only desire to make that suggestion now.

Mr. DAWES. Two considerations move me to decline the suggestion of my friend, which comes, I know, from that kind relation which has always existed between him and myself. The first is that there does not occur to me now any debt of the Senate that this gentleman would have any power to readjust at all, and that his functions, if he shall be elected, will be altogether apart from anything connected with the particular matter discussed by the Senator from Virginia. The other consideration is that we elect a Secretary first; and if the Senator will join with me and go as far as the election of a Secretary this afternoon I will consider the suggestion after that and see whether we had better reflect as to the other officer.

Mr. BECK. I do not want to break into the harmony of the general proceedings which were resolved on in solemn caucus by the republican party, of which the distinguished Senator from Massachusetts is the organ. The harmony of the whole would be disturbed. While I agree with the Senator that there is no debt of the Senate to be paid to Mr. Riddleberger, there are some suggestions afloat that there are debts of the republican party whereby they got control of the committees that have to be paid to Mr. Riddleberger. I say to the Senator he had better take time and see whether it is better to pay them or to repudiate them. As you are dealing with a repudiator perhaps it would be well to repudiate that debt for the honor of the Senator whose great reputation as a debt-payer has never been doubted.

Mr. DAWES. I say to the Senator that we do not intend to readjust any of our debts, but we intend to pay them in the full according to the letter.

Mr. BECK. According to the bargain; and that is what I object to. I do not want to be a party to that bargain.

Mr. DAWES. I have no doubt of that.

Mr. BECK. I want the Senator to take time until to-morrow morning to see if he does not think it is best not to carry out that bargain. But that is not what I rose to say.

I rose to say that, as the honorable Senator from Florida [Mr. JONES] yesterday called to the attention of the Senate, the object for which we were called together by a republican President is stated in these words:

Whereas objects of interest to the United States—

Not to Mr. Riddleberger, nor to a few friends—

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the 4th of March next, to receive and act upon such communications as may be made to it on the part of the Executive.

That is the purpose for which we were called together. Many important nominations have been made and sent to us by the Executive. No communication has been made to us that either the present Secretary, or the present Sergeant-at-Arms, or any officer of the Senate who now serves us is not ready and willing to perform his duties and is not performing them well at this time, or that a change of the officers of the Senate needs to be considered. It is equally well known that none of those things are usually, perhaps never, except upon resignation or the occurrence of a vacancy, considered at an executive session. It is equally well known that none of the present employés of the Senate had any reason to believe that any disturbance of their present relations to the Senate would be sought at this session, and therefore they have had no sort of opportunity to make preparation for their future wants or necessities; and it is evident that no injury can possibly ensue to anybody if these gentlemen should be retained, especially as the hundred and odd thousand office-holders all over the country are republicans. Heretofore when republicans were sought to be removed as clerk, secretary, or sergeant-at-arms, every Department of the Government was open to them and they were given other places at once. They not only knew it six months in advance, but the doors of the Departments stood open to every one of them the very moment they left these Halls.

If I were to cite the speeches made two years ago, even at a legislative session, by the Senator from Rhode Island [Mr. ANTHONY] and other distinguished Senators now on this floor at the time some changes were made, when the men knew six months before that the changes would be made——

Mr. FARLEY and others. A year before.

Mr. BECK. Yes; a year before. Then these Senators spoke of our revolutionary character, of our greed, of the upsetting of all decency by the democrats when we sought to place in office a few men; and by the way we left and kept half that you had; I happen to serve on a committee, the Committee on Appropriations, where the clerk and messenger were retained; and my distinguished friend from Iowa, [Mr. ALLISON,] now the chairman of that committee, will retain them still. I allude to Mr. Cleaves, who is the best clerk I ever saw. The messenger is equally good, both were kept through the democratic rule, and both are republicans. Mr. Nixon was kept. The gentleman in charge of the document-room, Mr. Smith, was retained. I could name by the dozen those who were kept by us all the time we held power, as officers of the Senate.

Now this tremendous pressure to remove a few men has to be made and the public business must be obstructed to carry out the orders of a party caucus; the object of the call cannot be carried out, nominations of judges of the Supreme Court, foreign ministers, the collector of the port of New York, and for other positions, cannot be considered, because, forsooth, the Senator from Massachusetts is directed by his caucus to obstruct all the public business and proceedings to provide for Mr. Riddleberger, the republicans having obtained a tie vote in the Senate, with the Vice President in the chair to decide in their favor, in order that Mr. Riddleberger may be provided for. I protest against that sort of filibustering by the Senator from Massachusetts.

I desire to call the Senator's attention to another reason why, out of a decent respect to a very distinguished body of men, we ought to proceed to the consideration of executive business, and I propose to move that we shall do so presently. The senate of New York unanimously passed the following resolutions, signed officially, and sent them to the Senate of the United States officially, directing them to the distinguished Senator from Ohio [Mr. SHERMAN] officially, and to the Secretary of the Senate officially. They read thus:

Whereas it is officially announced that Hon. William H. Robertson has been appointed collector of the port of New York: Therefore,

Resolved, That while this body will lose the services of one of its ablest and most upright members the country at large will be the gainer by his promotion to another sphere of duty.

Resolved, That the thanks of this body are due and hereby tendered to the President for the nomination of Senator Robertson, and that we cordially join in a request to the Senate of the United States to confirm promptly and heartily the action of the Executive.

To give the republican Senators a chance to comply with the request of the senate of New York, whose unanimous resolutions I have just read, and which will doubtless be laid before us, and to show that we are not guilty of treason, or if we are that the senate of New York is guilty of like treason in proposing to proceed promptly with the public business, I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. Will the Senator withdraw the motion for a moment?

Mr. BECK. No; I want to give the Senate the opportunity to proceed with the public business at once.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky to proceed to the consideration of executive business.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania [Mr. CAMERON] on this question.

Mr. GROOME, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If I were free to vote I should vote "yea."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were here I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.]

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.]

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call having been concluded, the result was announced—yeas 25, nays 25; as follows:

YEAS—25.

Bayard,	Davis of W. Va.,	Harris,	Pugh,
Beck,	Fair,	Jackson,	Ransom,
Brown,	Farley,	Johnston,	Saulsbury,
Call,	George,	Jones,	Slater.
Camden,	Gorman,	Lamar,	
Cockrell,	Grover,	Maxey,	
Coke,	Hampton,	Pendleton,	

NAYS—25.

Allison,	Edgerton,	Logan,	Platt of N. Y.,
Blair,	Frye,	McDill,	Rollins,
Burnside,	Hale,	McMillan,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sherman.
Conger,	Hawley,	Mitchell,	
Conkling,	Hoar,	Morrill,	
Dawes,	Ingalls,	Platt of Conn.,	

ABSENT—26.

Anthony,	Groome,	Mahone,	Van Wyck,
Butler,	Hill of Colorado,	Morgan,	Vest,
Cameron of Pa.,	Hill of Georgia,	Plumb,	Voorhees,
Davis of Illinois,	Jones of Florida,	Saunders,	Walker,
Edmunds,	Jones of Nevada,	Sewell,	Williams.
Ferry,	Kellogg,	Teller,	
Garland,	McPherson,	Vance,	

So the motion was not agreed to.

Mr. DAWES. The Senator from Kentucky has fallen into a delusion which perhaps it is worth the trouble to correct. He is apt, in the zeal with which he follows out his party convictions, to sometimes fall under such delusions as he has to-day. He cannot understand why a Senator upon this floor whom the democracy in his own State have been fighting for a long time and have undertaken to defeat in his election and have failed in that fight, and who has been elected in spite of their opposition—I say that the Senator from Kentucky cannot understand why that Senator is not voting with the men who tried to defeat him, unless it be from some bargain. If one looks at the history of political events and the current of political forces, it would be a marvel if that Senator were found co-operating with the very men who had attempted to defeat not only him personally in his canvass for the Senate, but all the purposes, political and otherwise, which the Senator from Virginia, to whom I allude, had entered into in the political contests of the day. The Senator from Kentucky cannot understand why in a fair political controversy the man to whom he is opposed does not continue to co-operate with him unless there be some bargain.

I say to the Senator from Kentucky distinctly what I think there can be no doubt is the judgment of the American people, that if the Senator to whom he alludes, after the contest with the political forces with whom the gentleman from Kentucky is associated, had been found to-day still co-operating with them, he would have deserved and would have received at the hands of the American people a condemnation for the want of sincerity and honesty in his political action. There is no possible position consistent with honesty of conviction on the part of that Senator that would not keep him away from the Senator from Kentucky, who charges him with entering into a bargain because he does not co-operate with him.

Mr. BECK. Do not put that in my mouth. I never charged the Senator from Virginia with anything; but I have been in trouble as to how Riddleberger, a confederate brigadier, a Hancock elector, and a repudiator, should be picked out for a high office by the Senator from Massachusetts. That is what is troubling me.

Mr. DAWES. Then the Senator has got over the trouble that his party was afflicted with yesterday, and that was some inconsistency on the part of the Senator from Virginia. If he has got over that, then there is some hope for him in the other matter. The trouble now is that I have offered a resolution for appointing as Sergeant-at-Arms and Doorkeeper of the Senate a person with whom in all particulars I do not agree, and the Senator sees fit to charge me with a bargain; what bargain I do not know. Before he announced that he thought there must be a bargain, I said to the Senator that I did not understand any debt that this man would have to readjust, of the Senate or otherwise; that the duties to which this man would be called if elected had nothing whatever to do with that particular phase of his political faith; and that while I did not agree with him in any respect to that, believing him to be an honest man—and nobody has charged otherwise—and a man capable in every particular to discharge the duties of the office, and it being an office with which that article of his own particular faith had nothing to do whatever, it was quite gratuitous on the part of the Senator to travel out of the record to see if there was not some bargain. That is another delusion into which the Senator has fallen.

Mr. BECK. The thing that bothered me was how he developed his honesty by proposing a bill and passing it through the Virginia Legislature repudiating the State debt; I cannot understand that. Is that the honesty the Senator talks about?

Mr. DAWES. I have no doubt of the honesty of the Senator from Kentucky——

Mr. BECK. You have no right to doubt it.

Mr. DAWES. The personal honesty of that Senator is beyond question; but he has announced upon this floor some of the most perverse and absurd political doctrines that were ever held by mortal in this Chamber.

Mr. BECK. In the opinion of the Senator from Massachusetts only.

Mr. DAWES. While I would trust the Senator from Kentucky with everything pertaining to my honor or anything I had in the world, I would just as soon follow the evil one in his religious and moral announcements as the Senator from Kentucky in his political perversities which he announces here on the floor. The Senator from Kentucky would make an excellent officer of the Senate, and if brought forward in a proper way nothing would give me such delight as to record my vote for him; but Heaven forgive me if thereby I should be made responsible for the perverse, absurd, and as I think, wicked political doctrines that he is continually announcing upon this floor.

Another delusion into which the Senator from Kentucky has innocently fallen is the matter which I fully answered yesterday from the record—he has forgotten all about the record—and that is that there is some undue haste about this proceeding. He fell into confusion. I heard Senators prompting him all around there. They were about getting my friend from Kentucky into a puzzle when he said that the political character of the Senate two years ago was changed more than a year before it proceeded to change the officers of the Senate. No political record bears him out in that statement. The fact is it was changed between the 1st of January and the 4th of March of that year, and it was not changed any other time, and was not known at any other time, just as in the present instance——

Mr. FARLEY. Will the Senator allow me?

Mr. DAWES. I am having a little interview with my friend from Kentucky at this time. [Laughter.]

Mr. FARLEY. Will the Senator allow me?

Mr. DAWES. Certainly.

Mr. FARLEY. The Senate that came into power on the 4th of March, 1879, was composed of Senators enough to change the complexion of the Senate who were elected in December of the year preceding the meeting of the Senate in March, 1879. The State of California, the State of Oregon, the State of Ohio, the State of Maryland, and two or three other States elected in December, 1877, or January, 1879.

Mr. DAWES. Which are those two or three others?

Mr. FARLEY. I cannot now call them to mind——

Mr. DAWES. So I supposed.

Mr. FARLEY. But they were enough to change the political status of the Senate and make it a democratic body.

Mr. DAWES. No more of the States made choices two years ago before the 1st of December prior to the 4th of March than did a year ago. While two or three States made choice before the 1st of January, the body of the new Senators were elected after the 1st of January, and the same was true a year ago that was true three years ago in that respect. The body of one-third of the new Senators was elected, as I stated, between the 1st of January and the 4th of March prior to the commencement of the senatorial term; and it was not known any more certainly two years ago than it was this year, and in no State, as I said yesterday, was there any doubt. There was no more doubt that the democratic organization was defeated in Virginia than there was that it was defeated in Massachusetts. The result was just as certain; and whatever the result was in Virginia, that was one of the States that happened to elect before the 1st of January; and so far as the result hung upon Virginia, it was known that there was a fierce struggle in Virginia between the democratic party and all those combined who were opposed to it, and those opposed to the democratic party in Virginia prevailed, and the 4th of March came and the power passed out of the hands of the democratic party. Two years ago——

Mr. FARLEY. The Senator is always in the habit, I believe, of interrupting Senators when they get on the floor or I would have no desire to interrupt him now.

Mr. DAWES. I beg the Senator's pardon.

Mr. FARLEY. I do not wish to interrupt him now except to ask him one question. Did he know until the meeting of this Senate this spring, on the 4th of March, how the Senator from Virginia was going to vote, with what party? In addition to that, did not the Senator who was elected from Virginia a year ago, or more than a year ago, act with the democratic party and support General Hancock for President in November after his election?

Mr. DAWES. I did not know how the Senator from Virginia would vote, nor did I know how any Senator would vote; but I knew that if the Senator from Virginia was true to his avowed convictions and the platform upon which he was elected and the pledges of the men who elected him, he never would vote with you on the other side.

Mr. BECK. You mean, of course, the Riddleberger bill, do you not?

Mr. DAWES. I mean, if he was true to the statements of the men who elected him that they were determined to make war upon that organization represented in this Senate on the other side of the Chamber. That is all I have to say about that.

Mr. HARRIS. Will the Senator from Massachusetts allow me to ask him a question?

Mr. DAWES. Yes, sir.

Mr. HARRIS. My question is, Was not the nomination of Riddleberger a concession to the lately elected Senator from Virginia, [Mr. MAHONE?] Was it not upon his recommendation and at his especial instance that Riddleberger was nominated by the republican caucus for the office of Sergeant-at-Arms?

Mr. DAWES. I say to the Senator from Tennessee that I know no difference in the manner of selecting one man for place in this Senate Chamber as one of its officers and another. I know of no bargain. I know of no concession to one Senator more than to another. I know that the gentlemen whose names I presented in these resolutions were selected in the ordinary way, and so far as I know without the slightest consultation with one Senator more than another.

Mr. HARRIS. Mr. President, my question is one perfectly plain,

that a frank man can answer without evasion. He was nominated at the express request of the Senator from Virginia or he was not, and the Senator from Massachusetts knows which, and I simply ask him to have the frankness to state the fact.

Mr. DAWES. I frankly stated, Mr. President, that if he was nominated in any such way as is stated by the Senator from Tennessee, it is without my knowledge or belief.

Mr. HARRIS. Mr. President, does the Senator from Massachusetts——

Mr. DAWES. The honorable Senator is answered. The Senator will hardly——

The PRESIDING OFFICER. Does the Senator from Massachusetts consent to be interrupted? This confusion cannot be tolerated.

Mr. HARRIS. Of course I understand that the Senator from Massachusetts will decide whether he will be interrupted or not.

Mr. DAWES. Most certainly.

Mr. HARRIS. I am the last man on this floor to interrupt him or any other Senator.

Mr. DAWES. Most certainly in any proper manner, and the Senator from Tennessee will not otherwise.

Mr. HARRIS. Well, I shall be the judge as to the manner of my action here and not the Senator from Massachusetts.

Mr. DAWES. I have not yielded the floor.

Mr. HARRIS. Of course not, I understand that.

Mr. DAWES. What does the Senator say?

Mr. HARRIS. I am occupying the floor, if occupying it at all, by the courtesy of the Senator from Massachusetts.

Mr. DAWES. I did not hear the Senator's last remark before this. What was it?

Mr. HARRIS. My remark was that I would be the judge as to my manner and as to what I said, if I occupied the floor at all, and not the Senator from Massachusetts.

Mr. DAWES. Mr. President, I have not assumed to be the judge. I said that the Senator would not do it in any improper way. If the Senator thinks I have not yielded properly, the Senator has only this alternative, to let me go on.

Mr. HARRIS. The question I wanted to ask the Senator from Massachusetts is: Does he intend the Senate to understand him as denying that Riddleberger was nominated for the office of Sergeant-at-Arms and Doorkeeper of this body at the express request and knowing it to be the decided wish of the Senator from Virginia, [Mr. MAHONE?] It is a plain question, and I desire a simple, a frank, and a truthful answer.

Mr. DAWES. Mr. President, the Senator does not expect any answer from me beyond what I know. The Senator has that. If the Senator asks me why I support this man, I can tell him. I support this man for the reason that I believe him a man of ability, of influence, of force, of position to exercise that legitimate power in a cause in which the free ballot in this country in involved. [Applause in the galleries, which was checked by the Presiding Officer.] I believe, sir, and that is the reason why I support him, that he is determined that, so far as in him lies, every man entitled to a vote in his State shall have the free, unembarrassed, and untrammeled right to cast that vote and to have that vote counted as he cast it, and for that great cause and for that great enterprise in which he and those associated with him are engaged, he encounters this virulent opposition, and he draws to his side the support of those who think that, in comparison with this great attainment, what may be his views upon minor and local matters in Virginia fade out of sight.

Mr. HARRIS. Mr. President, will the Senator from Massachusetts indulge me with one other question? I will await the answer of the Senator from Massachusetts. [Mr. DAWES nodded.] I beg to know of the Senator from Massachusetts when and through what channel he learned that Riddleberger was so profoundly in favor of a free vote and a fair count? Was it not through the information derived from the lately elected Senator from Virginia, MAHONE? I beg the Senator to answer.

Mr. DAWES. Mr. President, I have two answers to make to that simple question. First, suppose it was. [Laughter.] I take his word, the word of the Senator from Virginia, quite as soon as I would that of any man in Virginia found with his heel upon the neck of the poor and defenseless black man struggling for his position and rights. [Applause in the galleries.]

The PRESIDING OFFICER. The Senator will suspend. The Chair will take this occasion to observe to the spectators in the galleries and to those who are upon the floor of the Senate by its courtesy, that expressions of dissent or approbation are against the rules of the Senate, and will be punished by the clearing of the galleries and of the floor. The Chair hopes he will have no occasion to repeat this admonition.

Mr. VOORHEES. I should like to observe, if the Chair will indulge me in doing so, that we are all delighted to see the large mob that gathers here in search of office; we know they belong to the other side of the Chamber, and we like to see them throng these galleries; but there comes a time when we desire them to keep still. They proclaim their venality louder than is necessary. They are here with their uncles, aunts, cousins, and all their kindred, and we welcome them; but we desire them to observe the courtesy and decency due to this place. I shall move to clear the galleries if this continued disturbance and outrage be not stopped.

Mr. DAWES. The Senator from Indiana has lost his usual courtesy. The Senator should understand that these galleries are for the American people.

Mr. VOORHEES. While they behave themselves.

Mr. DAWES. The Senator will allow me to proceed. While it becomes them and it is our duty to see that they shall observe the decorum that becomes this body—and I have no doubt upon reflection they will be quite as ready to do it as any who have thronged these galleries in the last two years—they have, nevertheless, an interest in the controversy now going on of political forces in this country that is not to be stifled or suppressed by any remarks of the Senator from Indiana that they are a mob.

The other answer which I was about to give to the Senator from Tennessee besides the fact that if I had obtained this knowledge from the Senator from Virginia I should have obtained it from as honorable and as reliable a source as any other in the Senate Chamber, was this: I am not blind to the current of political events; I do not turn a deaf ear when those who have been clothed by the Constitution of the United States with the ballot have struggled in vain these long years for the exercise of that right, and whenever they have asserted it have had to wade through blood to the ballot-box; and when I see a body of men in one of these States asserting and maintaining that, however those men may vote, they shall have the free untrammeled right to cast their ballots and assert their power, whether it be with them or against them, it is not necessary for me to inquire of the Senator from Virginia whence I learned these facts, or of the Senator from Tennessee where it is my duty to stand in any such struggle as that.

Mr. HARRIS. Mr. President——

Mr. DAWES. Mr. President——

Mr. HARRIS. Will the Senator from Massachusetts indulge me a moment further?

Mr. DAWES. Certainly.

Mr. HARRIS. I do not know that I understand that the Senator from Massachusetts has answered; certainly he has not answered so that I can exactly comprehend; but I will propound my question in yet another form, for I am anxious to obtain the information, and as I recognize in the Senator from Massachusetts the present organ of the republican caucus who must know exactly what that caucus has done and the reasons why it has acted, may I ask that Senator if Riddleberger would have been nominated by the republicans as their candidate for Sergeant-at-Arms and Doorkeeper of the Senate but for the republicans knowing that it was the desire of the Senator from Virginia that he should be, and in obedience to the wishes of the Senator from Virginia, and in view of the fact that the Senator from Virginia would act with the republicans in the organization of the Senate?

Mr. DAWES. Mr. President, I despair. The Senator's inability to understand me passes all comprehension of mine. I will, however, disabuse him of some things. He says he recognizes me as the organ of the republican caucus. I am neither now nor have I ever been the organ of any republican caucus. I stand here, sir, as a republican Senator with no other official position, offering myself the resolution now pending. I do not now occupy nor have I ever occupied the high position to which the Senator has assigned me.

I have answered the Senator why I proposed this man's name. I do not speak, I have no authority to speak for any other Senator upon this side of the Chamber or the other. I answer for myself. I find this man possessing the qualities I have indicated and in a work that commends itself, as I have said and I will not repeat, not only to my judgment, but to my sympathy and my co-operation, and, so far as I am concerned, I shall do whatever is in my power to strengthen his hand and that of those who act with him in accomplishing the end that I have indicated.

But now, Mr. President, I wish to turn to the Senator from Kentucky——

Mr. VEST. Will the Senator from Massachusetts allow me to ask him a question?

Mr. DAWES. If the Senator from Missouri will wait until I get through with the Senator from Kentucky I will hold myself subject to his order.

Mr. VEST. Not at all.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. DAWES. The Senator from Kentucky passed under another delusion, and that was, as I was remarking when I was interrupted, that the democrats waited a whole year after they ascertained that they had the power before they proceeded to oust officers whom they admitted to be faithful public servants. I have told him that the power passed into their hands between the 1st of January and the 4th of March, 1879, and on the 18th day of March of that year Congress assembled, and on the 24th day of March, six days thereafter, without other objection on this side than fair argument, they ousted every one of them, giving them but six days. We are in the 25th day of the month, and Senators on the other side are crying out that we have made undue haste.

Mr. VEST. Will the Senator from Massachusetts allow me to ask him a question? I understand him to say that the resolution he has offered to the Senate comes from himself personally and not from a caucus. Is that his statement or not?

Mr. DAWES. When I get through with the Senator from Kentucky I will listen to the Senator from Missouri.

Mr. VEST. Will the Senator answer my question?

Mr. DAWES. I will not answer your question now.

Mr. VEST. I affirm that the resolutions come from a republican caucus.

Mr. DAWES. The Senator may take as much from that remark as he pleases. He will not force me to answer him until I get through with the Senator from Kentucky, and then I will answer him.

The Senator from Kentucky says that we have had during these whole two years half of these offices. The Senator is just as far from the facts there as he is in everything else he has stated. Under the present Secretary there are but six republicans in office. One of them is a soldier that it was not deemed wise to dislodge; one of them is the cashier that it was just as wise to retain; two of them are colored laborers; and the other two are old experts who have come down through Mr. Gorham and Mr. Burch to this day. These six are all out of thirty or forty employés under the Secretary.

Now, I say to the Senator from Missouri that while I offered these resolutions, and did not offer them because I was the organ of any man's caucus, they are resolutions which I believe every republican member upon this side of the Senate Chamber intends to support, and to support because they commend themselves to his judgment as resolutions recommending the best and fittest men for these places.

Mr. VEST. Mr. President, that is not the question.

Mr. DAWES. That is the answer. [Laughter.] That is the difference.

Mr. VEST. I asked the gentleman this question: Did not those resolutions come from a republican caucus, and did he not offer them here as the organ of that caucus? That is a plain question and admits of a plain answer.

Mr. DAWES. Why, Mr. President, the Senator from Missouri is quite an old politician and has been in a good many caucuses, and he would tell me it was none of my business if I put that question to him.

Mr. VEST. I was never a readjuster and never in a republican caucus, but I have this to say to the gentleman, that I have a right to put the question.

Mr. DAWES. I trust the Senator is reconstructed, if he is not readjusted. [Laughter.]

Mr. VEST. I was never in a caucus of the republican party. I have asked the gentleman this question, and he can answer it or not.

Mr. DAWES. I answered it a moment ago when I said to the Senator that if I had put that question to him he would have told me it was none of my business.

Mr. VEST. I think not. We have been told again and again, sir, in the last two years, that an irresponsible democratic caucus has proposed certain measures to the Senate.

Mr. DAWES. Did any republican ever catechise a democrat as to what proceeded in his caucus?

Mr. VEST. Yes, sir, again and again.

Mr. DAWES. But we did not get any answer. [Laughter.]

Mr. VEST. I want to know from the Senator from Massachusetts whether he offers these resolutinns as the organ of the republican caucus.

Mr. DAWES. Mr. President, will the Senator put his question?

Mr. VEST. I want to know from the Senator from Massachusetts whether he does not offer these resolutions as the organ of the republican caucus.

Mr. DAWES. Mr. President, if the Senator has got his question clear through, I will say to him that if he does not consider himself already answered, I regret to say that the Senator will be anxious some time. [Laughter.]

Mr. VEST. That is very satisfactory.

Mr. DAWES. I am very happy to know it. [Laughter.]

Mr. VEST. It is about what I expected from that source.

Mr. DAWES. The Senator is not disappointed, then. [Laughter.] Now, Mr. President, I trust that the Senate will proceed to vote upon the resolution pending.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] to postpone the pending resolution until the first Monday in December next, on which the yeas and nays have been ordered.

Mr. SAULSBURY, (at four o'clock and thirty minutes p. m.) Mr. President, it is near dinner hour, and I am sure we shall get in a better humor if we adjourn. I therefore move that the Senate do now adjourn.

Mr. BECK called for the yeas and nays, and they were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. GROOME, (when his name was called.) I do not vote for the reason that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. BROWN, (when the name of Mr. HILL, of Georgia, was called.) As has already been stated, my colleague [Mr. HILL] is paired with the Senator from Michigan, [Mr. FERRY.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were present, I should vote "yea."

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

The roll-call was concluded.

Mr. VEST. The Senator from Arkansas [Mr. WALKER] desired me to announce that he was paired with the Senator from Colorado, [Mr. HILL.]

The result was announced—yeas 26, nays 26; as follows:

YEAS—26.

Bayard,	Davis of W. Va.,	Harris,	Pugh,
Beck,	Fair,	Jackson,	Ransom,
Brown,	Farley,	Johnston,	Saulsbury,
Call,	George,	Jonas,	Slater,
Camden,	Gorman,	Lamar,	Vest.
Cockrell,	Grover,	Maxey,	
Coke,	Hampton,	Pendleton,	

NAYS—26.

Allison,	Edgerton,	Jones of Nevada,	Platt of Conn.
Blair,	Frye,	Logan,	Platt of N. Y.,
Burnside,	Hale,	McDill,	Rollins,
Cameron of Wis.,	Harrison,	McMillan,	Sawyer,
Conger,	Hawley,	Miller,	Sherman.
Conkling,	Hoar,	Mitchell,	
Dawes,	Ingalls,	Morrill,	

ABSENT—24.

Anthony,	Garland,	McPherson,	Teller,
Butler,	Groome,	Mahone,	Vance,
Cameron of Pa.,	Hill of Colorado,	Morgan,	Van Wyck,
Davis of Illinois,	Hill of Georgia,	Plumb,	Voorhees,
Edmunds,	Jones of Florida,	Saunders,	Walker,
Ferry,	Kellogg,	Sewell,	Williams.

So the motion to adjourn was not agreed to.

Mr. HARRIS. I move that the Senate do now proceed to the consideration of executive business; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. GROOME, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. KELLOGG. I am paired with the Senator from North Carolina, [Mr. VANCE.]

The result was announced—yeas 26, nays 26; as follows:

YEAS—26.

Bayard,	Davis of W. Va.,	Harris,	Pugh,
Beck,	Fair,	Jackson,	Ransom,
Brown,	Farley,	Johnston,	Saulsbury.
Call,	George,	Jonas,	Slater,
Camden,	Gorman,	Lamar,	Vest.
Cockrell,	Grover,	Maxey,	
Coke,	Hampton,	Pendleton,	

NAYS—26.

Allison,	Edgerton,	Jones of Nevada,	Platt of Conn.,
Blair,	Frye,	Logan,	Platt of N. Y.,
Burnside,	Hale,	McDill,	Rollins,
Cameron of Wis.,	Harrison,	McMillan,	Sawyer,
Conger,	Hawley,	Miller.	Sherman.
Conkling,	Hoar.	Mitchell,	
Dawes,	Ingalls,	Morrill,	

ABSENT—24.

Anthony,	Garland,	McPherson,	Teller,
Butler,	Groome,	Mahone,	Vance,
Cameron of Pa.,	Hill of Colorado,	Morgan,	Van Wyck,
Davis of Illinois,	Hill of Georgia,	Plumb,	Voorhees,
Edmunds,	Jones of Florida,	Saunders,	Walker,
Ferry,	Kellogg,	Sewell,	Williams.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs upon the motion of the Senator from Tennessee, [Mr. HARRIS,] to postpone the resolution until the first Monday in December next, upon which motion the yeas and nays have been ordered.

Mr. SAULSBURY. Mr. President, I have not taken any part in the discussion, and have not desired to do so. I have thought that perhaps some reply ought to be made to some things which have been said; but it is late in the afternoon, and I shall not now attempt to reply to the remarks of Senators on the other side who have spoken on this question. I shall proceed, however, to state very succinctly some of the reasons why I shall oppose in every possible way the adoption of the pending resolution.

In the first place it is an unusual proceeding. I have been now for ten years a member of the Senate, and never before, since I have been in the Senate, has there been any attempt at an executive session to go into an election of the officers of this body. The proceeding, therefore, is unprecedented and unusual. That is one of the reasons why I shall oppose it.

In the second place, the resolution proposes, in my opinion, to do an act of great injustice to the employés of the Senate. It has already been stated, it was stated yesterday by the Senator from Arkansas [Mr. GARLAND] in terms that I thought would make an impression on the other side, that the employés of the Senate had had no notice and had no reason to suppose that there would be any attempt at the present executive session to displace them from the positions they occupy. I say frankly, so far as the principal officers of the Senate are concerned, that I am under no personal obligation to them. There is not a single employé, either under the Secretary or under the Sergeant-at-Arms, who was employed at my request, and I am therefore under no personal obligation to either of those officers. It is not because I feel under any obligation to them that I am here opposing this resolution; but it is an act of injustice to these gentlemen and their subordinate officers. They have their families to take care of. They had no reason to suppose that there would be any attempt to oust them from the positions they occupy, at the present session, and without homes provided for their families they are now to be dismissed, turned out of their positions without perhaps the means to accommodate their families for the next six or eight months. Heretofore they have always had notice. The election of Senators and a change of parties in the Senate have given notice to employés that there would be a change in the officers of the Senate. That has not been the case now, because I assert here, what has been asserted before, that there are not a half dozen Senators on the other side of the Chamber, and I am sure there is none on this side of the Chamber, who knew until within the last few days that the Senator from Virginia would cast his lot with the men on the other side of this Chamber whom he had been opposing through all his life. So I say there was no reason why any employé of the Senate should come to the conclusion that there was even a possibility of his being displaced and ousted from his position.

Mr. President, it is not alone the Secretary, it is not alone the Sergeant-at-Arms, it is not alone the Chaplain or the executive clerk whose displacement is involved in this proceeding, but the dismissal of all the employés of the Senate are involved in this resolution; their fate is dependent upon the adoption or rejection of this resolution and their future continuance in the employment of the Senate dependent thereon. If there was anything against any of these officers, if there was any just reason assigned why any of them should be removed, that would be a different thing. The Senator from Illinois yesterday with characteristic honesty proclaimed before the Senate that there was no charge that had been or could be preferred against the employés of the Senate or any of them. Why, then, do you propose to turn them out? In the first place take the Chaplain; why do you propose to turn out the Chaplain? Has he not faithfully prayed and implored the Divine benediction upon you for the last two years? Has he not invoked the forgiveness of your sins and besought the Almighty to guide you to all wisdom and all truth in your public and private ways; and is it not now an act of great ingratitude to the Chaplain of the Senate, who has been so fervent in his supplications in your behalf, that you should want to displace him from his position in this body?

Take your Secretary. Has he not been a courteous and obliging officer? Is there any man on either side of the Chamber who can say that he has not at all times been as courteous in his place as any gentleman who ever filled that position? Why, then, do you want to turn him out, or why any of these officers? Why the executive clerk?

I say here in the presence of the other side of the Chamber that they can assign no reason whatever except that these gentlemen do not vote the republican ticket. Why do you want to turn out these little boys—the pages who run with willing feet on this floor to do your bidding? As I look upon their bright faces I apprehend that they do not comprehend the fate that awaits them. As I see them going around this Hall, in these corridors, over these floors, with their sparkling eyes and smiling faces, I cannot believe they understand that this resolution is aimed in part at them.

> The lamb thy riot dooms to bleed to-day,
> Had he thy reason, would he skip and play?

You propose to decapitate all these officers and employés; you intend to readjust them, and you have selected for that purpose a readjuster from Virginia.

But now, passing from this, there are other considerations that ought to operate upon the minds of the republican side of this Chamber. How have you got your majority? It is first by getting a vote that you did not expect, and which the country does not believe you have rightfully obtained, and secondly by the casting vote of the Vice-President in the organization of the Senate. This is an anomalous condition of affairs. Never in the history of the Senate has there been such a condition of affairs before. Even your present tenure of power you hold with an uncertain hand. You do not know how long you will hold it. So you ought to be cautious and consider with what circumspection you should move. You ought to feel the ground on which you stand before you erect your scaffold to hang all the officers of this body. A proper recognition of the uncertain tenure by which you hold power, a proper consideration of the position which you may soon occupy, ought to induce you to stay your hand and not attempt at this early stage after the possession of power in this body to do what is proposed in this resolution.

But there is a more serious consideration which ought to address itself to the other side of this Chamber. I do not say that there has been any bargain; I do not say that there has been any contract; I do not say that there has been any coalition; but I say to you, gentlemen, that the public judgment of this country, if we can judge from the papers, is to-day that there has been an improper agreement. I say to you that the papers of the country are full of accounts of combinations and of an unholy alliance. I say to you that if that alliance is consummated, if one exists, it will bring reproach and scandal upon this body of which you are members, and you ought not to do any act which in the public mind of this country will disgrace the Senate of the United States.

I do not say that there has been a coalition or a bargain of this kind, but I say that the rumor that there has been will be strengthened by the appointment of Mr. Riddleberger as Sergeant-at-Arms of this body, and his election will fasten the conviction upon the public mind of this country that either the republican party has for a consideration gone to Senator MAHONE or that Senator MAHONE has for a consideration gone to the republican party. I would avert from this Senate a calamity so dire. I desire not to see the body of which I have felt proud to be a member degraded by a suspicion in the public mind even if there may be no truth in the suspicion. While there may be nothing in this except mere suspicion, yet there is enough in it to put Senators on their guard lest by the consummation of the proposed scheme they bring reproach upon this high body where once sat a Jefferson as presiding officer, where once sat a Madison, where once sat a Clay, a Webster, a Clayton. However degenerate the present times, let us not as Senators here to-day bring reproach upon the fair fame of the Senate of the United States. I would caution you, my fellow-Senators, against the step proposed. So far as I am concerned, I will resist everything to the utmost of my power that tends to bring reproach and disgrace on this high body.

I have not said that you have entered into any coalition; I have not said that you have entered into any bargain; but I say that the public mind has taken hold of that idea; and are there not facts, is there not circumstantial evidence here that is calculated to carry such a conviction to the public mind? While I do not say you have made any bargain, I do not hesitate to declare that many a man charged with crime has been sent to the penitentiary and to the gallows upon circumstantial evidence less strong than that upon which the suspicions to which I have referred is predicated. I caution you, gentlemen, as members of the Senate of the United States, I tell you the press of this country will ring from one end of the land to the other with the charge that this resolution proposes the confirmation of a bargain which if made has brought disgrace upon the American Senate.

I have given you my views, and I ask and beseech you to pause lest you do that which in after years you may regret.

I move that the Senate do now adjourn.

Several SENATORS. Yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. MAXEY.] If the Senator from Texas were here, I should vote "nay."

Mr. BUTLER, (when his name was called.) As already stated, I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I agreed to pair with the Senator from Mississippi, [Mr. GEORGE,] but I have authority to transfer the pair. I shall transfer it to my colleague, [Mr. SAWYER,] who is absent at this time. I vote "nay."

Mr. KELLOGG, (when Mr. HOAR'S name was called.) I have transferred my pair with the Senator from North Carolina [Mr. VANCE] to the Senator from Massachusetts, [Mr. HOAR.] They are therefore paired on this vote.

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.]

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Bayard,	Coke,	Hampton,	Pendleton,
Beck,	Davis of W. Va.,	Harris,	Pugh,
Brown,	Fair,	Jackson,	Ransom,
Call,	Farley,	Johnston,	Saulsbury,
Camden,	Gorman,	Jonas,	Slater,
Cockrell,	Grover,	Lamar,	Vest.

NAYS—24.

Allison,	Edgerton,	Jones of Nevada,	Mitchell,
Blair,	Frye,	Kellogg,	Morrill,
Cameron of Wis.,	Hale,	Logan,	Platt, of Conn.,
Conger,	Harrison,	McDill,	Platt, of N. Y.,
Conkling,	Hawley,	McMillan,	Rollins,
Dawes,	Ingalls,	Miller,	Sherman.

ABSENT—28.

Anthony,	Garland,	McPherson,	Sewell,
Burnside,	George,	Mahone,	Teller,
Butler,	Groome,	Maxey,	Vance.
Cameron of Pa.,	Hill of Colorado,	Morgan,	Van Wyck,
Davis of Illinois,	Hill of Georgia,	Plumb,	Voorhees,
Edmunds,	Hoar,	Saunders,	Walker,
Ferry,	Jones of Florida,	Sawyer,	Williams.

So the Senate refused to adjourn.

Mr. HARRIS. Mr. President, there were a number of nominations sent to the Senate by the President of the United States yesterday and a number of others sent to-day, and in order that they may be referred to the appropriate committees, I move that the Senate do now proceed to the consideration of executive business, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMERON, of Wisconsin, (when Mr. GEORGE'S name was called.) The Senator from Mississippi [Mr. GEORGE] is paired with my colleague, [Mr. SAWYER.]

Mr. GROOME, (when his name was called.) I once more announce that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were present, I should vote "yea."

Mr. BROWN, (when the name of Mr. HILL, of Georgia, was called.) I announce again that my colleague [Mr. HILL] is paired with the honorable Senator from Michigan, [Mr. FERRY,] and the pair will last until the return of my colleague to the Senate, and I will not, therefore, announce it any more.

Mr. COKE, (when Mr. MAXEY'S name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Rhode Island, [Mr. BURNSIDE.] If he were present, my colleague would vote "yea."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. KELLOGG. The Senator from North Carolina [Mr. VANCE] is paired with the Senator from Massachusetts, [Mr. HOAR.]

Mr. FARLEY, (who had voted in the affirmative.) I voted without noticing the absence of the Senator from New York, [Mr. PLATT.] I am paired with him, and therefore withdraw my vote.

Mr. LAMAR. I am paired with the Senator from Ohio, [Mr. SHERMAN.]

The result was announced—yeas 22, nays 22; as follows:

YEAS—22.

Bayard,	Coke,	Harris,	Ransom,
Beck,	Davis of W. Va.,	Jackson,	Saulsbury,
Brown,	Fair,	Johnston,	Slater,
Call,	Gorman,	Jonas,	Vest.
Camden,	Grover,	Pendleton,	
Cockrell,	Hampton,	Pugh,	

NAYS—22.

Allison,	Edgerton,	Jones of Nevada,	Mitchell,
Blair,	Frye,	Kellogg,	Morrill,
Cameron of Wis.,	Hale,	Logan,	Platt of Conn.,
Conger,	Harrison,	McDill,	Rollins.
Conkling,	Hawley,	McMillan,	
Dawes,	Ingalls,	Miller,	

ABSENT—32.

Anthony,	Garland,	McPherson,	Sewell,
Burnside,	George,	Mahone,	Sherman,
Butler,	Groome,	Maxey,	Teller,
Cameron of Pa.,	Hill of Colorado,	Morgan,	Vance.
Davis of Illinois,	Hill of Georgia,	Platt of N. Y.,	Van Wyck,
Edmunds,	Hoar,	Plumb,	Voorhees,
Farley,	Jones of Florida,	Saunders,	Walker,
Ferry,	Lamar,	Sawyer,	Williams.

So the motion was not agreed to.

Mr. PENDLETON, (at five o'clock and ten minutes p. m.) I move that the Senate do now adjourn.

Mr. HARRIS. On which I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. FARLEY, (when his name was called.) I announce my pair with the Senator from New York, [Mr. PLATT.] If he were here, I should vote "yea."

Mr. MORGAN, (when his name was called.) On this question I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. RANSOM, (when his name was called.) The Senator from New York [Mr. CONKLING] and I are paired on this question. He would vote "nay" and I should vote "yea," if he were here.

Mr. CAMERON, of Wisconsin, (when Mr. SAWYER'S name was called.) My colleague [Mr. SAWYER] is paired with the Senator from Mississippi, [Mr. GEORGE.]

The roll-call was concluded.

Mr. BAYARD, (who had voted in the affirmative.) I ask to withdraw my vote. I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.] I voted under a misapprehension.

The PRESIDING OFFICER. The vote of the Senator from Delaware will be withdrawn.

Mr. VEST. I desire to state that the Senator from Arkansas [Mr. WALKER] is paired with the Senator from Colorado, [Mr. HILL.]

Mr. COKE. I desire to state that my colleague [Mr. MAXEY] is paired with the Senator from Rhode Island, [Mr. BURNSIDE.]

Mr. BURNSIDE. I am paired with the Senator from Texas, [Mr. MAXEY,] and my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.]

Mr. PENDLETON. I was requested to announce the pair of the Senator from New Jersey [Mr. MCPHERSON] with his colleague, [Mr. SEWELL,] and also the pair of the Senator from Illinois [Mr. DAVIS] with the Senator from Colorado, [Mr. TELLER.]

Mr. KELLOGG. The Senator from North Carolina [Mr. VANCE] is paired with the Senator from Massachusetts, [Mr. HOAR.]

The result was announced—yeas 20, nays 20; as follows:

YEAS—20.

Beck,	Coke,	Hampton,	Pendleton,
Brown,	Davis of W. Va.,	Harris,	Pugh,
Call,	Fair,	Jackson,	Saulsbury,
Camden,	Gorman,	Johnston,	Slater,
Cockrell,	Grover,	Jonas,	Vest.

NAYS—20.

Allison,	Edgerton,	Ingalls,	McMillan,
Blair,	Frye,	Jones of Nevada,	Miller,
Cameron of Wis.,	Hale,	Kellogg,	Morrill,
Conger,	Harrison,	Logan,	Platt of Conn.,
Dawes,	Hawley,	McDill,	Rollins.

ABSENT—36.

Anthony,	Ferry,	McPherson,	Sawyer,
Bayard,	Garland,	Mahone,	Sewell,
Burnside,	George,	Maxey,	Sherman,
Butler,	Groome,	Mitchell,	Teller,
Cameron of Pa.,	Hill of Colorado,	Morgan,	Vance,
Conkling,	Hill of Georgia,	Platt of N. Y.,	Van Wyck,
Davis of Illinois,	Hoar,	Plumb,	Voorhees,
Edmunds,	Jones of Florida,	Ransom,	Walker,
Farley,	Lamar,	Saunders,	Williams.

So the Senate refused to adjourn.

Mr. HARRIS. Mr. President, I move to lay the resolution of the Senator from Massachusetts on the table, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, I rise to a question of order. What is the question before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Tennessee to lay the resolution of the Senator from Massachusetts on the table.

Mr. MORGAN. It seems to me that there are some motions which have precedence of that.

The PRESIDING OFFICER. There is a motion pending to postpone the resolution until the first Monday of December next, but the motion to lay on the table has precedence, and is now before the Senate. The yeas and nays having been ordered, the Secretary will proceed to call the roll.

The Secretary proceeded to call the roll.

Mr. BAYARD, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL,] or I should vote "yea."

Mr. BURNSIDE, (when his name was called.) I am paired with the Senator from Texas, [Mr. MAXEY.]

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. JONES, of Nevada, (when his name was called.) I am paired with my colleague [Mr. FAIR] on this question. If he were here, I should vote "nay."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] Were he present, I should vote "nay."

Mr. LAMAR, (when his name was called.) I am paired with the Senator from Ohio [Mr. SHERMAN] for the present.

Mr. COKE, (when Mr. MAXEY'S name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Rhode Island, [Mr. BURNSIDE.] My colleague would vote "yea" if he were here.

Mr. MITCHELL, (when his name was called,) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. My colleague [Mr. SAWYER] is paired with the Senator from Mississippi, [Mr. GEORGE.]

The result was announced—yeas 9, nays 19; as follows:

YEAS—9.

Brown,	Davis of W. Va.,	Johnston,	Pendleton,
Camden,	Hampton,	Jonas,	Saulsbury.
Coke,			

NAYS—19.

Allison,	Edgerton,	Hoar,	Miller,
Blair,	Frye,	Ingalls,	Morrill,
Cameron of Wis.,	Hale,	Logan,	Platt of Conn.,
Conger,	Harrison,	McDill,	Rollins.
Dawes,	Hawley,	McMillan,	

ABSENT—48.

Anthony,	Farley,	Jones of Nevada,	Saunders,
Bayard,	Ferry,	Kellogg,	Sawyer,
Beck,	Garland,	Lamar,	Sewell,
Burnside,	George,	McPherson,	Sherman,
Butler,	Gorman,	Mahone,	Slater,
Call,	Groome,	Maxey,	Teller,
Cameron of Pa.,	Grover,	Mitchell,	Vance,
Cockrell,	Harris,	Morgan,	Van Wyck,
Conkling,	Hill of Colorado,	Platt of N. Y.,	Vest,
Davis of Illinois,	Hill of Georgia,	Plumb,	Voorhees,
Edmunds,	Jackson,	Pugh,	Walker,
Fair,	Jones of Florida,	Ransom,	Williams.

Several SENATORS. No quorum.

The PRESIDING OFFICER. So the Chair was about to announce. No quorum has voted.

Mr. BAYARD. I move that the Senate adjourn ["no," "no"] for it is obvious that nothing can be done now. No business is in order except a call of the roll of the Senate for Senators who have voluntarily absented themselves, but a motion for an adjournment. I move that the Senate adjourn.

Mr. DAWES. I regret that Senators should omit their duty to answer to their names——

Mr. HARRIS. A motion to adjourn is in order, and the Senator from Delaware has moved that the Senate do now adjourn. That is the only motion except one that it is in order to make, and it takes precedence of any other that can be made.

Mr. HOAR. I call the Senator from Tennessee to order.

Mr. HARRIS. I call the Senator from Massachusetts to order.

The PRESIDING OFFICER. Senators will suspend. The Chair will enforce the rules.

Mr. HOAR. I rose to a question of order.

The PRESIDING OFFICER. The motion of the Senator from Delaware is in order and is not debatable. The question is on that motion.

The question being put, it was declared that by the sound the noes appeared to prevail.

Several Senators called for the yeas and nays, and they were ordered; and the Secretary proceeded to call the roll.

Mr. BAYARD, (when his name was called.) I am paired on this subject with the Senator from Pennsylvania, [Mr. MITCHELL.] If he were here I should vote "yea."

Mr. BURNSIDE, (when his name was called.) I am paired with the Senator from Texas, [Mr. MAXEY.]

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.] However, I reserved to myself the right to vote if my vote should be necessary to make a quorum. I will not vote at present.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.] If he were present, I should vote "yea."

Mr. COKE, (when Mr. MAXEY's name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Rhode Island, [Mr. BURNSIDE.] If he were here, my colleague would vote "yea."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. PENDLETON. I was requested to announce the pair of the Senator from North Carolina [Mr. RANSOM] and the Senator from New York [Mr. CONKLING] for the rest of the evening.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.]

The result was announced—yeas 14, nays 19; as follows:

YEAS—14.

Beck,	Coke,	Hampton,	Slater,
Brown,	Davis of W. Va.,	Johnston,	Vest.
Call,	Gorman,	Pendleton,	
Camden,	Grover,	Saulsbury,	

NAYS—19.

Allison,	Frye,	Ingalls,	Morrill,
Blair,	Hale,	Logan,	Platt of Conn.,
Conger,	Harrison,	McDill,	Rollins,
Dawes,	Hawley,	McMillan,	Sawyer.
Edgerton,	Hoar,	Miller,	

ABSENT—43.

Anthony,	Farley,	Jones of Nevada,	Ransom,
Bayard,	Ferry,	Kellogg,	Saunders,
Burnside,	Garland,	Lamar,	Sewell,
Butler,	George,	McPherson,	Sherman,
Cameron of Pa.,	Groome,	Mahone,	Teller,
Cameron of Wis.,	Harris,	Maxey,	Vance,
Cockrell,	Hill of Colorado,	Mitchell,	Van Wyck,
Conkling,	Hill of Georgia,	Morgan,	Voorhees,
Davis of Ill.,	Jackson,	Platt of N. Y.,	Walker,
Edmunds,	Jonas,	Plumb,	Williams.
Fair,	Jones of Florida,	Pugh,	

The PRESIDING OFFICER. There is no quorum voting.

Mr. FARLEY. It has become perfectly apparent that our friends on the opposite side of the Chamber do not propose to transact the business for which we have been called together, and more apparent that the gentleman who first announced on that side that this was a question of endurance has been one of the first Senators to flee from the Senate—I allude to the distinguished Senator from Pennsylvania, [Mr. CAMERON]—and he has taken with him another distinguished gentleman, the Senator from Virginia, I suppose. Neither of them is in his place. This question of endurance so far as the Senator from Pennsylvania is concerned has been put upon the distinguished Senator from South Carolina, [Mr. BUTLER.] Other gentlemen who have been leading this fight on the opposite side of the Chamber have gone off for their comfort and their pleasure. Now I say, if it is a question of endurance, I want it understood that we propose to endure on this side as long as this Senate shall remain in session.

Mr. LOGAN. Why don't you endure?

Mr. FARLEY. We are enduring.

The PRESIDING OFFICER. In the absence of a quorum the only business in order is a call of the roll or a motion to adjourn. Debate can be permitted only by unanimous consent.

Mr. VEST. I move to adjourn, and ask for the yeas and nays.

Mr. HOAR. What was the last vote?

The PRESIDING OFFICER. The yeas were 14 and the nays were 19.

Mr. HOAR. What was the question voted on?

The PRESIDING OFFICER. The motion of the Senator from Delaware was that the Senate do now adjourn.

Mr. HOAR. Is a new motion to adjourn now in order?

The PRESIDING OFFICER. The Senator from Delaware [Mr. BAYARD] made that motion. The Senator from Missouri [Mr. VEST] now moves that the Senate adjourn.

Mr. HOAR. My inquiry of the Chair is whether that motion is in order as a motion to adjourn has just been negatived?

Mr. DAVIS, of West Virginia. There has been a speech since then.

Mr. HARRIS. The Senator from California [Mr. FARLEY] has been heard upon the pending question since that vote.

The PRESIDING OFFICER. Does the Senator from Massachusetts raise the point of order that the motion cannot now be entertained?

Mr. HOAR. I do.

The PRESIDING OFFICER. The Chair will submit that question to the Senate.

Mr. HOAR. I will not raise it if the Chair will not decide it. [Laughter.]

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate do now adjourn. Were the yeas and nays demanded? ["No!" "No!"] The Chair will put the question.

The question being put, it was declared that by the sound the "ayes" appeared to prevail.

Mr. ROLLINS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) I am paired with the Senator from Texas, [Mr. MAXEY.]

Mr. BUTLER, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] It is due to that Senator to say that this pair was made some time ago.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.] If he were here, I should vote "yea."

Mr. MORGAN, (when his name was called.) On this question I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I desire to announce that I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. KELLOGG. I desire to announce that I am paired with the express understanding that in case of a necessity to make a quorum I can vote. I vote "nay."

Several SENATORS. A quorum has voted.

Mr. KELLOGG. Then I recall my vote. I understand that there is a quorum present without my vote. If so, I desire to recall my vote.

The PRESIDING OFFICER. The Senator from Louisiana is not recorded.

The result was announced—yeas 20, nays 20; as follows:

YEAS—20.

Bayard,	Cockrell,	Hampton,	Pendleton,
Beck,	Coke,	Harris,	Pugh.
Brown,	Davis of W. Va.,	Jackson,	Saulsbury,
Call,	Gorman,	Johnston,	Slater,
Camden,	Grover,	Jonas,	Vest.

NAYS—20.

Allison,	Frye,	Ingalls,	Mitchell,
Blair,	Hale,	Logan,	Morrill,
Conger,	Harrison,	McDill,	Platt of Conn.,
Dawes,	Hawley,	McMillan,	Rollins,
Edgerton,	Hoar,	Miller,	Sawyer.

ABSENT—36.

Anthony,	Farley,	Kellogg,	Saunders,
Burnside,	Ferry,	Lamar,	Sewell,
Butler,	Garland,	McPherson,	Sherman,
Cameron of Pa.,	George,	Mahone,	Teller,
Cameron of Wis.,	Groome,	Maxey,	Vance,
Conkling,	Hill of Colorado,	Morgan,	Van Wyck,
Davis of Illinois,	Hill of Georgia,	Platt of N. Y.,	Voorhees,
Edmunds,	Jones of Florida,	Plumb,	Walker,
Fair,	Jones of Nevada,	Ransom,	Williams.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to lay the resolution of the Senator from Massachusetts [Mr. DAWES] on the table.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) I am paired with the Senator from Texas, [Mr. MAXEY.]

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call having been concluded, the result was announced—yeas 11, nays 20; as follows:

YEAS—11.

Bayard,	Call,	Grover,	Pendleton,
Beck,	Coke,	Hampton,	Saulsbury.
Brown,	Davis of W. Va.,	Johnston,	

NAYS—20.

Allison,	Frye,	Ingalls,	Mitchell,
Blair,	Hale,	Logan,	Morrill,
Conger,	Harrison,	McDill,	Platt of Conn.,
Dawes,	Hawley,	McMillan,	Rollins,
Edgerton,	Hoar,	Miller,	Sawyer.

ABSENT—45.

Anthony,	Ferry,	Kellogg,	Sherman,
Burnside,	Garland,	Lamar,	Slater,
Butler,	George,	McPherson,	Teller,
Camden,	Gorman,	Mahone,	Vance,
Cameron of Pa.,	Groome,	Maxey,	Van Wyck,
Cameron of Wis.,	Harris,	Morgan,	Vest,
Cockrell,	Hill of Colorado,	Platt of N. Y.,	Voorhees,
Conkling,	Hill of Georgia,	Plumb,	Walker,
Davis of Illinois,	Jackson,	Pugh,	Williams.
Edmunds,	Jonas,	Ransom,	
Fair,	Jones of Florida,	Saunders,	
Farley,	Jones of Nevada,	Sewell,	

The PRESIDING OFFICER. No quorum has voted.

Mr. DAWES. Let the roll be called, Mr. President.

The PRESIDING OFFICER. The Secretary will proceed with the call of the roll.

Mr. SAULSBURY. I move that the Senate do now adjourn.

Mr. ALLISON. That motion is not in order.

The PRESIDING OFFICER. The Chair understands a motion to adjourn to be always in order.

Mr. ALLISON. Did we not just now vote down a motion to adjourn?

The PRESIDING OFFICER. No; a motion to go into executive session. The question now is on the motion of the Senator from Delaware, that the Senate adjourn.

The question being put, there were on a division—ayes 21, noes 20.

Mr. ROLLINS. I ask for the yeas and nays.

Mr. LOGAN. Let us have the yeas and nays. Senators voted on the other side, and some on this side did not vote.

Mr. BURNSIDE. I did not vote because I am paired.

Mr. LOGAN. I know.

Mr. BUTLER. I think the mistake arose in this way: I rose not remembering at the time that I was paired, and immediately sat down. I presume the Clerk caught sight of me.

The PRESIDING OFFICER. That would change the result, making the ayes 20 and the noes 20. Is the call for the yeas and nays insisted upon?

Mr. HARRIS. I insist on the call, because I do not know whether the Clerk counted the Senator from South Carolina or not.

Mr. McMILLAN and Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FARLEY, (when his name was called.) I have transferred the pair that I made with the Senator from New York [Mr. PLATT] to the Senator from Oregon, [Mr. GROVER,] who is unwell and is going away. Therefore I vote "yea," the Senator from Oregon not voting.

Mr. JONES, of Nevada, (when his name was called.) I am paired with my colleague [Mr. FAIR] on this question. If he were here, I should vote "nay."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. ALLISON. I voted "nay" under the impression that the Senator from West Virginia [Mr. DAVIS] was present in his seat. I see he is not here, and therefore I withdraw my vote. I am paired with him.

The result was announced—yeas 16, nays 19; as follows:

YEAS—16.

Bayard,	Camden,	Gorman,	Johnston,
Beck,	Cockrell,	Hampton,	Pendleton,
Brown,	Coke,	Harris,	Pugh,
Call,	Farley,	Jackson,	Saulsbury.

NAYS—19.

Blair,	Hale,	Logan,	Morrill,
Conger,	Harrison,	McDill,	Platt of Conn.,
Dawes,	Hawley,	McMillan,	Rollins,
Edgerton,	Hoar,	Miller,	Sawyer.
Frye,	Ingalls,	Mitchell,	

ABSENT—41.

Allison,	Cameron of Pa.,	Davis of W. Va.,	Garland,
Anthony,	Cameron of Wis.,	Edmunds,	George,
Burnside,	Conkling,	Fair,	Groome,
Butler,	Davis of Illinois,	Ferry,	Grover,
Hill of Colorado,	McPherson,	Saunders,	Vest,
Hill of Georgia,	Mahone,	Sewell,	Voorhees,
Jonas,	Maxey,	Sherman,	Walker,
Jones of Florida,	Morgan,	Slater,	Williams.
Jones of Nevada,	Platt of N. Y.,	Teller,	
Kellogg,	Plumb,	Vance,	
Lamar,	Ransom,	Van Wyck,	

The PRESIDING OFFICER. The Senate refuses to adjourn; but a quorum has not voted.

Mr. DAWES. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll of Senators.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Davis of W. Va.,	Ingalls,	Pendleton,
Bayard,	Dawes,	Jackson,	Platt of Conn.,
Beck,	Edgerton,	Johnston,	Pugh,
Blair,	Farley,	Jonas,	Rollins,
Brown,	Frye,	Jones of Nevada,	Saulsbury,
Burnside,	Gorman,	Kellogg,	Saunders,
Butler,	Groome,	Logan,	Sawyer,
Call,	Hale,	McDill,	Slater,
Camden,	Hampton,	McMillan,	Vest,
Cameron of Wis.,	Harris,	Miller,	Voorhees.
Cockrell,	Harrison,	Mitchell,	
Coke,	Hawley,	Morgan,	
Conger,	Hoar,	Morrill,	

The PRESIDING OFFICER. The roll-call shows the presence of forty-nine Senators—more than a quorum. The question recurs upon the motion to proceed to the consideration of executive business, submitted by the Senator from Ohio, [Mr. PENDLETON,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. FARLEY, (when his name was called.) I wish to announce that the Senator from Oregon [Mr. GROVER] is paired with the Senator from New York, [Mr. PLATT.] I transferred the pair which I had with the Senator from New York to the Senator from Oregon, and I vote "yea."

Mr. GROOME, (when his name was called.) As heretofore announced, I am paired upon all these questions with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Georgia, [Mr. HILL.]

The roll-call was concluded.

Mr. MORGAN. I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] I am paired with the Senator from Texas, [Mr. MAXEY.]

The result was announced—yeas 18, nays 19; as follows:

YEAS—18.

Bayard,	Cockrell,	Harris,	Saulsbury,
Beck,	Coke,	Jackson,	Slater,
Brown,	Farley,	Johnston,	Vest.
Call,	Gorman,	Pendleton,	
Camden,	Hampton,	Pugh,	

NAYS—19.

Blair,	Hale,	Logan,	Morrill,
Conger,	Harrison,	McDill,	Platt of Conn.,
Dawes,	Hawley,	McMillan,	Rollins,
Edgerton,	Hoar,	Miller,	Sawyer.
Frye,	Ingalls,	Mitchell,	

ABSENT—39.

Allison,	Fair,	Jones of Nevada,	Saunders,
Anthony,	Ferry,	Kellogg,	Sewell,
Burnside,	Garland,	Lamar,	Sherman,
Butler,	George,	McPherson,	Teller,
Cameron of Pa.,	Groome,	Mahone,	Vance,
Cameron of Wis.,	Grover,	Maxey,	Van Wyck,
Conkling,	Hill of Colorado,	Morgan,	Voorhees,
Davis of Illinois,	Hill of Georgia,	Platt of N. Y.,	Walker,
Davis of W. Va.,	Jonas,	Plumb,	Williams.
Edmunds,	Jones of Florida,	Ransom,	

The PRESIDING OFFICER. No quorum has voted.

Mr. BAYARD. I ask the unanimous consent of the Senate to submit one or two remarks, which I know are not in order if any one objects.

Mr. LOGAN and others. No objection.

The PRESIDING OFFICER. Is there objection to the Senator from Delaware proceeding to debate? ["No objection!"] The Chair hears none, and the Senator from Delaware will proceed.

Mr. BAYARD. My object is simply to contribute to the practical and orderly conduct of the business of this body. I have none other than a public purpose in coming here, and I have had none at any time other than a public purpose in addressing the Senate. Three times, or more than three times, within the last half hour it has been disclosed to the Senate that there is not a quorum present who can vote. Why is it that when 49 names are recorded upon the roll call, a quorum of 39 cannot be found upon any vote? It is because upon the solicitation of gentlemen on the other side of the Chamber a number of Senators have agreed to pair with them. I do not say that it is so in the case of every pair, but I do say it is within the personal knowledge of Senators as well as it is within my knowledge

that enough are absent upon the request and for the convenience and in response to the sense of comity, originating with the other side, to break a quorum of the Senate.

Therefore it is that I submit to our brethren on the other side that it would be well to let the ordinary adjournment take place. We have been here since twelve o'clock; it is now past six. I do not know how it may be with others, but my fast has not been broken for more than nine hours. I know very well from practical experience that it is not precisely the condition in which men should attend to grave public business. The tempers of men are not improved by it; the tone of debate is not elevated by it; there is no good to be gained by it. That has been proved over and over again.

I desire of all things to treat worthily the questions which I approach in this body. I would not have the proceeding on a question of this kind, upon which I take it for granted there is conscience on both sides, degenerate into a mere wrangle. I will not use the term "physical endurance;" it is not the question for this body. We are not here to decide questions upon physical endurance; we are here to decide them according to reason, and courtesy, and law. Therefore I say, having spent the day in the attempt to settle this question, let us adjourn this settlement until to-morrow. If it may not be reached then, let the usual adjournment still take place.

We had nearly three weeks of disagreement as to the organization of the committees of the Senate. There was no such attempt made as to punish men physically for a disagreement in opinion. Why should it be made now and continued upon this question?

I submit, with all respect, to those who lead this debate upon the other side, and to my honorable friend from Massachusetts [Mr. DAWES,] that it would be well and proper for us now at the hour at which we stand, and in view of the fact that one-third of our associates have deliberately absented themselves from our council, that we should adjourn. I ask the Senator from Massachusetts to make that motion.

Mr. DAWES. It does not become us, of course, to impugn any Senator's motives in the course which each Senator deems it his duty to pursue here. I assume that all of my associates here are actuated by what they conceive to be a common duty. We have been here all day since twelve o'clock, differing very essentially as to what our duty is. A majority, a constitutional majority, of this body are of opinion that we should proceed to the election of officers. There are enough in the constitutional minority to have kept up the struggle until this time. At this time there is disclosed a want of a quorum. In my own experience in Congress I have never seen anything practical accomplished by an attempt to force the attendance of members of the other House or of this. I do not think that if we should attempt to enforce the attendance of members here to-night, it would result in anything practical. If our fellow-Senators do not feel moved by a sense of duty sufficient to keep them in their places and in the discharge of their duty until a majority of the Senate shall be here, but leave those who feel otherwise to stay here and find themselves without a quorum, that is for them to answer.

I am willing to stay here and discharge this duty, and meet it at the end when the end shall come, answering to those who have a right to call me to an account for the manner in which I do it; but if of those who act with me and those who act upon the other side, enough of them feel otherwise, so that they leave us who feel it our duty to stay here without a quorum, they must take the responsibility. Therefore I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and ten minutes p. m.) the Senate adjourned.

SATURDAY, *March* 26, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

APPOINTMENTS IN THE WAR DEPARTMENT.

Mr. PLUMB. I wish to submit an amendment which I intend to offer to the resolution submitted by my colleague [Mr. INGALLS] yesterday in relation to appointments in the War Department, which I ask may lie on the table, to be called up when the resolution is brought before the Senate. Let it be read now for information.

The CHIEF CLERK. The proposed amendment is to add to the resolution:

Eleventh. From what States, Territories, or districts, respectively, said clerks and other employés were appointed.

The VICE-PRESIDENT. The amendment will lie on the table.

OFFICERS OF THE SENATE.

Mr. DAWES. I call for the regular order.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the regular order, and the unfinished business of yesterday is before the Senate, which is the resolution submitted by the Senator from Massachusetts for the election of certain officers of the Senate. The pending question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the resolution lie on the table.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT put the question on the motion and declared that he was in doubt as to the result.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. FERRY, (when his name was called.) I desire to state for the day that I am paired with the Senator from Georgia, [Mr. HILL.] Were he present, I should vote "nay."

Mr. GARLAND, (when his name was called.) On this subject I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who if here would vote "nay" and I should vote "yea." I make this statement for the entire day.

Mr. KELLOGG, (when his names was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] I announce this pair for the day.

Mr. RANSOM, (when his name was called.) I am paired with the Senator from New York, [Mr. CONKLING.]

Mr. SAUNDERS, (when his name was called.) On this question and on all political questions I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The roll-call was concluded.

Mr. FARLEY. On this question I am paired with the Senator from New York, [Mr. PLATT.] If he were here, I should vote "yea."

The result was announced—yeas 29, nays 29; as follows:

YEAS—29.

Bayard,	Davis of W. Va.,	Johnston,	Saulsbury,
Beck,	Fair,	Jonas,	Slater,
Brown,	George,	Jones of Florida,	Vest,
Call,	Gorman,	Lamar,	Voorhees,
Camden,	Grover,	Maxey,	Walker.
Cockrell,	Hampton,	Morgan,	
Coke,	Harris,	Pendleton,	
Davis of Illinois,	Jackson,	Pugh,	

NAYS—29.

Allison,	Hale,	McDill,	Rollins,
Blair,	Harrison,	McMillan,	Sawyer,
Burnside,	Hawley,	Mahone,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Miller,	Teller,
Conger,	Hoar,	Mitchell,	Van Wyck.
Dawes,	Ingalls,	Morrill,	
Edgerton,	Jones of Nevada,	Platt of Conn.,	
Frye,	Logan,	Plumb,	

ABSENT—18.

Anthony,	Farley,	Kellogg,	Sewell,
Butler,	Ferry,	McPherson,	Vance,
Cameron of Pa.,	Garland,	Platt of N. Y.,	Williams.
Conkling,	Groome,	Ransom,	
Edmunds,	Hill of Georgia,	Saunders,	

So the motion was not agreed to.

Mr. DAWES. I hope the vote will now be taken on the motion of the Senator from Tennessee.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the pending resolution lie on the table, on which the yeas and nays have been ordered.

Mr. DAWES. I understood the motion to be to postpone.

Mr. FERRY. What is the motion?

Mr. DAWES. Let the Chair state the motion again.

The VICE-PRESIDENT. The motion of the Senator from Tennessee [Mr. HARRIS] is that the pending resolution lie on the table.

Mr. TELLER. I thought it was to postpone until December.

Mr. HOAR. He made this pending the other motion.

Mr. HARRIS. The motion to postpone will be in order when this motion is disposed of, but the Chair states the motion correctly. It is to lay the resolution on the table, upon which the yeas and nays were ordered yesterday.

The VICE-PRESIDENT. The Secretary will proceed to call the roll on the motion of the Senator from Tennessee to lay the resolution on the table.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay." I make this announcement for all votes of this character that may be taken this morning.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York [Mr. PLATT] on all questions connected with this matter. If he were present, I should vote "yea."

Mr. RANSOM, (when his name was called.) As I before stated, I am paired with the Senator from New York, [Mr. CONKLING.] If he were here, I should vote "yea."

Mr. BECK, (when the name of Mr. WILLIAMS was called.) My colleague [Mr. WILLIAMS] is still absent from the city because of sickness, and his pair continues with the Senator from Nebraska, [Mr. SAUNDERS.] I announce the pair for the day.

The roll-call was concluded.

Mr. MORRILL. My colleague [Mr. EDMUNDS] is paired with the Senator from Arkansas, [Mr. GARLAND.]

The result was announced—yeas 28, nays 29; as follows:

YEAS—28.

Bayard,	Davis of W. Va.,	Jackson,	Pendleton,
Beck,	Fair,	Johnston,	Pugh,
Brown,	George,	Jonas,	Saulsbury,
Call,	Gorman,	Jones of Florida,	Slater,
Camden,	Grover,	Lamar,	Vest,
Cockrell,	Hampton,	Maxey,	Voorhees,
Coke,	Harris,	Morgan,	Walker.

NAYS—29.

Allison,	Hale,	McDill,	Rollins,
Blair,	Harrison,	McMillan,	Sawyer,
Burnside,	Hawley,	Mahone,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Miller,	Teller,
Conger,	Hoar,	Mitchell,	Van Wyck.
Dawes,	Ingalls,	Morrill,	
Edgerton,	Jones of Nevada,	Platt of Conn.,	
Frye,	Logan,	Plumb,	

ABSENT—19.

Anthony,	Edmunds,	Hill of Georgia,	Saunders,
Butler,	Farley,	Kellogg,	Sewell,
Cameron of Pa.,	Ferry,	McPherson,	Vance,
Conkling,	Garland,	Platt of N. Y.,	Williams.
Davis of Illinois,	Groome,	Ransom,	

So the Senate refused to lay the resolution on the table.

Mr. PENDLETON. I move the indefinite postponement of the resolution, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Pending that, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. That motion is in order. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt.

Mr. TELLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. CONKLING. I think the Senator from North Carolina [Mr. RANSOM] is recorded.

The VICE-PRESIDENT. He is recorded.

Mr. CONKLING. Then I vote "nay."

The result was announced—yeas 30, nays 30; as follows:

YEAS—30.

Bayard,	Davis of W. Va.,	Johnston,	Ransom,
Beck,	Fair,	Jonas,	Saulsbury,
Brown,	George,	Jones of Florida,	Slater,
Call,	Gorman,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Pendleton,	
Davis of Illinois,	Jackson,	Pugh,	

NAYS—30.

Allison,	Frye,	Logan,	Plumb,
Blair,	Hale,	McDill,	Rollins,
Burnside,	Harrison,	McMillan,	Sawyer,
Cameron of Wis.,	Hawley,	Mahone,	Sherman,
Conger,	Hill of Colorado,	Miller,	Teller,
Conkling,	Hoar,	Mitchell,	Van Wyck.
Dawes,	Ingalls,	Morrill,	
Edgerton,	Jones of Nevada,	Platt of Conn.,	

ABSENT—16.

Anthony,	Farley,	Hill of Georgia,	Saunders,
Butler,	Ferry,	Kellogg,	Sewell,
Cameron of Pa.,	Garland,	McPherson,	Vance,
Edmunds,	Groome,	Platt of N. Y.,	Williams.

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio, [Mr. PENDLETON,] to indefinitely postpone the resolution, on which the yeas and nays have been ordered.

Mr. LOGAN. I desire to call the attention of the Senate to a statement that by way of interrogatory has been made by several Senators on the other side of the Chamber, first by the Senator from Florida [Mr. JONES] and next by the Senator from Georgia [Mr. BROWN] and again by the Senator from Virginia, [Mr. JOHNSTON,] that the proposition to go into this election is without precedent, and that at no time in the history of this country had the election of officers of the Senate ever taken place at an executive session called like this. I believe that was the statement.

Mr. BUTLER and Mr. DAVIS, of West Virginia. With one exception.

Mr. LOGAN. I desire, so that the declaration shall not go to the country unchallenged, to read the proceedings of the Senate at an executive session, called, as this is, March 16, 1853:

The Senate proceeded to consider the resolution submitted by Mr. Adams, the 14th instant, respecting the election of the Secretary and Sergeant-at-Arms of the Senate; and, having been amended, was agreed to as follows:

Resolved, That the Senate will, to-morrow at one o'clock, elect a Secretary, Sergeant-at-Arms, and Assistant Doorkeeper.

That was agreed to on the 16th day of March, 1853, and the election proceeded in accordance with that resolution at that executive session. Then on March 17, 1853:

The Senate proceeded to the election of a Sergeant-at-Arms and Doorkeeper, pursuant to the resolution of the 16th instant; and, on counting the ballots, it appeared that Dunning R. McNair was duly elected.

Mr. McNair attended; and the oath prescribed by law was administered to him by the President *pro tempore*.

The Senate proceeded to the election of an Assistant Doorkeeper, pursuant to the resolution of the 16th instant; and, on counting the ballots, it appeared that Isaac Holland was duly elected.

Mr. Holland attended; and the oath prescribed by law was administered to him by the President *pro tempore*.

I merely call the attention of the Senate to this record to show that precisely the same proceeding we are now attempting was enacted in the Senate on the 16th day of March, 1853, under a resolution offered by Mr. Adams, of Mississippi, on the 14th of that month. The election took place under a resolution similar to the one that we have offered; the officers were sworn in; they took their places, performed their duties; and afterward a resolution was offered in the Senate, which I shall not read but merely state, giving to the outgoing officers of the Senate certain pay or extending their salary so as to cover a certain term. That was exactly the proceeding in 1853, and, as far as I have read, it is precisely in accord with that which we propose to do now.

Mr. BUTLER. *Apropos* of that, I ask the Clerk to read part of the debate which took place in this Chamber March 24, 1879. I believe our republican friends on that occasion expressed their opinion on the subject of a change of the officers of the Senate, and I am inclined to suppose they will remain of the opinion which was then expressed by some of the leading republican Senators on the other side of the Chamber. In view of giving them the benefit of what was then said, I ask the Clerk to read from page 47 of the RECORD of the Forty-sixth Congress, first session, the debate of March 24, 1879.

Mr. BROWN. Before the reading——

Mr. BUTLER. I will further state that as I understand the debate on this side of the Chamber it was conceded on all sides that there was one precedent, and but one precedent.

Mr. BROWN. That is the remark I was going to make. If the Senator from Illinois will refer to the RECORD he will find that I stated there had been one exception to this rule. Then my honorable friend from Florida I think interposed and said that there was but one of the officers elected as he recollected at that session. The Senator will see by reference to the RECORD that I made the exception.

Mr. LOGAN. That is immaterial. I am not going into a discussion as to what was said on either side. The question was asked me by the Senator from Florida if there was any precedent for this proceeding. I said—I remember it perfectly well—that I had not examined to see whether there was or not. That is what I said at the time, because I had not then made the examination; but for the purpose of answering the Senator's question I examined the records, and I found the precedent that I have read.

Mr. HARRIS. It has been stated more than once I am sure upon this side of the Chamber that there was one single exception, and but one, to the general rule, and that was in 1853. Upon a somewhat careful examination I have found no other. I have found that one, and it has been stated, as I have before said, more than once on this side of the Chamber pending this debate.

Mr. LOGAN. That one is enough.

Mr. HARRIS. I beg the Senator from Illinois to give his attention to that occasion. It was a resolution by which every officer of the Senate but one was simply declared re-elected, and that one it was declared was removed for cause and a successor appointed; but the officer going out upon that occasion, though removed for cause, I believe was voted a year's salary, the salary to continue for a year after, certainly for some considerable time after he was so discharged for cause. If the Senator from Illinois has found another precedent where at an executive session the officers of the Senate have been elected, he has been more fortunate in his researches than I have been, and more fortunate than I think any one else has been or will be; because I think it is the only time when such a thing was undertaken from the beginning of the Government up to 1853; and never from 1853 up to this occasion has such a thing been attempted in the Senate.

Mr. LOGAN. I will say in response to the Senator from Tennessee that it is no matter whether there be many or few precedents, there is certainly one; nor does it make any difference whether the Senate elected the same officers or other officers. The question is, have we a right to elect, not whom we choose to elect.

Mr. HARRIS. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from South Carolina [Mr. BUTLER] yield the floor?

Mr. BUTLER. I do, for the present.

Mr. HARRIS. I do not think any one on this side of the Chamber questions the constitutional power of the Senate to elect its own officers at this time. I certainly do not. Whenever the Senate is in session I hold it to be within the constitutional power of the Senate to perform any act that the Senate may perform without the concurrence of the House of Representatives. I do not question the constitutional power.

Mr. LOGAN. That is exactly what I have contended for all the time. If that is the right of the Senate, then the minority is obstructing the authority of the majority of the Senate; and that is the point precisely that I make.

One word more and I am done. It is not a good argument to say that this should not be done because there are not many precedents for it. The Senator very well knows the history of the Senate. Up to 1853 the politics of the Senate had been one way for a great while. A change then took place, and an election of officers was had. The Senate then remained in that condition up to 1861. An election took place then, not at an executive session but at a regular session. Some officers were changed and others put in their places, and some were retained. The Senate remained from that time up to two years ago with the same political majority that it had at that time. Hence no election occurred. These elections only occur when the political status of the Senate changes, and whenever it does change the power then is in the majority to either retain the same officers or elect new officers. The right to elect the officers of the Senate is a constitutional right given to the majority which no one has a right to gainsay.

I merely read this precedent to answer the interrogatory that had been put to me by the Senator from Florida, in order that I might place before the country a precedent justifying our own action in the premises at least.

Mr. FARLEY. Will the Senator from Illinois allow me to ask him a question before he takes his seat?

The VICE-PRESIDENT. Does the Senator from South Carolina yield further?

Mr. FARLEY. For one moment.

Mr. BUTLER. Certainly.

Mr. FARLEY. As the Senator from Illinois seems to be apt in hunting up precedents, I ask him if he can find a precedent where the dominant party have continuously refused to go into executive session for the purpose of considering appointments made by a President of their own party, as the party on the other side of the Chamber has refused on this occasion? Further, sir, you cannot find a precedent, in my judgment, where a party has refused to go into an executive session of the Senate simply for the purpose of avoiding action upon nominations, and that solely for the purpose of considering questions that might be brought up in the discharge of the duties of the Senate in executive session, so far as appointments are concerned.

Here we have treaties that are lying on the table of the Secretary. They have been there for weeks, and it is necessary that they should be considered. I find our republican friends on the opposite side of the Chamber refusing to go into an executive session for an hour or for a minute. After we come out of executive session you can renew your fight here on this question. If you show me a precedent where the party in power, or a party claiming to be the party in power, has refused to go into executive session for the purposes which I have mentioned, I should like to see it.

Mr. LOGAN. I will say to the Senator that, inasmuch as his time is not wholly employed, I suppose it would be very interesting to him to perform that duty himself, and not ask it of others.

Mr. FARLEY. I certainly am not engaged in hunting up precedents on this question.

Mr. LOGAN. I am not engaged in hunting up precedents for the Senator in order to aid him in his argument; but in reply, to give him a kind of Yankee answer, as it is termed in our part of the country, will he be kind enough in the time that is allotted to him in which he has nothing else to do to hunt up some precedent and place it before the Senate where the minority of the Senate has ever endeavored to rule the majority in their right to elect the officers of the Senate?

Mr. FARLEY. Allow me to say to my dear friend from Illinois that the minority of the Senate for two weeks filibustered against the majority in reference to the organization of the committees. Before the adjournment of the last Congress for two or three days and one whole night the other side of the Chamber filibustered against going into executive session, and refused to vote sitting in their seats. My distinguished friend from New York [Mr. CONKLING] shakes his head. I remember distinctly that he on the last night of the Forty-sixth Congress refused to vote, and other Senators on that side did the same thing, and we were in session here during the entire night.

Mr. CONKLING. Will the honorable Senator indulge me for one moment?

Mr. FARLEY. Certainly, sir, with the greatest pleasure.

Mr. CONKLING. I will occupy that moment in expressing the hope that when the Senator comes to look up the precedents he will be less inaccurate about the former ones than he is about those so recent. He evidently knows nothing about them.

Mr. FARLEY. If I should be as accurate about the former ones as about the one I have just stated, I would be entirely accurate in all that I might state. But I say I am not hunting up precedents on this question. I simply say that there are no precedents where the party in power or those claiming to be the party in power have refused as persistently as has the republican side of the Chamber to go into executive session in order to consider the business which we have been called here to transact.

Mr. DAWES. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. DAWES. Is the Senator from South Carolina entitled to the floor?

Mr. BUTLER. I am; but I yield to the Senator from Massachusetts.

Mr. DAWES. I was merely anxious to call the attention of the Senate to the business before it, for I am very desirous of proceeding with the business of the session for which we were called. I know it would be an interesting discussion of the constitutional power of the Senate to elect its own officers, adopt its own rules, choose its presiding officer, do anything that is absolutely necessary to make it a Senate, so that it could do executive business, if it would so chance that the House was not in session at the other end of the Capitol. I know that would be a very interesting question, and I think that it would be very much to our profit if we could find that somebody had discovered before now that it was a question. The search for precedents seems to be in the British Parliament the way to settle every question which arises. There is a committee appointed to search for precedents, and if it can be found that a thing has ever been done before, that settles the question whether it ought to be done now. That might be a proper pursuit of this Senate, if we were not pressed with the public business for which we were called here; but inasmuch as it is absolutely necessary in order to proceed with the public business that the Senate should be organized, and should be organized as its majority and not its minority shall determine, I think it would be in the interest of the public business that we should vote directly upon the motion of the Senator from Tennessee; and if the majority of the Senate shall determine that they will postpone indefinitely or till next December this resolution, that ought to settle it in everybody's mind. If on the other hand the majority shall determine otherwise, we all ought to acquiesce and proceed as the majority shall determine. That is the theory upon which the Government rests, and any departure from it is a departure from the very fundamental principles upon which the whole structure of this Government is founded, and I know there can be no considerable number of Senators who desire to overthrow the Government by any departure——

Mr. BUTLER. May I interrupt the Senator one moment to ask him a question?

Mr. DAWES. Certainly.

Mr. BUTLER. I should like to ask the Senator from Massachusetts if the Senate is not organized for business, and if there is any complaint against any single officer in the employment of this Senate?

Mr. DAWES. If the Senator will only let us vote on this resolution, he will have an answer that neither he nor myself can go behind.

Mr. BUTLER. I think if the Senator will only withdraw his resolution and let us proceed with the business for which we were assembled, it will be a great deal better for all parties.

Mr. DAWES. I have asked the question of the Senate, and presented it in the form of a resolution to the Senate, whether the Senate is now organized and officered in accordance with the will of the majority. I shall abide by that vote without question, and I know the Senator from South Carolina is just as willing as I am to abide by it. The Senator from South Carolina never resists the results of a majority where the verdict, the decree of the majority is honestly expressed, and I know he will not now.

Mr. BUTLER. May I ask the honorable Senator what occasion there is for the exercise of the will of the majority in this particular direction just at this particular time? I should like to ask that question.

Mr. DAWES. I do not know who can answer that question as well as the majority of the Senate.

Mr. BUTLER. Well, Mr. President, the Senator from Massachusetts represents the majority; he represents the caucus of the republican party, and I therefore take it he can answer as well as every Senator can answer for himself.

Mr. DAWES. With all due respect to the Senator from South Carolina, I do not feel like setting up my own private judgment against the will of the majority constitutionally expressed.

Mr. BUTLER. I ask that the Secretary proceed to read what I have marked in the record of the proceedings of March 24, 1879, with a view of enlightening the Senator from Massachusetts.

The Chief Clerk read as follows:

OFFICERS OF THE SENATE.

Mr. WALLACE. I move that the Senate proceed to the election of Secretary, Sergeant-at-Arms and Doorkeeper, Chief Clerk, principal Executive Clerk, and Chaplain.

Mr. EDMUNDS. I think the Senator had better reduce his resolution to writing. If it covers so many we cannot know how many we are to vote upon.

Mr. WALLACE. It is simply a motion to proceed to the election of these officers.

The VICE-PRESIDENT. To the motion of the Senator from Pennsylvania to proceed to the election of these officers the Chair hears no objection.

[A message was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. BUTLER. Inasmuch as we have just received a communication from the President of the United States, I move that the Senate proceed to the consideration of that message; and therefore I move that the Senate proceed to the consideration of executive business. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I announce now for the last time that I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] It is not necessary to detain the Senate by continuing to make that announcement.

Mr. FARLEY, (when his name was called.) I announce that I am paired with the Senator from New York [Mr. PLATT] on all questions connected with this resolution. I make the announcement now so that I need not continue to make it hereafter during the various calls in the afternoon.

Mr. TELLER, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. MORGAN,] who is temporarily absent from the Chamber. If he were present, I should vote "nay."

The roll-call having been concluded the result was announced—yeas 28, nays 28; as follows:

YEAS—28.

Bayard,	Davis of Illinois,	Harris,	Pendleton,
Beck,	Davis of W. Va.,	Jackson,	Pugh,
Brown,	Fair,	Johnston,	Ransom,
Call,	George,	Jonas,	Saulsbury,
Camden,	Gorman,	Jones of Florida,	Slater,
Cockrell,	Grover,	Lamar,	Voorhees,
Coke,	Hampton,	Maxey,	Walker.

NAYS—28.

Allison,	Edgerton,	Ingalls,	Mitchell,
Blair,	Frye,	Jones of Nevada,	Morrill,
Burnside,	Hale,	Logan,	Platt of Conn.,
Cameron of Wis.,	Harrison,	McDill,	Rollins,
Conger,	Hawley,	McMillan,	Sawyer,
Conkling,	Hill of Colorado.	Mahone,	Sherman,
Dawes,	Hoar,	Miller,	Van Wyck.

ABSENT—20.

Anthony,	Ferry,	McPherson,	Sewell,
Butler,	Garland,	Morgan.	Teller,
Cameron of Pa.,	Groome,	Platt of N. Y.,	Vance,
Edmunds,	Hill of Georgia,	Plumb,	Vest,
Farley,	Kellogg,	Saunders,	Williams.

So the motion was not agreed to.

Mr. MORRILL. Mr. President, it is not my purpose to take part in this debate; but I desire to show the Senator from South Carolina that there is very good reading in the volume which he has had in part read at the Clerk's desk, and I do this with the more gratification because the Nestor of the democratic party here, the Senator from Delaware, yesterday came at us with philosophy and with poetry and politics, and with a very solemn intoned voice charged that the country would ring with what we were doing here on the present occasion. At least he made the Senate ring with what he gave utterance to yesterday. I now desire to call his attention and that of the Senate to the remarks made two years ago by that Senator, and I will ask——

Mr. BUTLER. Mr. President, I of course do not desire to interrupt the Senator from Vermont, but I was proceeding to deliver my speech, which I have not completed.

Mr. MORRILL. The Senator from South Carolina lost the floor upon the taking of the vote.

Mr. BUTLER. I am aware of that; but I appeal to the Senator from Vermont to permit me to complete what remarks I was making by having the record read to the point where I desired to stop.

Mr. MORRILL. I shall occupy but a short time, and if the Senator will allow me to finish now, I should prefer to do so.

Mr. BUTLER. Certainly, if the Senator is entitled to the floor.

The VICE PRESIDENT. The Senator from Vermont declines to yield.

Mr. MORRILL. The Senator from Delaware [Mr. SAULSBURY] spoke as follows two years ago, March 21, 1879:

I should be very glad to see our brethren on the other side take their present situation a little more cheerfully. I could congratulate them, from the experience of a number of years in the minority, on the fact that it is a much pleasanter position than I apprehend they found as members of the majority. They can aid in giving proper information at the proper time and in a proper way; but on this side of the House when we strike a line on our own action it is a duty to ourselves not to permit the other side of the House to shape our course of policy in reference to any particular measure. It had better be understood at once that the democratic party in possession have responsibilities now upon them, and intend to pursue their own line of policy, uncontrolled and uninfluenced by what may be the wishes of the other side in reference to questions especially of a political character. I hope our friends on the other side will reconcile themselves to their present position, and like Christian statesmen bear it manfully. [Laughter.]—*Congressional Record*, Forty-sixth Congress, first session, page 40.

Again, the Nestor of the democratic party was heard from later. He said, on April 18, 1879:

I think we are fully competent to manage the affairs of the Senate and retain such officers as in our judgment it is proper to retain and to remove such as in the opinion of those who are charged with the management of the public business in this Chamber should be removed.

I have nothing to say against the employés of the Senate, those that have been placed in power by our republican friends.

And again:

I desire to say for one that I have no disposition to see a slaughter of the innocents; but at the same time as a democrat I should be untrue to my own feelings, I believe I should be untrue to the party that placed me as a Senator on this floor, if I should prefer my enemies to my friends. I do not do it, and I think there are places within the employment of this Senate that should be given to our democratic friends, and for one I shall advocate that policy, notwithstanding it meets with reprehension from gentlemen on the other side.—*Congressional Record*, Forty-sixth Congress, first session, page 539.

Mr. SAULSBURY. Mr. President, I think the Senator from Vermont has done me a favor in reading my remarks on that occasion; but I desire to remind him that that was at a regular session. There was not any attempt on the part of the democrats of the Senate to go into an election of officers at an executive session; and it became necessary from the restlessness displayed on the other side that they should have some proper advice given to them, and I volunteered, perhaps a little officiously, to give to my friends on the other side some advice which I think was practically beneficial to them and improved their political morality in a very considerable degree. I have nothing to take back of anything I said then. If the Senator had read this at a regular session, when it would have been proper to go into an election of officers, it perhaps might have been more appropriate than it is on the present occasion.

Mr. BUTLER. Now, Mr. President, as we have heard from the Nestor on the democratic side, I propose that we shall hear from the Nestor on the republican side; and inasmuch as "the constitutional majority of the Senate," consisting of the Senator from Virginia [Mr. MAHONE] and Mr. Riddleberger, decline to go into consideration of executive business, I ask that the Nestor of the Senate on the republican side be heard as he spoke in debate in 1879. I refer to the Senator from Rhode Island, [Mr. ANTHONY.] I ask the Clerk to resume the reading where he left off.

The Chief Clerk read as follows:

Mr. EDMUNDS. I hope the Chair will put the question. I do not know of any reason for proceeding to the election.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the election of the officers named.

Mr. WALLACE. Let the Secretary read the names of the officers.

The SECRETARY. Secretary, Sergeant-at-Arms and Doorkeeper, Chief Clerk, principal Executive Clerk, and Chaplain.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania, [Mr. WALLACE.]

Mr. ANTHONY. Mr. President, I am too well aware that nothing which I can say, nothing which any one may say, will arrest or modify the foregone determination to make a sweeping change of the officers and servants of the Senate; a change demanded, not by any deficiencies or neglect of duty on their part, but by the inexorable necessities of political partisanship. Yet, as one who has served long in this body, who has paid some attention to its rules, and who has a profound respect, nay a reverence, for its precedents and its traditions, I am unwilling to see the measure initiated without recording my protest and uttering my unavailing warning to the majority against the personal discomfort and inconvenience to which they are subjecting themselves and their associates, and the danger to which they are exposing the orderly and decorous transaction of the business of the Senate.

The Senate, except the judiciary, is the most conservative part of the Government. Unlike the House of Representatives, which expires every two years, and is renewed fresh from the people, the Senate never dies. The same which it was, when it met, in 1789, it is now, and has held continuous and unbroken existence ever since. Its offices have naturally partaken of its permanent character. Its elective officers are chosen, not for a definite period, but during the pleasure of the Senate, and its subordinate officers have not been, habitually, removed without cause, nor for many years, without the approval of the Vice-President. This policy has secured to us a corps of trained, experienced, respectful, and efficient servants, who knew that their tenure of office was in their good behavior, not in their political opinions. Since its organization, the Senate has had but six secretaries: the first was Samuel Allyn Otis, who was elected in 1789 and served till his death in 1814, a period of twenty-five years; the second was Charles Cutts, who was elected in 1814 and served till 1825, a period of eleven years; Walter Lowery was elected in 1825 and served till 1836, a like period of eleven years, when he resigned, and Asbury Dickins was elected, who served till 1861, a period of twenty-five years; the infirmities of age had come to interfere with his attendance upon the Senate and to incapacitate him for the performance of his duties. A republican Senate elected the Chief Clerk, William Hickey, a democrat, acting secretary, continuing Mr. Dickins as Secretary. But the arrangement did not work well. The two did not get on together. Mr. Dickins was unwilling to remit to Mr. Hickey the duties which he could not perform himself. At his suggestion the Senate proceeded to the election of his successor, and provided for the salary of Mr. Dickins for a year, in the course of which he died.

The office required vigorous manhood and the full possession of the physical as well as the intellectual powers that pertain to that condition. John W. Forney was elected in 1861 and served till 1868, when he resigned. Mr. Hickey was continued in the office of chief clerk till 1866, when he died. In 1868 the present efficient and accomplished Secretary was elected, and who is about to be displaced for no complaint or allegation of wrong on his part. How important and dignified the office was regarded is attested by the fact that the first Secretary had been a delegate to the Continental Congress, and his two immediate successors had been members of this body. The others rose to the position through a series of important positions, that manifested the public confidence and the respect of their fellow-citizens.

When I first entered this Chamber the door of the main entrance was opened for me by the venerable man who sits at it now; who had then been here for a period as long as I have remained since, covering a time of forty years. I found in charge of the document-room Moses Titcomb, who had come down from the days of Webster and Clay and Calhoun and Benton, and was esteemed by them all, and was frequently consulted by them on matters of his department. He was a most accomplished man for his position; he seemed to have in his head a *catalogue raisonné* of all the documents that had been printed from the beginning of the Government. If you wanted an old bill or a forgotten report, belonging to one of the early Congresses, you had but to write the subject, or a hint of the subject, on a card, send it up to him by a page, and the document came down to you. He remained in office till increasing years caused his resignation, and was succeeded by a man who had been trained under his eye, and who partakes largely of his varied and accurate information upon the subjects under his charge. He is still in office; but the hands of the clock are hurrying to his doom.

At that desk sat William J. McDonald who had been, twenty-three years previously, appointed a clerk, on the resignation of his father, a few days before his death, after twenty-seven years' service. Mr. McDonald had then been in service twenty-three years, and remained nineteen years longer, till his death, having risen to the position of chief clerk that was occupied by his father. His son is now in office here. At his death the Senate honored his memory by taking a recess to attend his funeral; his pall was borne by Senators, and his funeral expenses were paid out of the contingent fund. I found here my friend, Mr. Bas-

sett, who sits on your left, whose hairs have whitened in the service of the Senate, and who has sat there so long that he seems almost a part of the Chamber. He entered the Senate nigh fifty years ago as a page, and has risen step by step through his own merit to the second place in its executive administration. I trust that I violate no confidence when I say that he has recorded the memoirs of his long connection with this body, and that he proposes to give them to the public. They will not fail to form an interesting chapter of American personal history.

I might adduce other examples, but I forbear. Of the hundred and twenty officers of the Senate, I judge that full thirty are democrats, some of whom we found in office, when we came into possession, in 1861, and others have since been selected, through the liberality of the appointing power. Such has been the practice of the Senate. I regret the new departure. I think that it is regretted, on personal grounds, and by a regard for the traditions of the Senate, by many of those who are about to make it, particularly the older Senators, and who are impelled to it by a force which few men have the strength to resist. We on this side of the Chamber have no power to prevent it. We share in the inconvenience, but we have no part in the responsibility.

Mr. HAMLIN. Mr. President, I think my friend from Rhode Island did not state so distinctly as he might have done, and perhaps ought to have done, one fact in connection with the persons who have held the various offices in this body to which he has referred. He did in gross refer to the number of political opponents of what had been the majority of this body who were allowed to retain places here; but it will be recollected by all who are cognizant of the facts that Mr. Dickins held the office of Secretary through the varied administrations of three distinct parties. He was elected by the democratic party by a very close vote. Subsequent to that period of time the old whig party had control of this body, and they sought not to disturb him. Following them came the republican party, and we sought not to disturb him. He was not removed in the true sense of the word. An election of Mr. Forney was had at Mr. Dickins's own suggestion, and this body provided for an additional year's salary for him before that election took place, and before that year had expired Mr. Dickins deceased. Mr. Hickey, another pronounced democrat, had served here through, I think, the administration of three distinct parties; and the worthy, the accomplished, and I add the beloved officer who sits at your left (Mr. Bassett) has, I think, held through as many. And Mr. McDonald was found here; he was retained and promoted up to the office of Chief Clerk regularly from the position which he held.

Such has been the administration of this body politically. Individually I care very little about the matter; but as a Senator I do say that I regret to see this sweeping removal of the best officers we have and the putting in their places of men who, if equally qualified, will require a long and varied experience before they can discharge their duties equally well. I had hoped the mad spirit of partisanship would not thus run riot in this body, but that the counsels and the practices and the precedents of this body might in a small degree have been observed. It is not to be so, however, and I can only say again that I regret it exceedingly.—*Congressional Record*, Forty-sixth Congress, first session, pages 47 and 48.

Mr. BUTLER. There are expressions of the opinion of two of the Nestors of the Senate, one of whom, [Mr. HAMLIN,] I regret to say, is no longer a member of the body. Now, I should like to have the view of another Nestor read for the information of our friends on the other side.

The Chief Clerk read as follows:

Mr. CONKLING. Mr. President, I have heard nobody present the proposition which the honorable Senator from Pennsylvania answers. I have heard nobody suggest that, if either or all of these places were vacant, it would be improper for the majority of the Senate to fill that place or those places with a person or with persons of their own political persuasion. The Senator from Pennsylvania rises to vindicate the propriety of such action. If the case were here, it would need no vindication. Nobody I think would urge, if the Secretaryship of the Senate were vacant and a proper man could be found, as doubtless he could, in the democratic party, that the democrats ought not to vote for him rather than for some other man of different political standing.

The suggestion made so forcibly by the Senator from Rhode Island [Mr. ANTHONY] and the Senator from Maine, [Mr. HAMLIN,] as I understand it, is wholly different. This is the position: For the first time in the history of the American Senate, for the first time in the history of political parties in this country, a party majority insists upon vacating by removal, without cause, all the chief places of the Senate, to the end that they may put in favorites of their own. The Senator from Pennsylvania [Mr. WALLACE] has said not one word to justify or excuse that. The history of the Senate is against it. The experience of all those who have gone before us disapproves it. The usage and custom of the body has affirmed that these places ought not to be put up in a political raffle and ought not to be made the rewards or the penalties of political service. The unvarying judgment of the past declares that those who hold these places should stand and be allowed to remain on their merits. That all this is to be reversed, is the more noticeable now, because we have heard, the whole country has heard, so much of late about political appointments. Reform in this respect has been thought by organs of democratic sentiment of transcendent urgency. A doctrine of vast wholesomeness and importance has been proclaimed which forbids to-day's doings. Public officers in general, not only these but others, should be allowed to continue, should be encouraged to remain, should be protected in position so long as their personal character remains untarnished and they discharge their duties. This is the substance and nearly the form of the doctrines which the exponents of democratic sentiment have been noisy in adopting and proclaiming. This is the doctrine which has needed only to be preached, whether practiced or not, to earn the applause of all the assailants and traducers of the political party to which I belong.

Now, in the very midst of this awakening, in the very midst of this quickening of the public conscience, here comes for the first time into the Senate a pioneer exaction, one outrunning every exaction of past times and of past party appetite; it is that a besom of destruction shall pass over all the officers of the Senate, or if I may credit the newspaper over all but one—preserved, I suppose, to fulfill the saying that there are exceptions to all rules—that all but one shall be swept away without cause, in the presence of the notorious fact that they are faithful, that they are accomplished, that they are sedulous in the discharge of their duties, and without pretense that their personal character is tarnished. They are all to give way in order that the positions here in this last sanctuary, the positions which, whatever may have been the changes of party control elsewhere, have stood, as the Senator from Maine and the Senator from Rhode Island have told us, against the exactions and behest of partisan cupidity, that they too shall at last be subjected to the voracity of those who in political strife have entitled themselves to spoil and booty.

Mr. President, I will content myself with saying in the language of the Senator from Maine that, although a partisan, not shrinking from the logic of partisan action, I too regret that the interest, the business, the convenience of the Senate is to be impaired, as it must be, no matter how meritorious the new-comers, by displacing those trained by long experience and faithfulness in their places, to the end that room may be made for those who, whatever may be their deserts in the arena of politics, are entirely uneducated in the duties which await them.—*Congressional Record*, Forty-sixth Congress, first session, page 48.

Mr. BUTLER. Now on page 538 of the same RECORD there is another expression of opinion from the Senator from Rhode Island, [Mr. ANTHONY,] which I wish read. It was on April 18, 1879.

The Chief Clerk read as follows:

It was necessary that the elective officers of the Senate should be in sympathy with the party which sustained the Union and the Constitution. The elective officers have access to our executive and to our secret legislative sessions; they are familiar with all our proceedings; they are necessarily the depositaries of our secrets, and they know, to some extent, the foreshadowed action of the body. It was not deemed prudent that any man whose fidelity to the Union and Constitution was not above suspicion or equivocation should be admitted into the secret sessions of the Senate, and for that reason the change was made.

The venerable Secretary of the Senate, who was a democrat and had been for more than twenty years in office, was retained, retained until he became incapacitated, by sickness and old age, from performing the duties of his office. Mr. McDonald, who had been in the service of the Senate twenty-two years, was a democrat, and was retained and promoted. Mr. Bassett, who had been here more than twenty years, was retained and promoted; and of the subordinate employés there were very few removals made. There were many vacancies; because many of the officers followed their patrons, who abandoned their seats and went into the South carrying their sympathies, if not their swords, to the aid of the rebellion, and their places of course were filled by men of our own political persuasion.

I have a list somewhere of the number of officers that were retained; it is very large, and they were retained for a long time, and very few changes were made. None, probably, would have been made from political considerations. They were made from loyal considerations.

Mr. HILL, of Georgia. Will the Senator allow me to ask him a question?

Mr. ANTHONY. Certainly.

Mr. HILL, of Georgia. If the Senate should become republican in 1881, two years from now, will he oppose a change of the officers then?

Mr. ANTHONY. I will answer that when the time comes; and I hope to see it. I cannot tell whether another rebellion may not break out in the South. There seem to be signs of it now.

Mr. HILL, of Georgia. If a rebellion does not break out, how then? Will you move to change them or not? Suppose we do not rebel?

Mr. ANTHONY. It will depend upon the manner in which they fulfill the duties of their offices. I do not think I shall ever be found advocating the removal of officers of this body who have performed their duties with fidelity, with honesty, and with intelligence.

Mr. BUTLER. Now, Mr. President, it seems to me that our friends on the other side of the Chamber cannot possibly resist such appeals made by their own friends, the Nestors of the Senate at that time; and to enable them to have time to read the remarks of these distinguished Senators in the RECORD to-morrow, I move that the Senate now proceed to the consideration of executive business, and ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. GROOME, (when his name was called.) Upon this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY,] and hence cannot vote.

Mr. JONES, of Florida, (when his name was called.) I am paired temporarily with the Senator from Ohio, [Mr. SHERMAN,] whom I do not see in his seat.

Mr. HAMPTON, (when Mr. VEST'S name was called.) I was requested by the Senator from Missouri [Mr. VEST] to announce that he was paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call was concluded.

Mr. TELLER. I inquire whether the Senator from Alabama [Mr. MORGAN] has voted.

The VICE-PRESIDENT. The vote of the Senator from Alabama is recorded in the affirmative.

Mr. TELLER. Then I vote "nay."

The result was announced—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Davis of W. Va.,	Jackson,	Pugh,
Beck,	Fair,	Johnston,	Ransom,
Brown,	George,	Jonas,	Saulsbury,
Call,	Gorman,	Lamar,	Slater,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Pendleton,	

NAYS—28.

Allison,	Edgerton,	Ingalls,	Mitchell,
Blair,	Frye,	Jones of Nevada,	Morrill,
Burnside,	Hale,	Logan,	Platt of Conn.,
Cameron of Wis.,	Harrison,	McDill,	Rollins,
Conger,	Hawley,	McMillan,	Sawyer,
Conkling,	Hill of Colorado,	Mahone,	Teller,
Dawes,	Hoar,	Miller,	Van Wyck.

ABSENT—21.

Anthony,	Ferry,	McPherson,	Vance,
Butler,	Garland,	Platt of N. Y.,	Vest,
Cameron of Pa.,	Groome,	Plumb,	Williams.
Davis of Illinois,	Hill of Georgia,	Saunders,	
Edmunds,	Jones of Florida,	Sewell,	
Farley,	Kellogg,	Sherman,	

So the motion was not agreed to.

Mr. PENDLETON, (at one o'clock and thirty minutes p. m.) It is very apparent that we are to do no business to-day, and I therefore move that the Senate adjourn, and ask for the yeas and nays on that motion.

The yeas and nays were ordered and taken.

Mr. VOORHEES, (after having voted in the affirmative.) I am paired on this question with the Senator from Maine [Mr. FRYE] who is temporarily absent from the Chamber. I therefore withdraw my vote, as I had forgotten the pair when my name was called.

Mr. PLUMB. I was paired with the Senator from Missouri [Mr. VEST] until half after one. That time has elapsed, but the Senator has not returned, and I will extend the pair to this vote.

The result was announced—yeas 26, nays 28; as follows:

YEAS—26.

Bayard,	Davis of W. Va.,	Johnston,	Pugh,
Beck,	Fair,	Jonas,	Ransom,
Brown,	Gorman,	Jones of Florida,	Saulsbury,
Call,	Grover,	Lamar,	Slater,
Camden,	Hampton,	Maxey,	Walker.
Cockrell,	Harris,	Morgan,	
Coke,	Jackson,	Pendleton,	

NAYS—28.

Allison,	Edgerton,	Jones of Nevada,	Morrill,
Blair,	Hale,	Logan,	Platt of Conn.,
Burnside,	Harrison,	McDill,	Rollins,
Cameron of Wis.,	Hawley,	McMillan,	Sawyer,
Conger,	Hill of Colorado,	Mahone,	Sherman,
Conkling,	Hoar,	Miller,	Teller,
Dawes,	Ingalls,	Mitchell,	Van Wyck.

ABSENT—22.

Anthony,	Ferry,	Kellogg,	Vance,
Butler,	Frye,	McPherson,	Vest,
Cameron of Pa.,	Garland,	Platt of N. Y.,	Voorhees,
Davis of Illinois,	George,	Plumb,	Williams.
Edmunds,	Groome,	Saunders,	
Farley,	Hill of Georgia,	Sewell,	

So the Senate refused to adjourn.

Mr. CALL. Mr. President, I desire to submit a few remarks on the subject of the pending resolution.

The Constitution, article 1, section 3, says, "The Senate shall choose their other officers."

Section 5, article 1, "A majority of each House shall constitute a quorum to do business."

This, therefore, beyond reasonable question declares that the Senate, a majority being a quorum, shall choose their other officers.

If these were all the provisions of the Constitution relating to this subject it would not follow that the extreme propositions of the Senator from Massachusetts [Mr. HOAR] would be true, but that the more moderate conclusion of the Senator from Illinois [Mr. LOGAN] would be true, namely, that under the Constitution a majority of the Senate being present, they would have the right to choose their other officers; and this constitutional right would of necessity demand a constitutional submission to its exercise. But these are not all of the constitutional provisions relating to this subject. Paragraph 2, section 5, article 1, provides that "each House may determine the rules of its proceedings."

The Constitution, therefore, declares in these three provisions that the Senate shall choose their other officers, a majority being a quorum to do business, subject to the rules which the Senate has determined for its proceedings.

Whatever is required or authorized or permitted under these rules it is manifest is of constitutional authority and obligation, and cannot be, either in form or substance, treason, unless, as the Senator from Massachusetts [Mr. HOAR] insists, obedience to the Constitution has become treason.

The Senators from Massachusetts must therefore, if they are reasonable in their arguments, abandon the proposition that obedience to the Constitution or the exercise of any of the rights or privileges created by the rules of the Senate in pursuance of the Constitution is either treasonable in form or in substance. If there be treason or obstruction to the public business it cannot be in the motion to adjourn or in the motion to go into executive session, however often it may be made, so long as it is authorized by the rules of the Senate made in pursuance of the Constitution. If "treason in substance" can be found, which the Senators from Massachusetts and Illinois have discovered, this treason must be found, if at all, either in the purpose of those making it or in the effects which result from the action of those making these motions.

In order, then, to form a correct judgment of the effect of preventing this election or the passage of this resolution, it is necessary that we should consider the good or the evil that will result from the election of these officers and the passage of this resolution.

It may be true that the passage of this resolution may involve effects dangerous to the public liberty and to the continuance of just legislation in this country. It may be that in the judgment and conscience of one half the Senate duly elected here there are grave doubts whether the majority, if there be a majority in favor of this resolution, has not been procured by means unfriendly to the Constitution and the laws, and condemned by the just public opinion of the country.

Something more, therefore, may be involved in the passage of this resolution than the mere election or defeat of the officers proposed and designated in it. Those who give it countenance and support, those who fail to do all in their power to defeat it, may become *particeps criminis* in the commencement of a practice the proper and necessary effect of which will be to substitute mercenary and venal considerations for the just and unbiased judgment of Senators and to constitute political power in the hands of majorities different from those elected by the people, by the use of the offices of the Senate and of the patronage of the Government.

It may be possible if this resolution shall pass that we shall either willingly or unwillingly become parties to a transaction in which the official places of the Senate and the patronage of the Government may in the future be used to induce Senators to support public measures which they were sent here under obligations to their people to oppose, and to which their own constituencies demand their opposition.

Let us calmly and in good temper consider the facts of this case and see what they are; what conclusions they demand in the light of reason and in the just judgment of the country. Let us see how far they are consistent with the preservation of our form of Government and our Constitution and liberties; how far they demand a continued and patriotic resistance to the passage of this resolution, and the approval of the bargain, if any has been made.

I propose to investigate these propositions and the facts of the case.

The facts upon which a correct judgment of the whole case depends are few in number and are of public record. We need not therefore trespass on private ground or personal feelings.

The Legislature of Virginia in 1880 elected a Senator of the United States who was distinguished from other democrats in the State of Virginia and in the United States by no other opinion than that he was in favor of a repudiation of a part of the debt of the State of Virginia. A majority of those who elected this Senator were, like him, democrats, elected as such, and differing from their fellow-democrats only on the question of the obligation of the State debt and the proportion of it which should be paid.

Of these facts there can be no question or denial. The evidences of their truth are the declarations of the Senator himself, contemporaneously, before, and after the act, and since and up to this time, and in the public records and the public acts of the State.

Whether there was any express pledge as to any particular course of public or political action is immaterial. Such pledges are not usually required or given in words; they are implied from a man's past public life; from his acceptance of trusts conferred upon him with the recognized obligation of representing the declared political opinions of those who confer it, except in cases where the contrary is expressly understood. Long after the election of the distinguished Senator to the Senate the new Senator from Virginia and his supporters declared the success of the democratic party and the democratic organization of the United States in the election of General Hancock to the Presidency to be necessary for the public good.

And then as in all their past history affirmed his and their identity with them in principle and in all their party *aims*, excepting only the payment of the public debt of the State of Virginia.

Now what conclusion, if any, results from this fact pertinent to this case and relative to our duty in connection with the resolution now pending before the Senate? The proposition of fact is that the Senator from Virginia in November last assured the Senate and the country that the republican party was essentially dangerous to the public liberty, and would be and must be opposed by him in all forms and shapes. The opinions of years do not change without cause, nor in a day. The human mind is governed by law; and thought, impalpable and subtle as it is, is controlled by moral law. We may say that a man cannot change an opinion or belief without a reason. Nothing has occurred in the public history of this country since November last which could possibly change any man's political status from a democrat to a republican.

The conclusion demanded by the facts is that the Senator from Virginia has always been and is now opposed in opinion to the republican party, although for some unexplained reason acting with them. The Senator from Massachusetts [Mr. DAWES] has found this reason in the fact that the Senator from Virginia and his candidate for Sergeant-at-Arms, Mr. Riddleberger, favor a free ballot and a fair count. The Senator from Virginia has also vindicated his support of the republican party and his present opposition to what he calls the machinery of the democratic party by his alleged love for a free ballot and a fair count.

The Senator from Massachusetts, standing, according to his own simile, with his foot upon the necks of a hundred thousand white laboring-men of Massachusetts, to whom he denies a free ballot, ostentatiously declares his support of the new democratic Senator from Virginia and his nominees because he says he is in favor of a free ballot and a fair count in Virginia, where by law and practice the ballot is free and the vote and the count have always been fair.

But this will not avail him, because if the ballot has not been free in Virginia, as is insisted by him, and the count has not been fair because, as he says, of democratic practices and democratic control, as is the argument of the Senator from Massachusetts, then the distinguished Senator from Virginia whom he supports has borne a leading part in making that ballot not free and in making the count unfair.

The affirmation of the contrary because the declaration of principles of the readjuster or repudiation party of Virginia contains a declaration in favor of *free suffrage* and a free ballot is nothing. *Every platform* in every Southern and every Northern State contains this declaration—even in Massachusetts and in Rhode Island and in several Northern States where the suffrage is not free either in fact or in name, or in theory, or in law, or in practice.

In Massachusetts, where many thousand men are deprived of the ballot by law; in Rhode Island, where a small part of the population

alone are allowed the ballot; in many, in all I may say, of the highly civilized and densely populated States no means has yet been found, under economic and social laws which concentrate and distribute wealth, by which a free ballot can in fact be given to a majority of the people.

These, Mr. President, are pretenses and have no foundation in fact or in reason.

The Senator from Massachusetts must know that if there is a man in the State of Virginia standing with his foot on the neck of the enfranchised freedmen of Virginia that man has always been and is now the new Senator from Virginia, identified with the democratic party, responsible as much as any and all up to the 4th of March for whatever errors of policy and subject to commendation for whatever benefits may have been bestowed by that party. If to be a democrat is to stand on the neck of a freedman and to deny him a free ballot, it cannot be denied that the Senator from Virginia and his candidate, Mr. Riddleberger, have stood, and did until the republican caucus met after the 4th of March stand, in that attitude and in that position.

It follows, then, that on the 4th of March the Senator from Virginia and his candidate for Sergeant-at-Arms stood before the country, by the record of their whole public life, active, earnest democrats, except that they were in favor of principles relating to the public debt of Virginia which denied its binding validity and obligation as contradistinguished from the Bourbon democrats—if Bourbons they are—of the State of Virginia, and by no other possible distinction. The republican caucus met, and in a few hours the Senator from Virginia held the votes of our republican friends apparently, so far as the records of this body show, pledged to the support of his nominees for the official places of the Senate. One of these nominees is a Mr. Riddleberger, for Sergeant-at-Arms, the active partisan leader of the Senator from Virginia in the campaign now going on in the State of Virginia for the control of the political power of that State in the interest of the repudiation of the State debt.

It is proposed by this resolution to give the whole great patronage of the Senate to aid in the election of a repudiator to the United States Senate in the coming election in Virginia; to elect repudiators to Congress from that State; to place the control of the government of Virginia and all its political power in the hands of those who deny the principles upon which the validity of its public debt rests.

This is the effort, this is the direct effect. Is it the natural, the usual, the proper result of a republican party caucus?

The Senator from Massachusetts and the Senator from Illinois deny that the appointment by themselves and their caucus as a party of certain individuals and their nomination for office is in itself an approval of all their opinions, and in support of this proposition they ask the question whether the Senator from Delaware in voting for gentlemen who were not in favor of hard money or specie resumption was an approval by him of their financial opinions. They also take the example of some confederate officer, and ask whether a vote for him would be an approval of his past opinions and conduct.

The truth of argument and reason in this proposition is easily discernible, and cannot be disguised by the subtleties and sophistries of the Senators from Massachusetts and Illinois. Public position or office is sometimes conferred as a reward for political or partisan service. When so awarded it is certainly an approval of the person upon whom it is conferred, and to that extent it is an adoption of his opinions, an advice and an encouragement to others to pursue the same course; while, on the contrary, its refusal because of certain political action is a discouragement to that extent of the disapproved and unrewarded political action; and this proposition cannot be questioned or reasonably denied.

Political office is sometimes conferred because of special and superior competency and fitness for the duties of the office.

It is admitted by all that this is not the case here, because a change has to be made of officers fit and competent. It is clear that when office is so given it is an encouragement to others to become similarly qualified.

But however political office or preferment may be given, it has in all cases certain effects which are irrespective of the motive with which it is given. This effect is that, outside of the encouragement of example, it gives command of money, sometimes of patronage. In this case of the Sergeant-at-Arms and the Secretary of the Senate it gives both.

Now, will Senators deny that when a living political issue, urged by a living and active political party which has already obtained control partially of one of the States of the Union and is represented here by a Senator of the United States—when that living party is now engaged in a struggle for the absolute control of the Legislature of a State and of another Senator of the United States and for members of the other House, can it be denied that you are giving aid, comfort, and encouragement to that party and to its opinions, whatever they may be, by giving them and their leaders and supporters high official places, large official emolument, and extensive patronage? Giving aid and comfort and the means of extending their influence and accomplishing success is an approval of their opinions in the highest and most absolute sense—the sense of aiding mere opinion to become law and power by giving it active aid and comfort. Can it be denied that when you have elected, as you propose and are trying to do, members of Congress and two United States Senators who deny the principles on which rest the obligations of the national debt, who in practice apply theories to the debt of the State of Virginia which deny its binding obligation; when you have elected them with the patronage of the Senate—can you deny that you are giving aid and encouragement to the repudiation of the national debt?

The Senator from Massachusetts says that the nomination of Mr. Riddleberger by the republican caucus and his own support of him is simply because of his fitness for the place, and as a reward for and an encouragement to his support of a free ballot and a fair count. Let us examine and see if this is possible—if it is not denied by the laws which govern human action and are the accepted indices of human motive and of all party action.

A political party is an association which proposes to accomplish certain proposed public measures or lines of public policy which they have in common.

No person can belong to such an association without sharing their common purpose. When the power of this association ceases to be used for the promotion of the common object, whether that object be an object of wise public policy covering the well-being of the State, or whether it is mere division of the spoils, it would cease to be an association with a common object. In either case it would be impossible and against all the laws which control public policy to take into the association a person inimical to its objects. He must bring some aid and support to its common policy, or, in the latter case, some assistance toward securing the spoils to be divided.

Now, Mr. President, I ask what object in common, what political fellowship and sympathy was there on and after the 4th March between the new Senator from Virginia, a democrat of the democrats in everything except the payment of the debts of the State of Virginia, and the republican party and its Senators here? What political fellowship and sympathy was there between Mr. Riddleberger, the debt-repudiating democrat and the confederate brigadier of the State of Virginia, and the republican party and its Senators here?

Mr. President, no man will deny, not even the Senator from Massachusetts, [Mr. DAWES,] that there was none.

The Senator will not affirm that he has any evidence beyond the empty declarations of a political platform, which was the same with that of every other political party of every other State, that these gentlemen were in any respect contradistinguished from other men, either republicans or democrats, by special advocacy and support of a free ballot and a fair count. They were democrats demanding the election of Hancock and the success of the national democratic party as essential to the security of all public and private rights; and this the Senator from Massachusetts and all other Senators on the other side have time and again denounced as the sum of all political villainies and utterly inconsistent with sound political morals.

How is it, I ask, that these gentlemen alone of all the others still unrepentant have in a few hours with their sins as scarlet become as white as snow? In the waters of what Jordan have they been cleansed? Where is the Pool of Bethesda in which they were healed and decorated with wreaths of triumph and clothed with the royal purple?

Without imputing anything personally wrong to any of the Senators, I say that this is an evil example for the Republic. I say we must reflect long and anxiously before we can passively or actively consent to place the high and influential offices of the Senate in the hands of persons who it is known will use them for placing in power those who will come here as the open and zealous advocates and representatives of principles fatal to the public debt and in absolute denial of all the principles of the constitutional amendment declaring the perpetual validity and binding obligation of the public debt of the United States.

Will you deny gentlemen, any of you, that the bill of Mr. Riddleberger, the candidate for Sergeant-at-Arms, which was passed in the Legislature of Virginia, and is still in agitation there, does deny all the principles upon which the public debt of the United States rests for its perpetual and continued obligation? You cannot truthfully deny it. If the bill passed by Mr. Riddleberger, and the doctrine upon which it rests, should be passed in every other State of this Union, and Senators and Representatives here in Congress affirm it, I say here that it will be fatal to the public debt of the United States.

Will you deny, gentlemen, that to bestow the offices of the Senate intended for the convenience of the Senate in the transaction of its public business, not as a reward for party services or fidelity to convictions of public duty, but in such a way as to promote the success of principles and parties disapproved by both the great political parties of the country, disapproved by those who bestow these offices, condemned by the entire public judgment of the country of all parties, in order to obtain a majority in the Senate not bound together by any common convictions of public duty or public policy, is an act which if continued will become fatal not only to the control of public legislation by the honest and intelligent action of Senators, but to the continuance of honorable party organization itself?

How can you distinguish between the direct use of the current coin of the realm and the public patronage to influence and control the votes of the Senate or the public legislation of the country? I affirm that there is no distinction in principle.

Is there nothing, then, Mr. President and Senators, in the peculiar circumstances of this case which distinguishes it from an ordinary

case of bestowing the political patronage of the country upon a political party which has obtained before the people a majority to control its legislation? To my mind there is. To my mind, and acting for myself, I hold it to be my duty to resist such a combination, and to resist the resolution proposing to bestow the political patronage upon a coalition of parties diverse in political principles, diverse in their public pledges and assurances to the country. I hold it to be the first duty of a Senator to resist by all constitutional means the consummation of such an act.

Mr. HARRIS. Mr. President, in view of the fact that a large number of nominations were sent by the President to the Senate on the day before yesterday, a large number sent on yesterday, and again to-day, all of which lie upon your table, not referred to the appropriate committees; in view of the further fact that there is now pending in the Senate a large number of nominations, some of which are for judicial officers for the various judicial tribunals from the highest to the lowest in the country, other nominations pending for foreign ministers and consuls, to say nothing of the minor grade of officers whose nominations are now pending; and in view of the additional fact that there are treaties with foreign nations pending in the Senate which demand the consideration of the Senate, and the additional fact that this session of the Senate was convened by the President for the consideration of executive business only, I move that the Senate do now proceed to the consideration of executive business.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the motion of the Senator from Tennessee, to proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. HARRIS. I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN, (when his name was called.) On this issue I am paired with the honorable Senator from Nebraska, [Mr. VAN WYCK.]

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired for the present with the Senator from Missouri, [Mr. COCKRELL,] who is temporarily absent from the Chamber.

Mr. GROOME, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] But for that pair I should vote in favor of proceeding to the consideration of the business for which the Senate was convened.

Mr. PLUMB, (when his name was called.) I am paired temporarily upon this question with the Senator from Missouri, [Mr. VEST.]

The roll-call having been concluded, the result was announced—yeas 25, nays 27; as follows:

YEAS—25.

Bayard,	Gorman,	Jones of Florida,	Saulsbury,
Call,	Grover,	Lamar,	Slater,
Camden,	Hampton,	Maxey,	Voorhees,
Coke,	Harris,	Morgan,	Walker.
Davis of Illinois,	Jackson,	Pendleton,	
Davis of W. Va.,	Johnston,	Pugh,	
George,	Jonas,	Ransom,	

NAYS—27.

Allison,	Frye,	Jones of Nevada,	Morrill,
Blair,	Hale,	Logan,	Platt of Conn.,
Burnside,	Harrison,	McDill,	Rollins,
Conger,	Hawley,	McMillan,	Sawyer,
Conkling,	Hill of Colorado,	Mahone,	Sherman,
Dawes,	Hoar,	Miller,	Teller.
Edgerton,	Ingalls,	Mitchell,	

ABSENT—24.

Anthony,	Cockrell,	Groome,	Saunders,
Beck,	Edmunds,	Hill of Georgia,	Sewell,
Brown,	Fair,	Kellogg,	Vance,
Butler,	Farley,	McPherson,	Van Wyck,
Cameron of Pa.,	Ferry,	Platt of N. Y.,	Vest,
Cameron of Wis.,	Garland,	Plumb,	Williams.

So the motion was not agreed to.

Mr. DAWES. Now, by unanimous consent, we might get a vote upon the resolution.

Mr. BECK. The Senator from Massachusetts asks general consent to have a vote upon his resolution. I have wrestled with him for two or three days endeavoring to persuade him that he is making a great mistake in pressing this resolution. I not only have failed to make any impression upon him, but he was so unkind yesterday as to say to the Senate, among other things, that while he had a decent respect personally for myself, "Heaven forgive me if thereby I should be responsible for the perverse, absurd, and, as I think, wicked political doctrines that he is constantly announcing;" and he endeavored to show that if there was any man anywhere who entertained perverse political doctrines he would not under any circumstances follow him or indorse him.

Mr. DAWES. My friend misunderstood me.

Mr. BECK. You are now following some perverse fellows, are you?

Mr. DAWES. The Senator misunderstood me. Would he like to understand me?

Mr. BECK. I do not think I ever misunderstood the Senator.

Mr. DAWES. I will restate my position. I said that I had the utmost confidence in the Senator from Kentucky personally, and I would be very glad to vote for him for Sergeant-at-Arms; but if by so voting I was to become responsible for his political opinions, the Lord have mercy upon me! But I would vote for him because I do not believe when voting for so good a man as the Senator from Kentucky for that office I should become responsible for the strange doctrines which he advocates here.

Mr. BECK. The Senator from Massachusetts is endeavoring to flatter me now. It is his way, and therefore I am not going to quarrel with him about that. But he became very eloquent yesterday when he was endeavoring to show that the great reason why he was urging the nomination of Mr. Riddleberger was that his *protegé* was standing up for the rights of the colored race against the oppression of the Bourbon democracy, and that he was a man who was seeking to elevate and maintain all those just relations that he thought were indispensable to the public good. His sentiments were noble. Not giving the Senator up yet, and still desiring that he should consider the propriety of his course in regard to Mr. Riddleberger, I have a copy in my hand of the Richmond Whig of some years ago, which is the advocate, I believe I heard it said yesterday by the Senator from Virginia, [Mr. JOHNSTON,] of the readjusters. Is that not the fact?

Mr. JOHNSTON. Yes.

Mr. BECK. Some years ago when the Legislature of Virginia was in session a discussion came up in regard to the question of repudiation. A colored man, Mr. Moss, rose in his place and said, as the Richmond Whig reports, what I shall read. At the head of this Richmond Whig, let me state, the Senator will observe is a man with his foot on the neck of another, and the words "*Sic semper tyrannis*" as the motto:

Mr. Moss (colored) had not learned from the speeches that had been made whether Virginia owed the debt at all.

He was evidently an illiterate man. In all probability he could not now vote in Massachusetts. Perhaps he could neither read nor write nor sign his name, and therefore if he had lived in Massachusetts instead of Virginia he would have been disfranchised, but he was not only allowed to vote in the State of Virginia but he was a member of the Virginia Legislature.

Mr. DAWES. Mr. President——

Mr. BECK. Allow me to finish this statement first. There is plenty of time; there is no hurry now, we are going slow.

The PRESIDING OFFICER. The Senator from Kentucky declines to yield.

Mr. BECK. In response to the challenge of the Senator from Pennsylvania, [Mr. CAMERON,] when that distinguished Senator, who had been filibustering successfully for two weeks, announced that it had become a question of endurance, my friend from Georgia said, "We will endure with you." I repeat, I will endure with you; you need not hasten this debate. Mr. Moss evidently had not found out about all these questions. He was not advised whether Virginia owed the debt at all; but he proceeded to say:

If she did she should act as an individual would act in her situation. Was for paying every dollar the State owed, yet had not forgotten that he was a slave when the debt was contracted; nor did he forget that the destiny of Virginia was his destiny. His property was as good for taxes as any other man's property. Some said that the State was bankrupt, others that the debt was contracted on the faith of slave property, and as that property had been swept away the debt was no longer binding. He thus summed up: If it is a just debt we owe it and must pay it.

Well said, was it not?

Mr. DAWES. Certainly.

Mr. BECK. It was said like an ignorant man but like an honest one.

Being asked by Mr. Goodwin (colored) whether he was for or against the resolution, he replied that he was against anything like repudiation. He was then asked if the resolution had repudiation in it? He replied that he had not read it. The speech was a rambling sort of sermon and was very long. Mr. Moss finally gave way for Mr. Riddleberger to offer a resolution—

The poor man surrendered his right as a matter of courtesy to a distinguished gentleman who is now indorsed by a republican caucus unanimously, doubtless supposing him to be a friend.

Mr. Moss finally gave way for Mr. Riddleberger to offer a resolution, which turned out to be a resolution to expel the member from Buckingham [Mr. Moss] as a nuisance! It was put and rejected.

That honest, simple-minded colored man, because he was willing to pay the debt and allow his property to be taxed or taken to maintain the honor of the old State in which he was born and in which he had been a slave, was sought to be expelled on a resolution by the nominee of this republican caucus when he had given way to Mr. Riddleberger, the gentleman who is now championed as the man who ought to be honored in the Senate and invested with nearly all its patronage by the distinguished Senator from Massachusetts.

It is for that reason among others that I desire the Senator to take longer time to see whether these facts reported by a friendly organ, in addition to what I said to him yesterday, will not induce him to abandon a position which I think will not be creditable either to himself or to his party. I will give him Sunday to pray over it, and, as he has no faith in the prayers of those he regards as the wicked, of course I shall not undertake to help him.

Mr. VOORHEES. I did not hear very distinctly, but is it possible that the Senator from Kentucky said that Moss was a colored man?

Mr. BECK. Moss was a colored man who sought to pay the debt of the State, fairly and honestly, and Mr. Riddleberger moved in the Legislature to expel him. The Richmond Whig gives the account,

which I will hand to the Senator from Indiana, and at the head of it, as I observed, with the motto "*sic semper tyrannis*," stands one man with his foot on the neck of another, and I think that must be Riddleberger on Moss. [Laughter.]

Mr. GROOME. Let me ask a question. Does it appear from the report whether Mr. Riddleberger proposed to expel this man because he was a colored man or because he was in favor of paying the debt of the State?

Mr. BECK. Poor fellow, I suppose Riddleberger took the double chance on him. [Laughter and applause in the galleries.] I move that the Senate do now adjourn in order to give the Senator from Massachusetts time to look into this matter. I call for the yeas and nays on the motion.

The PRESIDING OFFICER. The Chair will remind the occupants of the galleries that order must be preserved. It is against the rules to make any demonstration whatever. The Chair would also remind Senators not to set the example to the galleries. The question is on the motion of the Senator from Kentucky, that the Senate adjourn, on which he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN, (when his name was called.) I am still paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.] If he were here, I should vote "yea."

Mr. GROOME, (when his name was called.) I am paired upon this and similar questions with the Senator from Rhode Island, [Mr. ANTHONY.]

The roll-call having been concluded, the result was announced—yeas 25, nays 29; as follows:

YEAS—25.

Bayard,	Fair,	Jonas,	Ransom,
Beck,	George,	Jones of Florida,	Saulsbury,
Call,	Gorman,	Lamar,	Voorhees,
Camden,	Grover,	Maxey,	Walker.
Cockrell,	Hampton,	Morgan,	
Coke,	Harris,	Pendleton,	
Davis of W. Va.,	Jackson,	Pugh,	
	Johnston,		

NAYS—29.

Allison,	Edgerton,	Jones of Nevada,	Platt of Conn.,
Blair,	Frye,	Logan,	Rollins,
Burnside,	Hale,	McDill,	Sawyer,
Cameron of Wis.,	Harrison,	McMillan,	Sherman,
Conger,	Hawley,	Mahone,	Teller.
Conkling,	Hill of Colorado,	Miller,	
Davis of Illinois,	Hoar,	Mitchell,	
Dawes,	Ingalls,	Morrill,	

ABSENT—22.

Anthony,	Ferry,	McPherson,	Vance,
Brown,	Garland,	Platt of N. Y.,	Van Wyck,
Butler,	George,	Plumb,	Vest,
Cameron of Pa.,	Groome,	Saunders,	Williams.
Edmunds,	Hill of Georgia,	Sewell,	
Farley,	Kellogg,	Slater,	

So the Senate refused to adjourn.

Mr. DAWES. As the Senate has refused to adjourn for any such consideration as that suggested by the Senator from Kentucky, I hope now we may proceed to vote upon the proposition of the Senator from Tennessee and take the sense of the majority of the Senate.

Mr. ALLISON. Yes, let us vote.

Mr. DAWES. I am anxious to reach a vote upon the resolution to-night.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to indefinitely postpone the resolution of the Senator from Massachusetts, [Mr. DAWES.]

Mr. DAWES. All of these motions which obstruct the public business I hope we shall proceed to vote upon at once, in order that we may get at the resolution and be able to transact the business which is properly before us.

Mr. HARRIS. As there are no vacancies in the officers or employés of the Senate, and there are a number of vacancies in important offices, which the President has made nominations to fill, where official terms have expired but cannot be filled until the Senate acts upon these nominations one—that I may mention as a conspicuously important case—a judge of the Supreme Court of the United States, and the fact familiar to all of us that only a few days since that tribunal had to adjourn for the want of the presence of members of the court sufficient to make a quorum—it is important that these vacancies in important offices should be filled. I therefore move that the Senate proceed to the consideration of executive business, so that we may fill vacancies that actually exist, and not waste time in a mere scramble for a few small offices, postponing and delaying the public business to the prejudice of the public interest.

Mr. DAWES. I trust the Senator will allow me to say that because of pressing business of a public nature I hope we may proceed first in order to organize the Senate——

Mr. BUTLER. I rise to a point of order.

The PRESIDING OFFICER. The Senator from South Carolina will state his point of order.

Mr. BUTLER. My point of order is that the motion is not debatable.

The PRESIDING OFFICER. It is not debatable. The Senator from Massachusetts was proceeding by unanimous consent. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes seem to have it.

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN, (when his name was called.) I am still paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

Mr. TELLER, (when his name was called.) On this vote I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Bayard,	George,	Jonas,	Ransom,
Beck,	Gorman,	Jones of Florida,	Saulsbury,
Call,	Grover,	Lamar,	Slater,
Camden,	Hampton,	Maxey,	Voorhees,
Cockrell,	Harris,	Morgan,	Walker.
Coke,	Jackson,	Pendleton,	
Davis of W. Va.,	Johnston,	Pugh,	

NAYS—27.

Allison,	Edgerton,	Ingalls,	Mitchell,
Blair,	Frye,	Jones of Nevada,	Morrill,
Burnside,	Hale,	Logan,	Platt of Conn.,
Cameron of Wis.,	Harrison,	McDill,	Rollins,
Conger,	Hawley,	McMillan,	Sawyer,
Conkling,	Hill of Colorado,	Mahone,	Sherman.
Dawes,	Hoar,	Miller,	

ABSENT—23.

Anthony,	Fair,	Kellogg,	Teller,
Brown,	Farley,	McPherson,	Vance,
Butler,	Ferry,	Platt of N. Y.,	Van Wyck,
Cameron of Pa.,	Garland,	Plumb,	Vest,
Davis of Illinois,	Groome,	Saunders,	Williams.
Edmunds,	Hill of Georgia,	Sewell,	

So the motion was not agreed to.

Mr. MAHONE. Mr. President, it was my misfortune to be absent from the Chamber yesterday by reason of severe indisposition. I am not well to-day. I have had no opportunity, by reason of my absence yesterday, to review the allusions made in the course of the debate to myself and the candidate before this body for the office of Sergeant-at-Arms, which I desire now to say to the Senate I shall take occasion to review.

Mr. DAWES. Would it be more agreeable to the Senator to make his remarks on Monday? If so, I shall move to adjourn, with his consent.

Mr. MAHONE. I am obliged to the Senator.

Mr. DAWES. I move that the Senate do now adjourn.

The motion was agreed to; and (at two o'clock and forty-eight minutes p. m.) the Senate adjourned.

MONDAY, *March* 28, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

OFFICERS OF THE SENATE.

Mr. DAWES. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business at the close of the last day's session, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] for the election of certain officers of the Senate. The pending question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] to postpone the pending resolution indefinitely, on which motion the yeas and nays have been ordered. The Senator from Virginia [Mr. MAHONE] is entitled to the floor.

Mr. CONKLING. As the Senator from Virginia seems at this very moment not to be here, I ask that the resolution be read which we are asked to indefinitely postpone.

Mr. HARRIS. The Senator from Virginia is present, I will say to the Senator from New York.

Mr. CONKLING. I am aware of that, but in order to give him a single moment——

Mr. HARRIS. I thought the Senator said the Senator from Virginia was not present.

Mr. CONKLING. I said not present at the very moment in his seat; and in order to give him a single moment for his convenience, I ask for the reading of the resolution.

Mr. HARRIS. Of course there can be no objection to that.

The Secretary read the resolution submitted by Mr. DAWES on the 23d instant, as follows:

Resolved, That the Senate do now proceed to the election of its Secretary, Sergeant-at-Arms and Doorkeeper, Chief Clerk, principal Executive Clerk, and Chaplain.

Mr. MAHONE. Mr. President, my profound respect for the wisdom and experience of my seniors in this Chamber compels me to renew expression of the reluctance with which I so soon intrude upon its deliberations. Senators and the country will concede that to this seeming forwardness I have been provoked.

If I do not challenge generous consideration from those who would appear to have found pleasure in their unjustifiable assaults, I do not doubt that I shall command the respect of the brave and independent here, as I know I shall command that of my own people. I shall not complain of the intolerance and indirection which have characterized the allusions of some Senators to myself. Doubtless they comport entirely with their own sense of manly deportment and senatorial dignity, however little they do with mine. Virginia is accustomed to meet occasions where the independent spirit of the Anglo-Saxon is required to assert itself; Virginia has ever met, with fortitude and dignity, every duty that destiny has imposed, always, however, with much contempt for small party tactics where principles were involved to which her faith and her honor were committed.

With absolute confidence in my loyalty to her and my devotion to every interest of her people, I shall not relax my purpose to repel every impeachment of the constituency which sent me here with clearly defined duties which they and I comprehend. I was elected to the *Senate* of the United States to do *their* will, not to a *caucus* to do *its* petty bidding. Virginia earned her title of the Old Dominion by the proud and independent action of her own people, by the loyalty of her sons to the instincts of independence, without help at the hands of those who would now interfere with her affairs.

However feebly I may assert that spirit against the gratuitous and hypocritical concern for her of strangers to her trials, her sacrifices, and her will, I feel that the spirit of my people inspires me when I scornfully repel for them and for myself ungracious attempts to instruct a Virginia Senator as to his duty to them and to himself. Senators should learn to deal with *their* constituencies, while I answer to *mine*.

To him who would insinuate that my action in respect to the organization of the committees of this body and the proposed election of its officers has been governed or controlled by impure considerations—and I am loth to believe that any honorable Senator has so intended—in the language of another, I say:

> If thou said'st I am not peer
> To any lord in Scotland here,
> Lowland or highland, far or near,
> Lord Angus, thou hast lied!

And now, Mr. President, permit me to say that Senators can no more realize my regret than they can measure my amazement that my colleague should have felt it incumbent upon him to join the assaulting column in this Chamber. He first introduces the consideration of my political consistency, and he next introduces me, with the eighty-odd thousand of his fellow-citizens who sent me here, to this honorable body as a repudiator of public obligations. The sense of justice of fellow Senators renders it unnecessary for me to apologize for noticing my colleague's criticisms on the one hand and his perversions on the other. However much he and his friends may endeavor, by the chop-logic of the attorney, to demonstrate what I ought to be, I know by my convictions and by my sense of duty what I am. In this particular I have largely the advantage of my colleague; for if I take him by his record, diminutive as it is, he neither knows what he was, what he is, or what duty he came here to perform. A very brief recital of Virginia political history, covering but a decade, will give a clear view of the Virginia situation as it is represented on this floor. My colleague gave the first page, and then, like the lazy, truant schoolboy, skipped many pages, or, like the shifty lawyer, read only so much of the authority as suited his case. I am duly grateful to him for the small meed of praise he would deal out to me for the humble part I bore in the great liberal movement of 1869, which was undertaken to return our State to her normal condition in the Union.

I am the more grateful because the organs of the faction he represents here have recently published columns to prove that I was breathed into political existence subsequently to that momentous period. Not being sworn, my colleague thought it was sufficient for him to tell the truth without the usual obligation to tell the *whole* truth. It is now my privilege, as well as duty, to supply all deficiencies. The views I entertained then I still adhere to, and though, as far as my information goes, we had no material assistance from him in that severe and trying ordeal of 1869, I do know that after his election to this body he confessed himself in entire accord with all that had been done by Virginia as a condition-precedent to her restoration, and with the zeal of a new convert expressed the hope that other States of the Union without the same propelling cause should do likewise. In a letter addressed to the then governor of Virginia (Walker) he wrote as follows:

JOHNSTON TO GOVERNOR WALKER IN 1869.

Believing fully not only that we in Virginia could not prosper, but that our continued exclusion from the Union interfered with the business of the whole country, I have been anxious for an early compliance with the reconstruction laws, and that the State should itself inaugurate some movement similar to that which resulted in your election for the purpose, and not wait, like Micawber, "for something to turn up."

* * * * * * *

The fifteenth amendment, which I trust will soon be adopted by States enough to make it a part of the Constitution of the United States, will end a question which has agitated the country for half a century. I entirely approve of the principles of that amendment, and as we have invested the freedman with the right to vote, let us give him a fair opportunity to vote understandingly. He has civil rights, and it is our interest he should know their value.

* * * * * * *

That we are apparently so near to the consummation of reconstruction we are greatly indebted to President Grant's kind offices. The State was in a dilemma; it wanted a constitution; but the one made for it has at least two very objectionable features. We felt that we were suffering in all our material interests by staying out of the Union, and yet to go in under the constitution with all its provisions would have been worse.

The Gordian knot was happily cut by the President's first message to Congress and the prompt response of that body. Up to this time the conduct of the administration has been liberal, and if the same policy is pursued hereafter it ought to have the hearty support of this State. If we cast dead issues behind us and look only to that line of conduct which shall restore quiet and confidence, and encourage enterprise and industry, we shall even see the country richer and more prosperous than it has ever been.

This movement in 1869 accomplished the restoration of our State under the expurgated constitution and gave us representation here in the persons of my colleague and ex-Senator Lewis. We were relieved of military government, became rehabilitated in our sovereignty, with entire control of our local autonomy. Thus, for a period, Virginia seemed to be enjoying the full freedom of her long-deferred hope for peace. And but for what I shall hereafter advert to she would have had peace indeed. Following the recital of my colleague, who fixes my next appearance on the political stage with the election of Governor Kemper in 1873, I would respectfully invite his attention to what was regarded as the true status of the conservative party in Virginia at that time. I would ask the Clerk to read from the first message of Governor Kemper.

The Chief Clerk read as follows:

POLITICAL PARTY RELATIONS.

The duties imposed upon us in the existing crisis, involving the reconstruction of the foundations of society, impel us to be guided by higher considerations than ordinarily control political party organizations. Of the people who confided to us our present trusts, a great majority is not identified with any existing national political party; and although they were formerly divided among opposing parties, they now stand united upon common conservative principles. Adhering to those principles, Virginia seeks these ends: to secure and maintain her full constitutional rights and relations, and to perform all her constitutional duties as one of the coequal members of the Union; to exercise all rightful powers of self-government and to determine, adjust, and regulate the internal, domestic, and municipal interests of her people, their relations and rights, including such as are known as civil rights, in strict conformity to the Federal Constitution and the late decision of the Supreme Court of the United States expounding recent amendments thereto, and the respective powers of the Federal and State governments thereunder; to obtain an equitable settlement of her just claims against the common government; to promote universal reconciliation upon the basis of equal justice to all the States and people; to cultivate harmonious relations with the common government, and to yield a liberal support to every department thereof co-operating in the accomplishment of the ends thus sought. Virginia, recognizing no such obligations as bind her to any national party organization, maintaining her fidelity to all who are and who shall become allies in the defense of measures calculated to secure the ends named, is ready to co-operate cordially with men of whatever party in upholding those measures, by whomsoever proposed, supporting those who support them, and opposing all opposition to them.

One of the articles announcing the principles and purposes recently ratified by an overwhelming majority of our people declares that, disclaiming all purpose of captious hostility to the present executive head of the Federal Government, "We will judge him impartially by his official action, and will co-operate in every measure of his administration which may be beneficent in design and calculated to promote the welfare of the people and cultivate sentiments of good-will between the different sections of the Union." This article was no political expedient of the hour. It embodies the sentiments of honorable men, and binds by the obligations of good faith and justice. It pledges such liberal support as may be consistent with our principles and justified by the developments of the future. I recommend its reaffirmation by the General Assembly, if no untoward event occur to forbid such action.

Let none suppose that we attach importance to the dispensation of the official patronage of the Federal Government in Virginia, or take interest in it beyond desiring to see appointments conferred upon honest and capable men. If any imagine our people can be influenced by such paltry considerations, they fail to comprehend the moral and political level on which we stand.

In a period of declining political partisanship, when national parties seem to be in process of transition and transformation, Virginia stands upon her own firm ground of catholic patriotism, of constitutional justice and equality, of universal peace and reconciliation; ground broad enough and fit, if not destined, to be occupied by all good men of all parties.

Mr. MAHONE. Thus, Mr. President, am I indorsed by the highest Virginia authority in what I then believed and now maintain to be the true principles, the object and aim of Virginia Conservatism, which was then the common political designation of those with whom I co-operated. The sentiments of that governor were the sentiments of our people; they are the sentiments of my constituency to-day, and I mean to respect and assert them here. I think the people of Virginia are as ready now as in 1873 "*to judge the Executive by his official action, and to co-operate in every measure of his administration which is beneficent in design and calculated to promote the welfare of the people and cultivate sentiments of good will between the different sections of the Union.*" I believe still that this declaration "*was no political expedient of the hour,*" but that it embodied the sentiments of all Virginians who are incapable of dissimulation, even in the manufacture of party platforms. Virginians now, as then, want their real interests and true principles represented, and will no longer feed upon the husks of a maudlin sentimentalism. They feel as they did when the lamented R. T. Daniel, as chairman of the conservative party, telegraphed congratulations to the President on the success of a policy of kindness toward them, and they are not less desirous now for mutuality of respect and confidence.

In the curious panoramic exhibition of my colleague I next appear as a candidate for governor in 1877. To be a candidate in Virginia

is a privilege which every qualified voter may constitutionally exercise, and in that year there were three prominent candidates other than those named by the Senator. Two of them had been major-generals and one a brigadier-general. What an omission! Shades of departed glory defend us! when a United States Senator of the Bourbon persuasion can omit imposing titles in detailing events with which they were intimately associated. 'Tis true I was not nominated, lacking forty votes of a certain majority of a convention composed of over fourteen hundred delegates against a combination of five candidates, one of whom my colleague preferred, that preference perhaps being based upon motives as unselfish as are usual in veteran politicians and officeholders.

Mr. President, I can scarcely hope, in the presence of this body, where my colleague has served for many years, and where the altitude of his statesmanship frowns contemptuously down upon all who would aspire to reach its summit, to attain the awful diffidence with which I should undertake to correct any of his statements. He is one of the conscript fathers of the Senate, old in all its ways and usages; and long absence from his constituency and perpetual service to the national democratic party in helping to organize its numerous defeats make him forgetful of recent events in Virginia. Hence the necessity of my attempting to inform him as to certain matters of recent history at home.

"The next event," says my colleague, "was that the readjusters separated themselves from the *democratic* party;" and after treating this at some length he says, "This brings us down to what is called Mozart Hall convention," in which, he adds, "I spoke of the *conservative* party as though I belonged to it."

Mr. President, I confess my inability to understand all this curious mixture of the odds and ends of my colleague's scrap-book. He parades his facts in curiously-contrived array. He empties his ill-assorted jewels of information and "chunks of wisdom," and seems to rely upon Senators to give them that consecutive arrangement as to fact and date which they have, possibly, in his own great mind. But, sir, the fact is there was no remarkable incident in Virginia politics between the election of 1877 and 1879, the month of February of the latter year being the date of the assembling of the Mozart Hall convention. Certainly until February, 1879, there was no change in the status of parties in Virginia within that period. There was no organization of readjusters until February, 1879, and there was no *declared* democratic party until 1880.

This brings me, Mr. President, to a period when I propose to do more than follow my colleague in his half-way candid and nearly always inaccurate statement. It is at this juncture, he says, that Mr. Riddleberger and I are so much identified that he cannot separate us. It is at this point the organization of the readjusters begins; and it is at this point he appears to seek to make an impression wholly unwarranted by any act of the readjusters in Virginia. It is at this point, too, Mr. President, that I am constrained by a sense of duty to my people, my State, and myself to treat the question of our State debt as it presents itself in Virginia. In doing this, I wish it distinctly understood that I hold this to be a matter belonging exclusively to the State of Virginia, and I should repel any Federal interference with this as I would with any other question of mere State concern. I shall presume upon the indulgence of Senators because they have heard but one side, and that more than once, and I know they will be willing to hear a defense of Virginia against unjust attacks from those who ought to be her defenders.

Sir, there is not a fact upon which to base any one of the statements or arguments of my colleague. Instead of the Mozart Hall convention being held to effect a repeal of an irrepealable contract, it was a body of people assembled on a call of members of the General Assembly opposed to what is known in Virginia as the "brokers' bill." They assembled before that bill had passed either House of the General Assembly, and, coming fresh from the people, expressed their unqualified disapproval of that measure. It was apparent the measure was to pass, and organized opposition began. But, Mr. President, this is neither the beginning nor the end of this question. It was in 1871 that the first funding bill was enacted, and this we know in Virginia as the first contract.

I will not go into the details of this measure, as I shall ask the clerk to read a review of all the Virginia funding acts before concluding my remarks. It is my purpose now only to notice the speeches of Senators, notably that of my colleague, in this Chamber. It will be news to Senators to hear to-day that the readjusters never repealed either of the funding contracts. That enacted and only partially executed in 1866-'67 was in effect repealed by the Assembly which passed it, and the work of repeal was consummated by the Legislature that enacted the more obnoxious measure of 1871. This in turn was repealed by the Assembly of 1872, the propounder of the repeal measure being the present lieutenant-governor of the State, subsequently in full fellowship with the alleged debt-payers. Indeed this measure was so obnoxious that Governor Walker, who was conceded to be its author, subsequently urged that the Federal Government should assume the debts of the Southern States.

Mr. President, I might pause to inquire if that is a part of the doctrine of my colleague and the Senators who co-operate with him, when they stand here to represent the party for which Governor Walker then spoke, the pretended debt-payers of Virginia? It was this repeal bill which the Virginia court of appeals held to be unconstitutional, and here the matter rested until the State had accumulated interest arrears to over five million dollars, besides diverting one and a half million dollars which was dedicated by the constitution to the public free schools.

In 1877 what is known as the Barbour bill was proposed and passed, not a few of the latter-day self-styled debt-payers being among its most zealous supporters. Although this did not repeal in terms the original funding bill, it was nevertheless vetoed by the governor.

Such was our condition at the succeeding election—schools reduced 50 per cent., length of sessions abridged, asylums sustained by money borrowed from the banks—after exhausting every possible expedient, even to a reduction of judicial salaries, that a Legislature was returned pledged to a resettlement of this debt.

That settlement came in the form of the brokers' bill, for which my colleague stands at home and here the champion, aided and abetted by distinguished gentlemen on this floor. I commend the virtuous democracy of this Chamber to read that bill, and then tell this Senate whether there ever was a more undemocratic measure than the bill propounded in Virginia by the party whose cause they espouse.

That settlement came in the form of the broker's bill, as I have said, and this was the last repeal of the original contract. Yet my colleague would say the readjusters of to-day disregarded the court decisions. Surely he has not forgotten that he was upon the hustings in Virginia advocating each of the successive measures repealing the "irrepealable" contract, while in every instance the readjusters proper opposed the new measure.

But here again I am called upon to answer the charge of personal inconsistency. My colleague cannot ascertain that I opposed the funding scheme of 1871—a measure which, I assert without the fear of contradiction, not only repudiated but forcibly repudiated what my colleague understands to be one-third of the debt of Virginia. I suggest to my fellow-Senators on the opposite side to take care of that contamination of which they have warned the country in respect to the readjusters of Virginia.

My colleague adverted to the Richmond Whig, and proclaimed it as my mouth-piece. Mr. President, nobody speaks for me; I speak for myself. Why not have ascertained from the same source how I stood on the funding bill of 1871? Senators will not find that I ever supported the measure of 1871.

My colleague says again that I supported "*Governor Kemper, who was an extreme debt-paying man and the friend of every bill that had ever been brought forward for the payment of the debt in full.*" I can give to Senators no better opportunity of learning what my colleague calls a debt-payer than by reading from Governor Kemper's first message to the General Assembly.

The Chief Clerk read as follows:

THE UNITED STATES AND THE DEBT OF VIRGINIA.

While resolutely rendering full justice to all others, we seek with confidence that justice for want of which our State suffers. Virginia has just claims upon the United States, the consideration of which ought not longer to be postponed. In time of war, and as one of a series of war measures, the United States dismembered our State, making no provision in respect to her previously contracted debt, for the payment of which both the now dissevered parts had united in pledging the faith of the whole. The responsibility of the debt was left between Virginia and West Virginia, with no arrangement for its equitable distribution between them, and with such conflict of claims as renders any voluntary settlement or compromise on the part of the two States plainly impossible, while neither has such remedy as the exigency demands for enforcing an adjustment.

The United States, in controlling the dismemberment of Virginia, failed to adjust necessary terms of separation, failed to make any provision against the grave and perplexing difficulties which have resulted, and such failure has postponed and seriously interfered with the rights of public creditors, has left the seeds of alienation between States and between the people and the Government, has imposed upon us unjust burdens which repress the energies of our people, restrict our means of providing for public education, and hinder the material recovery of the State. The Government of the United States, by its action, prevented the State from fulfilling its obligations; it intervened disastrously between Virginia and her creditors, and cut the body of the debtor in twain with the sword.

In asking the United States to assume and discharge our State debt, or at least to so readjust its own work as to relieve us of unfair burdens, we are not involved in any discussion of the power of the Federal Government, under ordinary circumstances, to assume debts of the States. We are invoking that Government to perform a duty incident to war, and to exercise authority inherent in war-making power, by adjusting the incomplete acts and unrectified results of war, and by adjusting them in accordance with indisputable principles and precedents of equity and public law. If the Government of the United States should now, in the plenitude of its wealth and power, restore prosperity to our State by assuming her debt, a paltry burden on the national Treasury, but grievous to us in our poverty, it would only in small measure make return for the vast donation with which the munificence of Virginia endowed the Union in its weakness and infancy.

Mr. MAHONE. This is debt paying with a vengeance. It is a recommendation to pay the debt by the Federal Government; a proposition which never found favor with the readjusters, who held, and still hold, that Virginia should pay two-thirds of all the money she borrowed—the other being West Virginia's share by every principle of international law—and upon this principle pay such rate of interest as can be paid without an increase of the tax rate.

Nor is this all. After representatives of the council of foreign bondholders met commissioners of the State in Richmond, Governor Kemper, in a very lengthy appendix to his message, wrote what I ask to have read at the desk.

The Chief Clerk read as follows:

Another of the propositions submitted is to retire and recapitalize the whole of the funded debt at 4 per cent., providing certificates for the deferred interest of 2 per cent. and paying 4 per cent. interest on such deferred certificates. In reference to that proposition it is pertinent to say that the people of Virginia have man-

ifested profound dissatisfaction with the past action of the Government in funding arrears of interest, much of it war interest, in interest-bearing bonds; and they are likely to be slow in sanctioning any arrangement which would involve the payment of interest upon interest.

Mr. MAHONE. That Governor Kemper then agreed with us on the question of the funding of interest is fairly to be inferred from this extract, and therefore I have no more fault to find with my colleague for associating me with him in this matter than on that of the true status and real objects of conservatism.

The answer to my colleague's statement that "Governor Kemper was the friend and advocate of every bill that had ever been brought forward for the payment of the debt in full" is best answered by the governor himself. Therefore I shall beg the earnest attention of Senators to the following extracts from a special message in 1874, which I ask the Clerk to read.

The Chief Clerk read as follows:

The financial condition of the State has been misapprehended and misrepresented in many quarters. It is to be regretted that not only the ability but the willingness of the State to carry present indebtedness has been discussed, and the opinions and the purposes of both the legislative and executive departments have been subjected to injurious misconstruction among some of our creditors. In transmitting to the General Assembly the accompanying memorial of the council of foreign bondholders, I take occasion to note prevailing errors and to submit some considerations bearing upon the solution of our financial difficulties.

Public opinion is believed to have been misled partly by erroneous representations of our condition abroad and partly by miscalculations and errors of the authorities of Virginia in the past. The act of the 30th of March, 1871, commonly known as the funding act, unconditionally pledged the State to the regular and punctual payment thenceforward of full interest on the debt which it provided to be newly funded in the name of Virginia. This action appears to have been taken without due calculation of the diminished resources of the State, and without needful inquiry into the question of her ability to bear at this time the great burden thus assumed. One of the consequences is that, although the people are discontented and suffering under existing taxation, rendered very grievous to them by their impoverished circumstances, yet the revenues of the State have not enabled us to fulfill our new obligations. The practical operation of the funding act has proved equally unsatisfactory to both debtor and creditor. No question or doubt of the validity of the act itself and no impugnment of the motives of its authors is implied in the declaration that its passage was a surprise to our own people; that it was precipitately enacted, without such previous communication and understanding between the Commonwealth and her creditors, such discovery of the situation, such disclosure of the impoverished and almost ruined condition of the State, as our own necessities, a due respect for the creditor class and established usage in like cases imperatively demanded. The result is that the new bonds, designed to pledge the State to the payment of no more than two-thirds of the original debt, maintained no higher market value than that repeatedly reached and often exceeded prior to the date of the funding act by the old obligations which represented the whole debt. The result is that while our own people are more dissatisfied than ever, the complaints of creditors are increased instead of being quieted.

* * * * * * *

The assessed value of the real and personal property actually subjected to taxation in the State in 1860 was $585,099,382.77, while the official reports show that property of the value of $163,556,100 was exempted from taxation under the laws then in force, thus making the actual aggregate resources of the State in 1860 equal to $748,655,482.77. It appears from the same official sources that the aggregate value of real and personal property within the territory embraced in the present limits of Virginia was, in 1860, $632,204,191.65. The aggregate of assessed values of taxable property of every kind in Virginia, in 1873, was and it now is $336,686,433.23, and no more. Great and alarming as this decline in taxable values has been, the production of the State and the acreage of cultivated land are diminished in at least equal proportion. An illustration of our losses in production is to be found in the tobacco crop, which, grown almost exclusively within the present limits of Virginia, amounted in 1860, according to the census of that year, to 123,968,312 pounds, and which by the census of 1870 had in that year fallen to 37,086,364 pounds. Such losses in every kind of agricultural production are further shown, and in some measure accounted for, in the fact that of the population constituting a most valuable producing class before the war more than a half million now produce little, if anything, but a bare living for themselves.

In addition to all these evils a vast private indebtedness, incurred prior to the general destruction of public and private property by war, an indebtedness which greatly exceeds the whole public debt of the State, no inconsiderable part of which is due outside the Commonwealth, and all of which has been and is being pressed for payment, distresses our people and strains their uttermost resources and energies.

The present revenues of the State are large when compared with her resources. The State revenue for the last fiscal year, excluding costs of collection, amounted to $2,421,945.41; while for the same year the additional sum of $2,217,538.49, besides costs of collection, was drawn from the people in the shape of county, township, road, and local school taxes, making the net aggregate of $4,639,483.90 paid yearly in public taxes, while the aggregate of taxable values stands at $336,686,433.23. This amount of taxes is exclusive of the very considerable taxes paid to corporations, while a sum far larger than the amount of all taxes combined is annually drawn from the State by Federal taxes. If full interest should now be paid upon the debt assumed by the funding act, the amount of State and local taxes (excluding costs of collection—all Federal and corporation taxes) would necessarily be increased to the net sum of $5,964,425.77, for the revenues of the last fiscal year were less than enough to support the government and pay such full interest by the sum of $1,324,941.87.

Our real situation is not understood abroad, and has been greatly misrepresented. Public creditors, without knowledge of any peculiar embarrassments, have not rendered us the appreciation which better information would have commanded. If a fair investigation caused surprise, it will not be on account of what the State has failed to do, but what she has in the face of unprecedented difficulties accomplished. Besides enduring tremendous losses in men, labor, and capital; besides being borne down with an enormous private indebtedness; besides sustaining onerous Federal taxation, and meeting the new and great charge of caring for and educating the suddenly emancipated colored people, and administering justice among them; besides bearing the untimely and harassing burdens of a badly complicated government forced upon us by an obnoxious State constitution; without help from any quarter, and without having added a dollar to the principal of her debt by temporary loan or otherwise, Virginia has paid out since the close of the war more than five millions of dollars upon the principal and interest of her *ante-bellum* debt. It must be remembered that it is a wasted and mutilated State, shorn of one-third of her territory and more than half of her taxable values, struggling against the force of unparalleled distress and depression, that has rendered this firm proof of her determination to maintain her plighted faith. It may be safely affirmed that no other State and no considerable municipality carries an amount of debt so excessively disproportioned to its resources, or has under the greatest disadvantages accomplished so much, as Virginia. Notwithstanding any errors of the past, resulting from haste, transient excitement, or public distress, a full investigation is bound to satisfy the world of Virginia's willingness and purpose to perform all her obligations to the utmost extent of her ability.

Mr. MAHONE. Here, Mr. President, I submit this much of the case with a respectful admonition to my colleague to look well to the records before he again essays to state a fact concerning our public debt and our public men.

Passing over what appears in my colleague's speech as extracts from newspapers, to whose misstatements he has contributed a full share, I come now to notice his animadversions on the Riddleberger bill. If his criticisms were based on fact and a proper understanding of that measure, they would be unanswerable. He says that "the 'Riddleberger bill' has been substantially pronounced unconstitutional by the Supreme Court of the United States." I ask him in what particular? Is it in this—that it does not recognize the interest that accrued during the war? If so, will my learned colleague inform me upon what principle of right he last summer sustained a measure which repudiated one-half of the interest that has accrued since the complete restoration of our State? Does he not know that that measure of forcible readjustment absolutely repudiated one-half of the accrued and unfunded interest, while the Riddleberger bill provides for paying it dollar for dollar? The difference is simply this: that since 1871 we have denied the right of the creditor to exact war interest and proposed to pay him all else in full. Our adversaries would and did fund that war interest and proposed to repudiate one-half of that which we are in honor and in law bound to pay.

Is it unconstitutional in that it pays but 3 per cent.? The only measure ever passed by the Virginia Assembly to pay as much as 4 per cent. and the only one under which one-third of our creditors have received a penny of interest, was introduced and patronized by Mr. Riddleberger. The first time that our Legislature ever voiced 3 per cent. was when they passed the brokers' job, the pet scheme of my colleague, so ably re-enforced in his advocacy of it on this floor by distinguished gentlemen on the other side, the Legislature then themselves admitting and declaring in the preamble of their bill that this is all the State can pay for ten years "without destroying its industries;" and last winter every legislator of their party voted to run the 3 per cent. for the whole time.

Is it unconstitutional in that it does not exempt the bonds from taxation *forever*, as the brokers' bill attempted to do, a feature peculiar to that measure for paying the debt of Virginia which my colleague advocates here? If so, I would respectfully refer my colleague to his State constitution, which says that all property shall be taxed equally and uniformly; that no one species of property shall be taxed higher than another, and that only such property as is used for religious, educational, and charitable purposes may be exempt from taxation. My learned colleague, who so unkindly characterized the patron of that bill as a county court lawyer, cites only Hartman *vs.* Greenhow as the case which holds this bill unconstitutional. That case decided no principle that this bill infringes. The Riddleberger bill imposes no tax upon bonds held either in or out of the State. It simply does not exempt any. By what authority, I would ask my colleague, can such a tax be made and collected? He must answer to the party which he undertakes to represent here for doing an unconstitutional act: to tax bonds of the State of Virginia held by a nonresident. The Riddleberger bill does not tax them. Whenever the General Assembly, carrying out the Riddleberger bill, shall endeavor to tax bonds held out of the State, it will be time for the Senator to renew the test in the Supreme Court of the United States and cite the precedent of Hartman *vs.* Greenhow.

Is it the much-discussed fourteenth section which is unconstitutional? If so I would remind my legal colleague that it is a verbatim copy of a statute passed by the State of Tennessee, adjudicated by the Supreme Court of the United States, and not only held by that high tribunal to be constitutional but proper legislation for the protection and maintenance of government. Is it unconstitutional in what is called its force feature? If so it has precedent in the bill of '71, which forbade the payment of any interest to a creditor who did not accept a reduction of one-third. It has precedent in the brokers' bill, which provided tax certificates to compete at a reduced price with the receivable coupon, and both of these measures found a hustings advocate in my colleague.

But he would imply that our debt was ascertained at a certain sum in pursuance of the State constitution, which he says was $29,667,304.76.

Mr. President, if there is any man in the party which my colleague represents who agrees with another member of that party in Virginia as to what the debt of that State is, we have yet to find the concurrence; it is with one leader this figure, with another leader another figure; by one report of their officers one sum, and then by another report of other officers a different sum. Grant that sum to be the true one; but let the Senator state that our constitution recognized no specific sum. It says there shall first be a settlement with West Virginia, which has not yet been had, and commands payment of what Virginia shall owe. That is the language, that is the instruction of the constitution of Virginia; that, after a settlement with West Virginia, covering one-third of old Virginia's territory, shall have been arrived at by an adjustment of their relative proportions of the public debt, Virginia will provide for her share. Now I would like the

Senators from West Virginia in this cry against readjusters as repudiators to tell the country what answer they have made to their obligation for one-third of the debt contracted by the old Commonwealth of Virginia. Will they tell the country where they have ever made a proposition to pay one stiver of their share of the public debt of that State to maintain the honor and the dignity of their own Commonwealth? Let them answer.

It was the party of my colleague that repudiated the settlement of 1871 by the passage of the brokers' bill in 1879, and in turn attempted to repudiate the latter by unanimously indorsing what is known as the "Ross Hamilton bill." I suppose it would not suit my colleague to tell this audience who Ross Hamilton is. Yet, I beg Senators to take notice that the party of my colleague, after a winter spent in the vain effort to find a leader capable of devising means to overthrow the popular will, discovered such, as they supposed, in the person of Ross Hamilton, a colored republican member of the Legislature from the county of Mecklenburg, and blindly followed him to defeat. Hamilton's bill, which was thus unanimously supported by my colleague's party, not only in effect repealed their pet scheme, the brokers' bill, but all other acts in respect to the public debt of Virginia.

I come now to perform a duty—the most unpleasant in one sense and the most agreeable in another. It is to repel the charge flippantly, I hope inconsiderately, made on this floor that we are repudiators and our proposed measure dishonorable. To the first I reply that my colleague's party in eight years of administration of our State affairs paid 2 per cent. installments of interest on ten millions of our public debt just six times, or 12 per cent. in all; 6 times 8 would be 48 per cent. Instead of that they paid 12 per cent., and that is debt-paying!

Let this suffice. But when Senators apply the word dishonorable, they do not know either whom or what they characterize. Two things they have endeavored to demonstrate, and one is that I received a majority of the white conservative vote of both branches of the Virginia General Assembly. Proudly do I proclaim the truth of this. Every one of those who voted for me to come to this Chamber gave an unqualified vote for the Riddleberger bill. Are they dishonorable men? Scornfully do I repel the charge that any one of them is capable of dishonorable action.

Were it true, what a sad commentary it would be upon those honorable gentlemen whom it is said I am not representing here. Mr. President, my colleague comes from what we call in Virginia the great Southwest, a noble and prosperous section of Virginia. Fifteen white Conservative counties compose his congressional district, and though the ablest of the orators of my colleague's party canvassed it thoroughly against me and the views set forth in this measure, but two delegates and no senator of the gentleman's party came to the Legislature. To a man they supported the Riddleberger bill. Every senator and every delegate from my colleague's own congressional district, save and except two delegates, supported me for the Senate and the Riddleberger bill as a measure for debt-paying. He would do well to spend a little more time with his constituents!

Whatever our differences on this question, it seems to me those people should have had a defender in him against such foul and slanderous accusations as have been made—that they are dishonorable men. O Shame! where is thy blush? Dishonorable in Virginia to beg the privilege of paying every dollar she borrowed—that is, her rightful share, instead of not only paying that but also the share of West Virginia—dishonorable to pay every dollar she borrowed, only abating the war interest! Dishonorable, too, in the opinion of gentlemen who represent States on this floor and municipalities which have by arbitrary legislation reduced their indebtedness from $243,000,000 down to $84,000,000! Dishonorable in Virginia not only to assume her full share of her public obligations, as measured by her territory in this division of it, but offering to tax her people to an extent threatening the destruction of her industrial interests! Is that dishonorable in that people? If so, what have you to say of this tier of Southern States whose public indebtedness, whose plighted faith, whose sacred obligations—as sacred as are those of my State of Virginia—have been reduced from $243,000,000 by one or another method of repudiation, upon one or another excuse, down to $84,000,000, with a reduced interest rate upon the curtailed principal, and only proposing to pay interest in some cases at 2 per cent. and in others 3 and in others 4 on the reduced principal? Is it dishonorable in Virginia to assume $20,000,000 of the debt of the old State and then to tax her industries within the verge of endurance to pay on that sum the highest rate of interest? Let Senators who assail unjustly the conduct of Virginia in this respect put their own houses in order. I want, Mr. President, the Secretary to read from the International Review the measures of readjustment in the Southern States, that Senators may know how fashionable readjustment has been in that section of this great country on which northern democrats rely in a presidential election.

The Chief Clerk read as follows:

Fluctuation of the debts of twelve Southern States since the year 1842.

States	1842.	1852.	1860.	1870.	Date after the war when debt reached highest.	1880.	Amount of debt repudiated and scaled down between period when highest and June, 1880.
West Virginia						No debt.	
Virginia	$6,994,307	$13,573,355	$31,779,052	$47,390,839	$47,390,839	$29,345,226	$18,045,613
North Carolina	None.	977,000	9,699,000	29,900,045	29,900,045	3,629,511	26,270,534
South Carolina	5,691,234	3,144,931	4,046,540	7,665,906	24,782,906	7,175,454	17,607,452
Georgia	1,309,750	2,801,972	2,670,750	6,544,500	20,197,500	10,334,000	9,863,500
Florida	4,000,000	2,800	4,120,000	1,288,697	5,512,268	1,391,357	4,120,911
Alabama	15,400,060	8,500,000	6,700,000	8,478,018	31,952,000	11,613,670	20,338,330
Mississippi	7,000,000	7,271,707	None.	1,796,230	3,226,847	379,485	2,847,362
Louisiana	23,985,000	11,492,566	4,561,109	25,021,734	40,416,734	12,635,810	27,780,924
Texas		5,725,671	None.	508,641	5,782,887	5,782,887	
Arkansas	2,676,000	1,506,562	3,092,624	3,459,557	18,287,273	5,813,627	12,473,646
Tennessee	3,198,166	3,776,856	20,896,606	38,539,802	41,863,406	25,685,822	16,177,584
Kentucky	3,085,500	5,726,307	5,479,244	3,892,480	3,892,480	180,394	3,712,086
Totals	73,340,017	64,499,727	93,046,934	174,486,452	273,205,185	113,967,243	159,237,942

Mr. MAHONE. There is no mere readjustment there; I will not say it is repudiation. "Repudiation" is honorable, perhaps; "readjustment" dishonorable.

Oh, Virginia! It was for this you bared your bosom to soldier's tread and horse's hoof. It was for this you laid waste your fields. It was for this you displayed your noble virtues of fortitude and courage, your heroic suffering and sacrifice. It was for this you suffered the dismemberment of your territory and sent your sons to the field to return to the ruins where were once their homes. It was for this you so reluctantly abandoned your allegiance to a common country to be the last to make war and the last to surrender. O Ingratitude, thou basest and meanest of crimes!

Mr. President, as my colleague has transferred the question of readjustment from Virginia to this place by having the Riddleberger bill read at the Clerk's desk, I shall not lose this opportunity to present our side fully. But I desire it distinctly understood that I belong to that class of democrats who adhere to the view that the State has an inalienable right to control her domestic affairs in her own way, and that the question of Virginia's debt is of no more concern to the Federal Congress than that of the many readjusted debts of the other Southern States.

I shall now send to the Clerk's desk a paper to be read or to be incorporated with my remarks without reading, as Senators may prefer. I do not desire to weary the Senate with reading this documentary evidence. With permission that it shall go in as part of the RECORD and be considered a portion of my remarks, I will suspend the reading.

The VICE-PRESIDENT. There being no objection, it is so ordered.

Mr. JOHNSTON. What is the paper?

Mr. MAHONE. It is my published interview on the debt question.

The document is as follows:

The public debt of Virginia examined and determined, with a history of the various movements and schemes of settlement in connection with it.

[From the Philadelphia Press.]

The great concern manifested everywhere in the particularly interesting political situation in Virginia, and the widespread misconception which seems to prevail outside that State as to the real status of her public debt and the attitude of local parties toward it, recently led several gentlemen, representing various sections and interests, to seek an interview with General WILLIAM MAHONE, United States Senator-elect from Virginia, in which he was asked to impart to his interlocutors for general benefit his views on these subjects, with special reference to the much-mooted debt question. To this General MAHONE readily assented, expressing his pleasure, indeed, at an opportunity which enabled him to vindicate Virginia and her people about a matter that had been grossly misrepresented. It is a

LARGE SUBJECT

and a long story, said the general, but to a correct and enlightened understanding of it its history must be told. In 1861, at the outbreak of the civil war, Virginia possessed a territory one-third larger and a populption one-fifth greater than she does to-day. Then she held large and valuable interests in the public works and the banks of the Commonwealth—her share in the latter alone contributing annually $368,850 to her treasury. These were either destroyed or impaired at an absolute loss to her of full forty millions of dollars. Then her people were in easy financial circumstances and prosperous, the owners of a large property, of which

in personalty alone they have suffered direct deprivation to an amount not less than five hundred millions in value, much of which was taxable. Then the property of all kinds assessed with taxes in Virginia was greater than now by $317,660,000, and now amounts to only $267,439,000; and then her public debt was $31,188,000, with an annual liability for interest of $1,850,000, while the McCulloch bill would arbitrarily impose a debt of $33,228,671 upon the Virginia of to-day, shorn of her territory, decimated in her population, and beggared in all her resources; a debt greater than that of any other State of the Union, to crush and paralyze the State which suffered most of all by the war![1] The

REVENUE OF VIRGINIA

in the year 1859-'60, on a levy of forty cents upon the one hundred dollars of assessed value, was $3,936,874. In 1880-'81, when every species of property is taxed, her revenue cannot be counted upon for more than $2,100,000 net, although the levy is now, since 1871, fifty cents.[2] And whereas formerly the State levy of forty cents was substantially the whole extent of our public burden, now the aggregate of city county, State, and Federal exactions equal a tax of 3¼ per cent. on the assessed value of property, or $3.33¼ on every one hundred dollars of our taxable values.[3]

The expenses of the State government now, under the most frugal administration, cannot be put at less than $1,400,000, including the constitutional charge of the free schools, and averaged about $1,600,000 until the readjusters came into power.[4] Yet our interest account, under the McCulloch bill, would stand for the year 1879 at $1,299,164; for 1880 at $1,194,164; for 1881 at $1,093,164; for 1882 at $1,008,012, and for 1883, and each year succeeding to 1890, at $996,860; or, if averaged for the ten years, at $1,057,560 a year.[5] For the ensuing twenty years (at 4 per cent.) the annual interest would be $1,329,147; and for the remaining ten years under the bill (at 5 per cent.) it would be $1,661,333 a year. And this the funders are wont to call a 3 per cent. settlement—3, 4, and 5! The utter impossibility of meeting merely the average annual interest demand of

THE M'CULLOCH BILL,

even during the period of its lowest rate, need not be discussed, when it is apparent that, after defraying the necessary expenses of government, including support of the schools, no larger annual surplus can be safely relied on than $700,000; and when we are at once confronted, moreover, with an urgent floating debt of $2,552,372, which comprises $1,504,245 of school money diverted during former years, $60,482 of accrued interest on college endowments, $40,520 due the literary fund from fines diverted, $163,894 of outstanding warrants against the treasury, and $783,231 of over-due, self-executing, tax-receivable coupons.[6]

It was in the year 1866-'67 that the matter of Virginia's debt was first considered by the General Assembly. That was the first Legislature elected after the war, at a time when the partition of the State, the loss of population, the destruction of values, and the impoverished condition of our people were none of them properly realized. Yet that Assembly, strangely enough, before its constituencies had been consulted upon the subject, and when our circumstances were not understood, rashly and without due authority undertook to shoulder the entire old debt of undivided Virginia, with all its accumulations of overdue and unpaid interest that had accrued since the beginning of the war, and to capitalize the latter and interest upon that as additional principal.[7] Nay, so far from being authorized to assume this debt, the very constitution under which it acted (that of Alexandria) directed that the debt should be first "adjusted" with West Virginia.[8] The same body which so improperly assumed the debt and its accumulations also appointed a commission to negotiate for the return of West Virginia within our bounds and jurisdiction—so little did our representative men, our public leaders, then comprehend the real facts of our situation![9] Nor was it until after the complete failure of this effort to restore the integrity of our former limits that our politicians and our legislators began to understand and measure the permanent disruption of our territory as one of the numerous results of the war that too many were slow to see and to accept. The General Assembly, which so thoughtlessly and presumptuously began in 1866-'67 to treat this

GREAT PROBLEM,

gave another instance of its helpless incapacity, when, after having unadvisedly and unauthoritatively assumed the entire debt of the old State and capitalized all interest in arrears, it actually levied a tax of only fourteen cents on the $100 of valuations in a divided and desolated State.[10] At a subsequent session, in 1866-'67, this same Legislature directed the auditor to pay only 4 per cent. on the old principal of the debt, and expressly forbade him to pay any interest upon the arrearages of interest which they had just authorized to be capitalized, though over eight millions of dollars ($8,227,286) had been funded under the act.[11] The inadequacy of so small a levy as fourteen cents but too plainly illustrates how little the representative men of the State in that day knew of her condition, and singularly proclaims the inconsiderateness with which they so hastily proceeded. The sequel proved that the levy was even insufficient for the support of government alone. Yet no efficient remedy was applied.

THE MAXIMUM OF PROMISE

was followed only by the minimum of performance. The same Assembly, at the following session, simply repudiated its own previous enactments. It then proceeded to effect the organization of the State government under the Alexandria constitution. Then came the acts of Congress remitting the State to the condition of a conquered province and to military rule, and thereby annihilating in effect the government and the legislation that had intervened. In this situation we remained until the 26th of January, 1870, when the State, with her government now reorganized under a new constitution, previously adopted, was recognized by the Federal authorities and formally

READMITTED TO THE UNION.

And here it is to be remembered that Virginia was rehabilitated as a State only on condition[12] that she adopted a new constitution acceptable to the Congress of the United States. The convention which framed the new constitution had not been a truly representative body, inasmuch as at the time of its selection probably the greater portion of our best informed citizens—the men most capable of dealing with our affairs—were disfranchised and ineligible to office. Hence there were many objectionable features in the instrument which the convention fabricated, principal among these being certain proscriptive provisions prescribing a rigorous test-oath, and other disfranchising and disabling stipulations. These, upon appeal to President Grant and his subsequent recommendation to Congress, had been submitted to a popular vote of our people; that is, the constitution was allowed to be voted for with or without the proscriptive clauses as the voter saw fit; and thus in the canvass of 1869 the engrossing topics of controversy, to the exclusion of almost everything else, were these clauses of proscription. The debt was never alluded to. The interest all concentrated upon the disfranchising sections, and so, when the constitution was at once expurgated and adopted at the election in July, 1869, the governor and Legislature that were chosen at the same time were wholly uninstructed as to the popular sentiment with respect to the public debt, about which no information and no opinion had been elicited. Yet it was this Legislature, under the special recommendation and urgency of this governor, that passed, on the last day of its session and under very suspicious circumstances, what is known as

THE FUNDING BILL.

The official recommendation upon which the passage of this bill was chiefly based assumed that our taxable values were $723,000,000.[1] Startling as it may appear, these values were soon ascertained to be but $336,686,433,[2] and this upon an assessment of reality which, compared with that of the other States, as ascertained by the Federal Government, exceeded the average by 47 per cent., and was 35 per cent. higher than the assessment of like property in the great States of New York and Pennsylvania.[3] This bill, beginning where that of 1866-'67 left off, capitalized all interest which had accrued in the interval, including interest upon that (in part already compounded) which had been previously capitalized, and it undertook to fix a principal debt of $45,000,000, of which two-thirds, or $30,000,000, was arbitrarily taken to be the part of this State, and the remainder deferred and certified to a settlement with West Virginia. This bill gave us the self-executing tax-receivable coupons, and provided that these should go with all the coupon bonds in which the $30,000,000 of so-recognized debt might be funded.[4] No sooner was the full magnitude of this debt disclosed and the character of its coupons understood than public opinion pronounced decidedly against it, not only as beyond our capacity, but as unjust in its exactions and degrading in its terms. Some of our most prominent and experienced men led the cry of disapproval; legislators who had voted for the measure changed their attitude toward it on fuller information; and at the next election a General Assembly was chosen so overwhelmingly against the bill that it was promptly repealed as to its tax-receivable-coupon features.[5] And here let it be observed that the people of Virginia were not derelict in proclaiming their

HOSTILITY TO THIS BILL.

It is seen that at once the real obligors in our public indebtedness—the voters and tax-payers of the Commonwealth—with a promptness that knew no delay and with an emphasis that gave no uncertain sound, declared their fixed and absolute intention to reject this measure and gave ample and timely notice to all concerned that they would not ratify a bargain about which they had not been consulted and in which their agents had acted without due authority. If this caveat, so filed, has been wantonly disregarded, it is not the fault of the sovereign obligors who have so fully disavowed the act which sought to bind them without their knowledge or consent. But in the mean time, and notwithstanding such notice, the creditors had eagerly availed themselves of the inviting advantages of the bill, and about twenty million dollars had been funded under it before the repealing act was adopted. The remaining $10,000,000 of the $30,000,000 of the so recognized debt, being still fundable, but without tax-coupons, was either so funded or so subsequently treated by the State—that portion so funded being known as the peeler, and the remainder as the unfunded debt. The $20,000,000 funded before the act of repeal is known as the consol debt. And here note that the funding bill of 1871, with all its pretensions to assuming and paying the whole debt of Virginia, began the funder record by repudiating one-third of what the so-called "debt-payers" estimated as the just principal of that debt; and that, while these "debt-payers" express a righteous horror of forcible readjustment and of any settlement not consented to by the creditor, they failed to ask this consent in their initial measure, and therein plainly denounced upon all our bondholders who should not agree to surrender $3 for $2, as provided in the bill, the severe penalty of entire incapacity to draw any interest from the State upon their claims. In short, the creditors were told in this funding bill of 1871, which is so often proclaimed as the palladium of that Virginia

HONOR AND HONESTY

which would loudly condemn the employment of force against the creditors, nor make any provision for a settlement without their consent, that if they did not accede to its terms and fund thereunder they and their claims should not be recognized.[6] It is well to recall this when all the air around us is vocal with the proud protestations of these so-called "debt-payers" against forcible readjustment, as we thus find that even in their first step, as well as in their last, they did not hesitate to invoke force against the creditor in behalf of a scheme favored by themselves. And just here, in connection with this second unauthorized effort of a Virginia Legislature to assume and provide for the payment of a public debt for this State, recur for a moment to the Legislature of 1866-'67, which having no warrant for existence save that afforded by

THE ALEXANDRIA GOVERNMENT

had no warrant to touch any alleged debt attached in any way to this Commonwealth except as directed by the Alexandria constitution. What did that instrument provide in this matter? The twenty-seventh section of article 4 declares:

"The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the States of Virginia and West Virginia respectively; and may authorize, in conjunction with the State of West Virginia, the sale of all lands and property of every description, including all stocks and other interests owned and held by the State of Virginia in banks, works of internal improvement and other companies at the time of the formation of the State of West Virginia; and no ordinance passed by the convention which assembled at Wheeling on the 11th day of June, 1861, adjusting the public debt between Virginia and West Virginia, shall be binding upon this State."

That covers the whole immediate authority over the subject vested in the General Assembly of 1866-'67, and it had no power to assume anything as to the debt or provide anything with respect to it, or even to adjust the relative proportions of the debt between the two States, except as especially empowered and instructed in the section quoted. No matter for how much the State might be liable in law or equity, the Alexandria constitution only authorized the Legislature of 1866-'67 to ascertain what was "proper to be borne" by Virginia, and prescribed the mode in

---

[1] Reports of the first and second auditors and of the treasurer for 1860 and 1861; second auditor's report for 1871, page 10; Hon. Warner T. Taliaferro's report on the losses by the war and the division of the State, made to the house of delegates in the session of 1876-'77.

[2] This is based upon the reasonable assumption that the aggregate decrease in the valuation of real estate by the reassessment of 1880 will be 20 per cent.

[3] Average internal revenue, $6,939,870.39; State assessment, $2,739,480.52; county and city levies, $1,367,986.01; total, $11,047,336.92.

[4] This, of course, includes arrearages to schools, asylums, &c.

[5] See bill, which requires the funding of only $8,000,000 under it by January 1, 1880, and $5,000,000 every six months thereafter, until the whole assumed debt of $33,000,000 be funded—the 6 per cent. rate (and the 5 per cent. on the sterling bonds) continuing upon all the bonds re-refunded until funded—and thus making the varying amounts given for the years named.

[6] Senate Document X, 1879-'80, statement of first auditor, July 16, 1880.

[7] Act of March 2, 1866, page 79 Acts of 1865-'66.

[8] Alexandria constitution, article IV, section 27.

[9] Joint resolution, February 28, 1866, page 453 Acts of 1865-'66.

[10] Act passed February 28, 1866, section 2, page 61 Acts of 1865-'66.

[11] Act of March 21, 1867.

[12] Act of Congress approved by the President January 26, 1870; also see Code of Virginia, 1873, page 61.

---

[1] Senate Journal 1869-'70, page 168.

[2] Assessment for 1872-'73. See Auditor Taylor's statement to senate, dated January 20, 1879.

[3] Document XXVIII, report of first auditor, 1879.

[4] Act of March 30, 1871.

[5] Section 1 of act of March 30, 1871.

[6] Act of March 7, 1872.

which that should be done, namely, not by any separate action, but in conjunction "with West Virginia." That was the charter of the Legislature as to the debt, and whatever resulting powers might have followed the adjustment commanded, certainly it was not in order to do anything until that initial step was taken; and as that was not taken, it is sure that the action attempted in assuming and providing for any portion of the debt was premature and inconsiderate, if not unconstitutional, null, and void.

In like manner the Legislature which passed the funding bill of 1871, acting under a new constitution, which specifically and carefully limited the legislative discretion as to the debt of undivided Virginia, largely exceeded its powers when it sought to fix that debt at $45,000,000, therein capitalizing $15,000,000 of simple and compound interest which had accrued during the period of war and reconstruction, and attempting to apportion the shares which should be borne respectively by Virginia and West Virginia. That debt, under the constitution of 1869, as under that of Alexandria, was to await an

ADJUSTMENT WITH WEST VIRGINIA,

as both these instruments, in accordance with common sense and common right, acknowledged that this State had no authority of her own independent motion to fix either the total of the debt or the part which is to be borne by either. Section 19 of article 10 of the constitution of 1869 prescribes:

"The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the States of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia shall be applied to the payment of the public debt of the State."

And thus it appears that in the first attempted assumption and funding of the alleged debt by the Legislature of 1866-'67, and also in the second attempt at assumption and funding by the Legislature of 1870-'71, both bodies not only acted without the instruction of their constituencies and without constitutional warrant, but in disregard of that essential adjustment directed by both instruments to be made with West Virginia, without which, either done or attempted in vain, all further or other proceedings were unauthorized and nugatory.

Under the joint operation of these two measures, (the funding bill of 1871 and the repealing act of 1872,) although there was $1,816,000 in the State treasury when the first of these was passed, it was soon found that the 'peeler creditors got little or no interest, while the consol creditors, with their

TAX-RECEIVABLE COUPONS

only succeeded in realizing a portion of their interest by the sale of their coupons through brokers to speculators, who in their turn disposed of them to our larger tax-payers, who used them in payment of their dues to the Commonwealth. And thus through the interception of our revenues by these coupons, whereby a large portion of the annual levy for free schools was absorbed and the State deprived of means to fitly sustain her charitable institutions and her colleges, the consol creditors actually received but little over two-thirds of their interest, although the State practically paid the whole of it, the residue going in commissions to brokers, in profits to speculators, and in savings to our larger tax-payers. In effect, the consol creditor discovered that with all his advantages over the State and the 'peeler holders, he himself was also the victim of the spoilers, and that he was unable to realize more than 4 or 4½ of his 6 per cent., notwithstanding the fact that his coupons intercepted and diverted a large share of the tax imposed and set apart for public education—a tax imposed by the same Legislature which enacted the funding bill, in accordance with a constitutional injunction which requires that a tax on all property of at least ten cents on the one hundred dollars shall be levied for free schools, and under which the rate of taxation was raised from forty cents on the one hundred dollars of assessed values to fifty cents, especially to meet that specific requirement.[1] Meantime our net annual revenue, even under this increased levy, was only about $2,430,000, and our governmental expenses, including the constitutional apportionment to education, were never less than $1,600,000. It is easy to see that in this state of affairs, while our government was embarrassed, our

SCHOOLS ROBBED,

and our people dissatisfied, one-third at least of our creditors (the 'peeler bondholders,[2] who are now getting no interest) were almost in despair at the situation. Representatives of this class urged a readjustment of the debt; public sentiment demanded it, and our fast accumulating arrearages on almost every account made it a pressing necessity. The movement to that end was accordingly begun with vigor in 1873. The alternatives were readjustment or increase of taxation, and out of 140 members of the house of delegates of that year there were but 13 of the so-called "debt-payers" who would or did vote for an increase of tax; and when, four years later, a new accumulation of unpaid interest had gathered to the amount of $5,000,000, the schools had been deprived of their dues to an aggregate of $1,500,000, and it was necessary to negotiate loans from the banks to run the government and maintain our eleemosynary institutions, there were but four of the

SO-CALLED DEBT-PAYERS

in that House who would vote to raise the rate of taxation.[3] The 'peeler holders were still to receive no interest; and the schools, which had begun to flourish under the minimum tax in their behalf of ten cents on the $100, eked out by a poll-tax of one dollar on all male citizens over twenty-one years of age, despoiled to a greater and greater extent each succeeding year by the tax-coupons, declined in numbers and in length of session until one-half of them were closed altogether and the other half were kept open only two or three months in the year. The educational system which had in its first years been our pride and boast, and under which so many thousands of our poor children of both colors were receiving at least the rudiments of learning, fell into rapid decay under this fatal depletion of its resources, and they who had been the chief authors of its misfortunes became the principal complainants against the decadence and inefficiency which they themselves had caused. The people, however, whose children had been benefited by the schools, and who themselves had acquiesced in the increase of the rate of taxation from forty to fifty cents for the purpose of securing for their children the blessings of education, began to clamor for the proper application of the tax and to bitterly denounce those who were responsible for its diversion, either as principals or as accessories.

At this juncture (in 1877) the period had arrived for the election of State officers and a General Assembly. If there were any who favored an increase of taxes, none were bold enough to declare it, unless we except one candidate for the house of delegates.[4] The conservative party (comprising the mass of the white voters and controlling the State) met in State convention, and formally declared that taxes could not be increased, and that the public debt must be readjusted within the compass of the revenue derived from the (then) existing rate of taxation, and without discrimination against any class of the creditors.[5] Upon this nominations of governor and other State officers were made and accepted, and upon it they were elected. The nominee for governor, previous to his nomination, in a letter which was published in his interests, declared his readiness to abide by the will of the people in the matter of the debt, and that it was a subject to be disposed of by the Legislature, and not by the executive.[1] In his letter accepting the nomination he declared that the debt issue was before the people, and that they should and would have special reference to its disposition in their choice of legislators. In point of fact, while he made no canvass before the people for his election as governor, the debt was the all-important question in every city and county of the Commonwealth as to members of the General Assembly, and the result was the return to both branches of the Legislature of a large majority of members instructed and

PLEDGED TO READJUST

our public obligations strictly within our income, as derived from the rate of fifty cents on the $100, after providing for the necessary support of government, the due maintenance of our charitable asylums, and awarding to the free schools the dues apportioned them by the constitution. In his inaugural address[2] the new governor testified that the debt had been the only issue of the legislative campaign and that it was for the legislators to settle it in accordance with the instructions from their constituents.

Accordingly that General Assembly, fresh from the people, and chosen on the sole issue of the debt, did at once prepare and pass the so-called

BARBOUR BILL

which, after reciting the inability of the people to bear heavier impositions and declaring the inadequacy of the revenue to meet the expenses of government, support the schools, and pay the interest on the public debt at the rate per cent. and the principal claimed under the funding bill, proceeded to levy and apportion the taxes in the proportion of twenty-five cents for government, ten cents for schools, and fifteen cents for interest. This was no measure of readjustment, but merely an appropriation bill for one year. The temporary purpose was to evade the tax-coupons and "to relieve the present financial embarrassments of the State;" but should it stand the test of the courts its final purpose was "to secure an adjustment of the public debt with the consent of the creditors, if practicable, and without discriminating between them upon fair and equitable principles." It was at all events a measure well calculated to bring to just determination the declaration which it made, that "the preservation of the State government is absolutely necessary not only for the protection of the person and property of the citizen of the Commonwealth, but for the preservation of the rights and promotion of the interests of the creditor of the Commonwealth." But the governor vetoed it, notwithstanding his committals expressed and implied to the contrary.[3] Then followed

THE BOCOCK-FOWLER BILL,

which proposed to settle with the creditors on the basis of the debt as claimed under the funding bill, with interest at 3 per cent. for eighteen years, and at 4 per cent. for thirty-two years—an average of 3⅝ per cent. This bill was approved by the governor and became a law; but it fell still-born, not a dollar being funded under it, and I refer to it only to show how inevitably the schemes approved by the self-styled "debt-payers" have fallen short of that observance of the inviolable sanctity of contracts of which they prate so much.[4] At the next session of this Legislature the whole business was reopened. It was then that

MR. HUGH M'CULLOCH

appeared upon the scene with his staff of agents and attorneys. He tendered his services to effect a settlement with the creditors, and his bill for this purpose, (which he brought with him from New York already printed,) like the conservative platform of 1877 and all the bills of settlement proposed since the funding bill of 1871, embodied the accepted proposition of all parties that the industrial and productive interests of Virginia could not stand any increase of taxation and that this must be acknowledged in any scheme of final adjustment.[5] The representative of two syndicates, one of New York and the other of London, and frankly confessing that he did not speak for our creditors, Mr. McCulloch proposed that if the exclusive privilege and supreme power of refunding the debt were conveyed to his syndicates they would use their best exertions to bring the creditors to terms.[6] His bill, in form and purport, was an irrepealable contract between Virginia and these associations of brokers, by and through whom alone the funding was to proceed.[7] The accumulation of interest upon the 'peeler and unfunded bonds, (which in all the eight years from the passage of the funding bill had received but 12 per cent.,) now aggregating $5,000,000, was to be capitalized at 50 cents on the dollar.[8]

The old bonds were to be refunded at par in the proportion of two dollars in consols to one in 'peelers; and the new bonds were to run for forty years at 3 per cent. interest for the first ten years, 4 per cent. for the next twenty years, and 5 per cent. for the remaining ten years, with tax-receivable coupons, and principal and interest to be exempt forever from all taxation within the State.[9] Under the former bills there had been no such exemption, and the coupons had been subjected to a tax which was deducted from them whenever they were presented in payment of public dues. It also converted the whole of the debt, principal and interest, from one payable in currency to one payable in gold,[10] or sterling at London, at the option of the creditor. A further provision was that if at any one of the semi-annual periods for the payment of interest there should not be money in the treasury for that purpose it should be borrowed, or there should be issued certificates for sums of $1 and its multiples, receivable for all taxes, to be hypothecated or sold at not less than seventy-five cents on the dollar.[11] The funding was to proceed by installments, not less than $8,000,000 by the 1st of January, 1880, and of not less than $5,000,000 within each succeeding six months. Such were the main features of the measure as it was perfected and came from the syndicates. That this was

A MERE BROKER'S JOB

was obvious upon its face, and it was soon developed that the 'peeler creditors were to be atrociously victimized. These, as has been said, had received only the equivalent of two years' interest in eight years, and on each of their one-hundred-dollar bonds there was overdue and unpaid $36 in interest. This portion of the debt was chiefly held by guardians and other fiduciaries under a provision of our code requiring them to so invest their trust funds, and the nature of their securities had not as a general thing been changed under any of the previous bills. This bill authorized fiduciaries to invest their funds under it without the usual interposition of any court. But mark how the 'peeler holder was placed at the mercy of the syndicate. Anxious to exchange his helpless bonds for the better ones provided by this bill, he naturally applied to the financial officers of the State to have it done. These at once informed him (or her) that they had nothing to do with it except as directed and required by Mr. McCulloch's agent, through whose office

[1] Constitution of Virginia, article VIII, section 8; act imposing taxes, &c., July 7, 1870.
[2] Report of second auditor, 1872, page 14.
[3] House Journal of 1877-'78, page 248; Senate Journal 1877-'78, page 189.
[4] Mr. Hanger, of Augusta.
[5] Conservative platform of 1877.

[1] Letter to Messrs. Webb & West, dated July 24, 1877.
[2] January 1, 1878.
[3] Barbour bill, passed February 22, 1878; Senate Journal, 1877-'78, pages 306-307. Vetoed February 27, 1878; House Journal 1877-'78, page 425.
[4] Act approved March 14, 1878.
[5] Preamble of the bill approved March 28, 1879.
[6] Same preamble.
[7] Section 5 of bill.
[8] Section 4 of bill.
[9] Sections 1, 2, and 3 of bill.
[10] Section 1 of bill.
[11] Section 12 of bill.

all the funding must be transacted. Calling on this agent, he was there informed that his 'peeler bonds could not be funded unless accompanied by consol bonds in the proportion of $2 in consols to one in 'peelers. Not having the consols, nor the means or authority to purchase them, the 'peeler holder had no recourse but to hold on to his barren bonds or to sell them. But who would buy bonds so unproductive and which had been put at such disadvantage by the McCulloch bill? Mr. McCulloch's agent! He would relieve the 'peeler holder of his unmarketable bonds, and for every $100 of principal, having upon it accrued and unpaid interest amounting to $36, fundable at fifty cents in the dollar, (making a new capital of $118,) the agent of the syndicates offered only $24, or $96 less than the fundable value of the security!

It was monstrous, to be sure; but what remedy had the 'peeler holder against these brokers into whose hands the State had delivered him; into whose keeping had been confided the honor and honesty of the public faith? He had to submit and take what they offered him, or hold on to bonds that were worthless in his hands, and for which otherwise the bill made no manner of provision. The McCulloch syndicates, meantime, looking forward to this speculation, had taken advantage of the depression of consol bonds in the market, consequent on the result of our State election of 1877, and had provided themselves with a supply of these bonds to enable them to proceed in their scheme. They had also provided in their bill that in making up the first installment of eight millions to be funded by the 1st of January, 1880, the accrued interest to be capitalized at fifty cents in the dollar, might be employed as 'peeler principal,[1] and as the coupons representing this interest were not receivable for taxes and were six years in arrears, the syndicates purchased a large amount of them for their purposes at seven to ten cents in the dollar. They actually did make up their first installment of eight millions by using this 'peeler interest to the amount of about one million dollars.

In looking at this process, with respect to the holder of the 'peeler bonds, the question naturally arises that if he were not an unwilling

VICTIM OF FORCE

what is meant by force in this connection? He was certainly no voluntary party to the arrangement which excluded him from a fair participation in the funding, which repudiated absolutely one-half of his interest, and which gave the syndicates such complete mastery of his bonds. His consent was not sought, although he was as meritorious as any other of the creditors of the State, his bonds resting in the faith of the same people, being part of the same debt, and calling for the same rate of interest as the "consols." But he was marked as McCulloch's game; and when he was forced to accept $24 from the syndicates for his bond and accrued interest, fundable at $118, the syndicates funded the same and sold the new bonds at market rates for $59.40, thereby realizing a profit of $35.40 on an investment of $24. It is easy to see that by a like process with the whole ten million of the 'peeler debt the syndicates could have netted $3,500,000 on that alone, without reckoning their commissions and profits from other sources in this funding job, of which they had the complete monopoly, without restriction as to per cent. They were in no sense the agents of the State; in effect, the assignees. The bill was not only forcible in the hands of the syndicates as against the 'peeler creditors, but also as against the consol creditors and the State herself. The force here was principally provided in

THE TAX CERTIFICATES[2]

heretofore alluded to, whose issue was compulsory in default of money in the treasury to meet any payment of accrued interest under the bill; and as interest was payable every six months, with default assured in advance at every such period, these certificates, to be sold at seventy-five cents in the dollar, were issuable semi-annually and redeemable every six months,[3] thus subjecting the State, as long as the process was possible, to an exaction of 5½ per cent. per month, or 66⅔ per cent. per annum, to raise means to pay 3 per cent. interest upon the bonds issued under the bill. How much better and more direct, how much more compatible with honesty and fair-dealing with the tax-payers, who at last would bear the burden of the extortion, it were to raise the rate of taxation, the necessity for which this ruinous provision confesses!

And just here we might inquire how long it would take by this process to destroy the vitals of a State, long since in the throes of bankruptcy, and unable to make buckle and tongue meet, by a deficiency reaching nigh upon one million of dollars annually? But as a measure of forcible persuasion and speculation they were needed. For it is to be observed that for the purpose of coercing the consol creditor, who relied upon the sale of his tax coupons in the market, and for the further purpose of speculating in the certificates themselves, the syndicates would take these tax certificates at seventy-five cents on the dollar in payment of their interest; and thus equipped they were well able to compete with the tax coupons, as their tax certificates were equally valuable in payment of taxes and other dues to the State, and as the syndicate could not only afford to sell them at seventy-five cents on the dollar, but at any lower rate that might be necessary to drive the consol-holders to accept the bill and the terms the syndicate choose to offer. At seventy-five cents, however, they brought the value of the consol coupon, already reduced to 4½ per cent., down to 3, the lowest rate borne by the McCulloch bonds. This the funders (or "debt-payers") and brokers designated as a feature of "persuasion;" but it is evident enough that it answered all the purposes of force and that it was designed to compel the consol creditor to yield to the syndicates. While, therefore, the 'peeler creditor was horribly outraged by this bill, it no less certainly, though in less degree and in a less direct manner, was fully prepared to command the submission of the consol-creditor or to sacrifice him.

It is to be noted, too, that while the consol creditor only got a portion of his tax coupon, after paying commissions to brokers to sell it at a depreciated rate, his bond was subject to taxes, which further diminished his net percentage and reduced the value of his bond; whereas the McCulloch bonds were exempt from all taxation and were armed with the power to compel the payment of their full demand for interest by the issue of the tax-receivable certificates. It was not to be doubted that a measure possessing so many objectionable features as the McCulloch bill would encounter strenuous opposition before the people; and accordingly the readjusters organized to defeat it, making an active canvass to elect a Legislature pledged to its repeal and to a

READJUSTMENT

that should fully respond to the demands of the situation. Hereupon the debt-payers, resuming their conservative guise, called a meeting of the conservative State committee, where only fifteen of the twenty-seven members appeared, twelve of these being funders and three readjusters. Against the protest of the three readjuster committeemen, these twelve (commonly known as the "rump") proceeded, in effect, to overrule the convention of 1877 and make the McCulloch bill the platform of the party, assuming to excommunicate all who declined to support that measure.

It is unnecessary to go into details of the warm canvass that ensued. Suffice it to say that against all the odds of equipment and munition the readjusters, to the dismay and astonishment of the funders, carried the State by a majority of over 20,000 votes, of which over 15,000 was white majority. In the senate were chosen 23 readjusters to 17 funders, and in the house were elected 57 readjusters to 43 funders. A majority of the legislators-elect, of both the republican and the conservative parties, were strongly opposed to the McCulloch bill. These, co-operating as readjusters, elected all the capitol officers and county judges, I myself being

CHOSEN UNITED STATES SENATOR

over Colonel Withers by a joint conservative white majority, exclusive of all colored and republican votes, of 7, of which 3 were in the house and 4 in the senate—my total joint readjuster vote being 80, to 60 cast for Colonel Withers and all others.

And here I beg to say that this reference to myself seems necessary; for, while I was never candidate of my own motion for the Senate of the United States, no sooner was the separate and independent action of the readjusters entered upon than the movement was denounced by the Bourbon-funder democracy as one aimed to carry me to the Senate. In point of fact, Bourbonism and its twin funderism had forced the movement, not only as necessary to compel a final settlement of the debt, but to save the free schools, defend the right of suffrage, rid the State from the reign of Bourbon-funderism, and free the people, all the people, from the domination of a political clique, as prejudiced and illiberal in its opinions as it was insolent and overbearing in its acts. But in hope to discredit, injure, and defeat the movement and its objects by ascribing to it a mere motive of personal ambition, I was selected as the sacrifice, and all the vials of Bourbon wrath and aspersion were poured out upon me. Thus my nomination in the first instance was the work of the Bourbons. The people accepted the nomination; made it one of the issues, and a Legislature was chosen which triumphantly elected me. The Bourbon cry during the canvass was, "Anything and anybody to beat MAHONE!" and had the readjusters been defeated, several gentlemen would have seriously contested Senator Withers' claim to renomination and re-election; but, as it was, they all gracefully deferred to him, and allowed him the honor of certain defeat!

The developments that at once ensued demonstrated how egregiously in error the funders had been in their calculations. They had promised not only a sufficiency of revenue to carry their bill and all expenses of government, including support of the schools, but a large surplus. On the 1st of January, 1880, when the readjuster State officers came into power, instead of the surplus of $525,600 so confidently promised,[1] after defraying the current expenses of the government, including the proper charge for schools and the payment of interest, it was actually discovered that a plate had been prepared with a proof impression in the auditor's office[2] for the issue of tax certificates, to be sold at seventy-five cents on the dollar, to pay the first interest demand of this new funding scheme. In the treasury there was only $22,494, and against this was an alarming and pressing floating debt amounting to a total of $2,552,372, consisting of $1,504,245 of intercepted and diverted school taxes, $60,482 due colleges, $40,520 of misappropriated funds due the literary fund, $163,894 in warrants outstanding against the treasury and $783,231 in tax-receivable coupons overdue and unpaid.[3] Among the first acts of the readjuster Legislature was one to authorize the borrowing of $200,000 for the relief and maintenance of the lunatic asylums, which for months past had been poorly served as best the officials could obtain supplies upon credit. In this signal manner had the estimates of the funders miscarried, while the better founded calculations of the readjusters were amply verified.

With only the first installment of $8,000,000 funded under it, the McCulloch bill had been so severely condemned by the people that the syndicate abandoned it, having already, however, profited largely by the gross appliances of extortion provided for them in that measure.[4] They held the contract to refund our debt at their own option, the State and her creditors being rigidly bound to the syndicate as long as these chose; but the syndicate were bound only at their own sweet will and pleasure.[5]

READJUSTER REFORM.

In taking possession so far of the government of Virginia, which had so long been administered by the funders or so-called debt-payers, the readjusters not only found an empty treasury beleaguered by immediate claims amounting to two and a half millions of dollars, all clamorous for payment; not only surprised the auditor's office in the very act of issuing tax certificates to be sold at seventy-five cents in the dollar to raise money at 66⅔ per cent. a year to pay 3 per cent. on the McCulloch bill; not only found that eight years of debt-paying talk and funder control had not only failed to pay the debt of 1871, but had actually allowed arrearage to accumulate to about nine millions of dollars, when you include interest due the sinking fund and the $1,816,000 with which they began to run the government; not only found our asylums and colleges embarrassed for lack of due support from the State, and our whole free-school system paralyzed by an unfriendly and illegal conversion of its funds to the sum of over one million and a half to other uses, but chaos and mismanagement, not to say fraud and corruption, were discovered to have reigned throughout almost every department of the administration.

In the accounts of the penitentiary it was at once developed that the agent and storekeeper had defalcated to about $35,000;[6] in the office of the auditor of public accounts the public business was all behindhand; county treasurers and other collectors in arrears for an aggregate running through several years of over $400,000; illegal and extortionate charges on criminal account had been improperly paid in large sums to city sergeants and others; and by indulgence, favoritism, procrastination, and negligence our revenues had fallen into wretched disorder. In the second auditor's office bonds refunded, or that had never been legally issued, were missing, and coupons that had been received for taxes (some of them uncanceled) were gone, and a legislative committee of investigation, with a long search still before it, has already found that bonds and coupons have disappeared to a sum exceeding one hundred thousand dollars; and on almost every hand inefficiency, if not peculation, was exposed. The party of reform and of the people, the readjusters, at once set about the improvement of State affairs.

The frauds on the treasury were stopped and legal process appealed to for reimbursement from former offenders, or for their criminal punishment; defaulting and delinquent collectors of the revenue were no longer indulged, and the necessary steps were taken to compel prompt settlement for the future and to recover the unpaid deficiencies of the past; a new vigor and a fresh vigilance were brought into every division of the public service; the voter and the litigant, as far as the readjusters were responsible for the execution of the laws, found fairness and impartiality at the polls and in the courts; the schools were revived, for not only were their current dues awarded them, but large payments were made on the arrears improperly kept from them; the penitentiary, which, under funder rule, had cost the State annually a sum scarcely ever less than $60,000, has now already become practically self-supporting, and, under readjuster management, will soon yield a handsome income to the Commonwealth; and in every department where the readjusters have gained control, our affairs even in this brief interval are exhibiting marked improvement. Yet it is not alone in the important details of practical government that the readjusters have wrought great and beneficial changes. Public sentiment itself has been enlightened and liberalized by the movement. Bourbonism has lost its grip on our politics. Our people,

WEARIED AND EXHAUSTED

by the hard service exacted of them under the unremunerative despotism of prejudice and passion, are opening their eyes and discarding the blind leaders that

[1] Section 4 of bill.
[2] Section 12 of bill.
[3] Sections 8 and 11 of bill.

[1] Address of so-called State conservative committee, dated August 8, 1879.
[2] Which is still in possession of Auditor Massey.
[3] Statement by first auditor, July 16, 1880.
[4] Second auditor's report, 1880.
[5] Section 5.
[6] Senate Journal 1879–'80, page 87; Document 20, Senate Journal 1879–'80.

have led them into so many ditches of disappointment and disaster, and are anxious to end the strife of sections by every proper and reasonable concession that may contribute to the full restoration of national harmony and good will and that may afford them opportunities of fairly sharing in the material prosperity of the country. But it was with the debt that the readjusters were chiefly expected to deal, and they at once showed that they were equal to the occasion. Taught by the long series of failures made by the funders, the readjusters had learned that whatever spirit of repudiation existed in this State had been fostered by the reckless methods of "debt paying," that only made a mockery of promise and a farce of performance. Too often seduced by these nominal "debt-payers" into schemes utterly beyond their ability, and impossible of execution, people began to grow familiar with default or irritated by postponements that but increased the debt or complicated its condition, while our capacity to pay seemed perpetually to become less and less. It was thus, by extravagant undertakings with regard to our obligations, that some began to view these obligations, not as claims to be paid according to our resources, but as topics for "high rhetoric," and for that Micawber policy which readily gives its bond on no better security than what the chances of the future may "turn up." When this species of trifling, which inevitably tended to create a public sentiment careless of payment, where only promises to pay were required, and which as surely pointed to repudiation as an eventual result, the readjusters would have nothing to do except to condemn and oppose it. Recognizing the fact that the people of Virginia nevertheless are

NOT REPUDIATORS,

but are honestly eager to provide for the payment of every dollar of the principal of their just indebtedness and of interest to the full extent of their ability, the first inquiry of the readjusters (never before properly instituted) was: What is our debt? and what the utmost stretch of our annual revenues for the payment of interest? These inquiries, so natural and so necessary in the case of all debtors, was more than ordinarily pressing in the case of Virginia, confronted by a demand dating from 1861, when the present State of West Virginia was included in our territory, and running through years of war and of military occupation and government, and when the debt had now been woefully confused and worse confounded by the several abortive and wretched efforts at settlement which had been instituted by the honorable "debt-payers," brokers, and missionary syndicates. Going back to 1861 we find that the debt of Virginia at that date was $31,160,000,[1] and taking that as a basis, the readjusters, without abating it one dollar, have assumed that two-thirds of that sum is the just measure of the proportion of the original principal for which this Commonwealth is legally, justly, and equitably liable; and in thus apportioning the debt as it stood when West Virginia was a part of this State they have acted because West Virginia has declined in effect to co-operate with this State in determining their respective proper portions of the joint obligations, because even the funding bill and the McCulloch bill so adjusted the relative liabilities of the two States, because one-third of the territory comprised in this State at the creation of the debt went to the formation of West Virginia, and because it is an established doctrine in public debts, with exceptions arising only from the nature or necessity of particular cases or from positive stipulations, that they follow the land, and that the just measure of the rate of interest upon them are the products of the land.

The principal on this basis once determined brought them to the consideration of the question of interest, and guided only by the utmost realiable surplus, after maintaining the government and schools, to be derived from a rate of taxation, admitted to be the highest that can be borne, it was seen, as I have demonstrated, to be 3 per cent. The creditor takes the obligation of the sovereign, subject to the exigencies of public policy as much as though nominated in the bond.

THE RIDDLEBERGER BILL

on this basis and upon these principles proceeds by legal methods to enforce equity between the State and the creditors and between all classes of the creditors. It makes the principal, in round figures, twenty millions, interest 3 per cent., both payable in currency. It refuses to violate the express terms of the constitution of the State by exempting this class of property from the common burden.[2] It rests the whole obligation upon the good faith of the people, the highest pledge a sovereign State can offer and ought to give. Had this bill, passed by the Legislature, been approved by the governor it was to have been submitted to the people for ratification, so that it should lack no sanction to give it validity and finality. But the governor vetoed the measure, and it fell temporarily. Yet it embodies, as the readjusters believe, the will and wishes of our people as to the debt, and is the only practical scheme of readjustment which deals equitably with all the creditors, rescues them from the clutch of the brokers, and insures the integrity of the obligation, the regular payment of interest, the proper value of the security, and the hearty recognition of the obligor. "It is to the property of the citizen and not to the demand of the creditor of the State that the original faith of society is pledged. The claim of the citizen is prior in time, paramount in title, superior in equity." So believing, the readjusters stand firmly by the Riddleberger bill and expect to make it the successful solution of this vexed question.

In fixing the principal debt of Virginia at $19,665,176, it is obvious that about $13,600,000 of the principal which the McCulloch bill sought to fasten upon us has been eliminated; but it is equally obvious that no such principal as $33,256,000 can be justly claimed against this State. How, then, is that enormous amount (greater than the whole debt of undivided Virginia) made up? By

CAPITALIZING SIMPLE AND COMPOUND INTEREST

which accrued during the period of war and reconstruction. We not only object to this usurious and oppressive mode of accumulation against us, but we peremptorily reject the whole claim for any interest at all for the period indicated. We might rest our right to do this simply upon the plea of necessity—the public exigency; that war and the quasi condition of war under the military rule actually deprived us of all ability to meet the interest; that our present circumstances imperatively demand the abatement. Besides, we made tender within our ability. The greater portion of our interest was payable in Richmond, and we offered to pay that in Virginia treasury notes (always at premium over confederate money), but they were refused, although our soldiers were paid off in such, or inferior money, and impressed supplies for the army and government were paid for in the same funds. The interest on that portion of the debt held abroad was also tendered in tobacco and cotton to the British and Austrian consuls at Richmond, but on consultation with their ministers at Washington it was declined, lest it might be considered offensive by the Federal Government, although the British Government had recognized the belligerent rights of the confederacy.[3]

I shall not attempt to cite in detail the legal authorities and precedents with regard to the suspension and abatement of interest during war, although the principle was asserted and maintained in Virginia and other States as to interest during our revolutionary war on claims held against citizens of the States. Thomas Jefferson, Judge Pendleton of Virginia, and others,[4] might be quoted with respect to the matter; and if the interest did not run against the private party, because he could not make profit during war with which to pay it, and was prevented by the condition of war from reaching his creditor to pay him, even had he been realizing an income sufficient for that purpose, *a fortiori* it did not run against Virginia, a State of the Union at war with other States and the Federal Government, beleaguered and blockaded both by land and sea, and desolated throughout her borders by

FIRE AND SWORD,

especially when she made tender of payment, to the best of her ability, and was refused. Equity at least, if not law, must sustain her claim to be relieved of this exaction under all the circumstances; and when it is seen and admitted that it is positively beyond her ability, the matter is concluded. Heretofore, having a net revenue averaging only $2,430,000 annually,[1] the recent reassessment of real property in Virginia (as commanded to be done every five years by the constitution) has resulted in a decrease of valuations of not less than 20 per cent., and we cannot for the future safely count upon a net yearly income greater than $2,100,000.[2] To put our annual expenses of government at $900,000 is a figure only possible through the strictest economy and without any allowance for extraordinary contingencies that may arise at any moment.[3]

The constitutional apportionment to the free schools will require $500,000 a year, varying in accordance with the receipts from the poll tax, (which were larger when its payment was not required to exercise the right of suffrage.)[4] We thus have $1,400,000 of current liability for expenses of government and schools that must be met, and this leaves only $700,000 of the $2,100,000 of net annual revenue to be applied to the debt. This will pay 3 per cent. on $20,000,000 and leave a surplus of $100,000; but we have at once a pressing floating debt of $2,552,000 to extinguish, and if we should apply the whole surplus to this end it would take us twenty-five years to extinguish it. Of this $2,552,000 of floating debt $783,000 is in tax-receivable coupons, past due, that may be used to intercept and practically decrease our revenues. With our credit re-established there can be no difficulty in bridging over this immediate demand. But our affairs will improve, no doubt; yet as our resources may expand, so will our needs grow. Already we need a new capitol and various other public buildings. Our asylums are inadequate, and many of our insane, white and colored, are confined in our county jails.[5]

And we must not let hope in the future mislead us in this grave matter. We are much worse off to-day, financially, than we were in 1871, when we passed the funding bill. The assessment just completed of our real estate is to stand for five years, and within that period at any rate we can count safely only on a revenue of $2,100,000 net for all purposes.

TAXES CANNOT BE INCREASED.

Even the Bourbon-funders, so-called "debt-payers," have admitted that by word and deed. Nothing is more evident than that their duty immediately on the passage of the funding bill was to levy a tax sufficient to meet its requirements, if they honestly meant that measure as a settlement. Then and every day since, if their professions of "debt-paying" were not empty boasts, their first and only duty in this regard was to raise the rate of taxation to the necessary height. But this they have invariably declined to do. This, indeed, they have always voted against—no matter their pretensions for the observance of obligations they would proclaim sacred and inviolable. Sacred or not, it is apparent that we have but $700,000 a year to meet our annual liability for interest. For, differ as they do radically about many things, both funders and readjusters agree that taxes cannot be increased. All our debt bills and all our platforms, coming from either side, proclaim the same conclusion as to this. We believe $19,665,176 to be the just and equitable measure of our public debt, and 3 per cent. thereon the limit of our ability, as well as a fair rate of interest; we propose to settle at these figures as a final disposition of a matter which is kept in controversy, to the injury of the State and her creditors and only to the benefit of brokers and philanthropic syndicates. As I have heretofore said, if the inviolability of contracts is to be insisted on, and if this Virginia is to be held to the liability incurred by the Virginia of 1860-'61, then

THE FIRST DEPARTURE

from these was committed in the funding bill of 1871, which repudiated one-third of the debt by referring it to West Virginia, and which refused all interest to creditors who declined to accept that bill and surrender $3 for $2. The McCulloch bill itself goes still further when it positively repudiates one-third of the old debt, repudiates one-half of the whole arrearage of interest on the 'peeler and unfunded debt, while full interest has been paid upon the consol; and, instead of adhering to the original agreement for 6 per cent., proposes to pay only 3, 4, and 5 per cent. And in the last session of the General Assembly the Bourbon-funder "debt-payers" surrendered everything—the irrepealability of contracts and the inviolability of contracts—when, after having already passed the Bocock-Fowler bill, and the McCulloch bill, and the funding bill, all impairing the obligation of the contract of 1860-'61, and each in derogation, violation, and repeal of its predecessors, they united in voting for the Ross-Hamilton substitute, which offered a uniform interest of 3 per cent.[6] Thus all parties have recognized the right and necessity for some departure from the original terms of a bargain which has never had the approval of the people; which we cannot execute. And, that confessed, then the limits of the departure are only to be determined by the necessity which authorizes and the equities which demand it. These limits, by careful methods, are found and fixed in the Riddleberger bill, where, recognizing every dollar of our just indebtedness, we undertake a rate of interest as great as our revenues and ability warrant. It is a simple sum of figures, and the wayfaring man, though a fool, need not err therein.

There is much more that might be said, but I forbear to trespass further upon your indulgence. We are anxious to determine and settle the debt, and we shall be happy if the liberal and generous impulses of the northern people shall lead them to aid us by their countenance and sympathy to a consummation so devoutly to be wished. We are not repudiators. We acknowledge every dollar that we believe we justly owe, and we intend to pay it; and if we ask an abatement in the rate of interest, it is our poverty, not our will, consents. Our case is hard, indeed. We cannot pay the debt as claimed against us. No one in Virginia will any longer pretend that we can. He is honest who engages to pay no more than he has means to pay with. He is not honest who promises with the knowledge of inability to perform. Nor can we allow the matter to stand as it is, to run against us, without exposing ourselves to the shame of actual and

COMPULSORY REPUDIATION.

The case of the creditors is not much better. Many of them are receiving no interest at all, and a large proportion of them under debt-paying auspices have

---

[1] There have been redemptions of this original principal by the sinking fund, which accounts for the apparent discrepancy between this sum and the Riddleberger principal as two-thirds of it.

[2] Article X section 1.

[3] Report of commissioners of sinking fund, November, 1863.

[4] Volume 1 American State Papers, Jefferson to Hammond, British minister; volume 1 Call's Virginia Reports, Judge Pendleton in McCall *vs.* Turner. See also Code 1873, page 1120, and Lacy *vs.* Stamper and others, 27 Grattan, 65.

[1] Statement of first auditor to senate, dated January 24, 1879.

[2] Twenty-five per cent. decrease on our revenue from real property is $301,049.99; 20 per cent., $240,839.99.

[3] They averaged $1,114,007.86 a year from 1870 to 1878, both inclusive. See auditor's statement of January 24, 1879.

[4] The school system went into operation in 1871. From that year to 1879, inclusive, the average *payment* annually for the *nine* years to the support of schools was $357,362.30; the annual average arrearage for the *nine* years, $167,138.30; total annual average, $524,500.60. See Auditor Taylor's report for 1879; Auditor Massey's statement of July 16, 1880, and Auditor Taylor's statement of January 24, 1879.

[5] In his report for 1879, document 16, the first auditor reported one hundred and thirty-three insane persons in county and city jails and elsewhere, not in asylums with no reports from many counties.

[6] See that bill, offered as a substitute to the Riddleberger bill February 26, 1880; see House Journal, 1879-'80, page 368.

received only two years' interest in eight years. The bonds of a great portion of the debt can only be sold at an immense sacrifice to the holders, and none of the bonds have any stable value or afford the holder the interest which they promise. Meantime State and creditor are unhappy. Both, too, are losing by delay and by the futile plans of adjustment that do not respond to the demands of the situation, or that are fashioned only in the interests of the brokers. These last—the brokers—are the only ones who make profit out of our unsettled finances; these gentry impartially victimizing both Virginia and her creditors, and, finding equal opportunity of speculation whether bonds rise or fall, are happy in either event and care little who may be their victims. Any final settlement would be objectionable to these jobbers in the necessities and misfortunes of the State and individuals, and no scheme that will effect such a settlement can hope for their approval. And with the readjustment of the debt as proposed, the readjusters come into full control of the Commonwealth, remove

THE BOURBON REACTIONISTS

from place and power, and start Virginia on a new career of progress, prosperity, and greatness. Free suffrage for all men; a fair count at the polls; free education for all children, and an impartial administration of the constitution and the laws for all citizens, will be the internal policy of the liberal party which shall have dethroned the Bourbons; and with respect to the nation and our sister States, the same liberal party will insist upon and inculcate honest submission to the results of the war; due observance of the constitutional amendments, the reconstruction acts, and all the other expressed and implied conditions that accompanied the restoration of Virginia to the Union; the cultivation of fraternal relations with our fellow-citizens of every quarter, and the removal of sectional jealousies and race distinctions in all our politics.[1]

I now also want to challenge my colleague or Senators in sympathy with him to controvert by proof one single statement of facts or figures which that paper contains. My colleague lately laid a paper before the public on this subject so full of errors that few of the organs of his own party in Virginia dared to publish it, and some of these had to apologize or explain its mistakes, not the least of which was a neglect to draw the distinction between gross and net revenues, when it is notorious that the insolvent capitation and property tax and cost of collection is equal to 17 per cent. of the whole levy. A proper regard for the time of Senators who cannot feel any great interest in this domestic affair forbids that I should treat this subject further.

Mr. President, I shall now ask the attention of Senators to a matter that I conceive is of more concern to them than what I have been discussing. In the report of the proceedings of Friday I find the following inquiry, propounded by the Senator from Indiana [Mr. VOORHEES] to the Senator from Illinois, [Mr. LOGAN:]

I will ask one now, whether he would put his name, with all the patronage of Illinois at his command, on the back of the papers of an applicant for the smallest post-office in his State who said that he was not in favor of paying the national debt or the debt of Illinois or any part thereof—not as a thing of yesterday, but now, for I do not understand that Mr. Riddleberger has changed his views as they were laid down, not on a dead issue as to the war, but on a living issue, as was boasted in the presence of this Senate by the leader with whom the other side have made their coalition.

Mr. President, I might ask the distinguished Senator how he finds it compatible with the sentiment injected in this inquiry to associate with gentlemen on his side of the Chamber; how he finds it compatible to take the hand of gentlemen who represent States on this floor that have not repudiated. Oh, no; they have not repudiated, but they have readjusted! I do not know, sir, what authority this interrogative statement is based upon. I do know, sir, that it is without foundation, both in its reference to the State and the national debt. I have spoken from the stand with Mr. Riddleberger more than once, and I have never heard him even express his approval of the views of the Senator from Indiana on the national debt. On the contrary, one of the leaders of the opposition in Virginia long since promulgated opinions on the national debt which entered largely into our campaign. It was carried upon the hustings by Mr. Riddleberger, and always criticised in a manner that could leave no doubt of his position. The document covers some ten or more columns of a newspaper and is too long to read, but it is briefly summarized in this conclusion, which I shall read; and this comes from one of the distinguished leaders of the party to which my colleague belongs. Says that distinguished gentleman, in treating of this grave and great financial problem of the country:

REMEDIES PROPOSED.

6. I have endeavored to diagnose the disease. What remedies shall he apply to it? I would say—

First, abolish national banks; second, abolish the tax on and revive the State banks; third, substitute Treasury notes for national-bank notes; fourth, make them receivable for custom duties, as well as all debts, public and private; fifth, stop the sale of bonds for redemption purposes, and repeal the redemption act——

Mr. CONKLING. Who says that?

Mr. MAHONE. One of the most distinguished leaders of the party to which my colleague belongs.

Mr. CONKLING. We have not heard his name; we do not know whom the Senator means.

Mr. MAHONE. Out of that consideration which governs me not to introduce, as by the example of my colleague I might, the names of distinguished gentlemen, I have forborne; but if he wants the name, he shall have it.

Mr. JOHNSTON. Name him.

Mr. MAHONE. Major John W. Daniel.

and, sixth, pay off all United States bonds in paper which were contracted to be so paid to maintain State credit.

We shall thus be relieved of a great portion of taxes; money will flow into the dry channels of business; our paper, by being made to perform all the paying functions of silver and gold, will be preserved near par; our State, empowered to establish banks, will have control of its finances; and hope will come to a people bordering on despair. The iniquitous measures of Federal finance have brought Virginia to the verge of repudiation.

Reverse them, and the enhanced values of our productions will enable us to pay interest on our debt. Give the bondholder his due. He has no right to demand more. Give the people their due. They demand it, and will be content with no less. Thus fairly and squarely duty will be done, and while preserving against monopoly and aggrandizement and tyrannous power the rights of American freemen, we shall be enabled to preserve also untarnished that sacred and precious legacy which our fathers bequeathed us and which our brave comrades defended.

"THE HONOR AND FAIR FAME OF VIRGINIA."

[1] See the readjuster platform of February, 1879, and that of July, 1880.

These are the views of one of the leaders of the Funder-Bourbon party in Virginia, and the gentleman named by my colleague as their candidate for governor. I do not suppose the Senator will call them repudiation doctrines, although I am not sufficiently acquainted with the narrow distinctions between the "Indiana notion" and the "Ohio idea" to say with which this accords. I shall leave to the Senator, who I am told can make the waters of the Wabash flow backward by the power of his invincible phrases, to enlighten the Senate on this point when Federal affairs shall again be subject for consideration instead of Virginia readjustment. [Laughter.]

It may not be amiss, however, to suggest to the Senator that he avail himself of the first caucus opportunity for a conference with the Senator from Delaware, [Mr. BAYARD,] and thus readjust the differences which seem to exist between the democracy East and West on gold and greenbacks, so that hereafter the party may have defined principles upon which to plant itself before the country. It might be well also to readjust all differences in the party on the vital question of tariff and free trade, so that every man may understand what the principles are, and it may some day elect a President.

I ask Senators now, whether in their serious moments they marveled at their inability to know whether I was or am a democrat? Who here are the oracles of this alleged democratic party? and who its accredited leaders? I see on this floor a combination of all sorts of conflicting elements and antagonistic views, calling itself a democratic party, horrified at readjustment, but making no complaint of repudiation, ready at all times not only to claim but to invite and invoke the vote of the Southern States in presidential elections. Readjusters are unfit associates for that party, but the Senators who represent States that in some way or other have gotten rid of so many millions of their public obligations are very proper associates. But when I come to analyze it I am left to conjecture for myself which best embodies the essence of democracy—the stalwart, hard-money democracy of Delaware, the stalwart greenback democracy of Indiana, or that ingenious contrivance called the "Ohio idea," of which the Senator [Mr. PENDLETON] is the putative father. When I look to its leadership here I am equally dumbfounded. If I judge from the frequency of his speeches and his assumption of right to direct me, I must accept the Senator from Georgia [Mr. BROWN] as the wearer of that honorable distinction. He, too, seems to have troubled dreams about readjustment and what it means, yet I question whether the world has produced a man who could so readily readjust himself to all conditions and to all circumstances. He says he has always been true to principle—always ready to sacrifice his own ambition and his own fortune for the good of the country. It was unnecessary to state the last to Senators who see him standing here without ambition and without fortune. When he pursues a principle he does it with alacrity. He got ahead of the people and the democratic party in the effort to dissolve the Union, and was the first governor of a Southern State to confiscate private property in the port of Savannah, and seized Fort Pulaski and a Government arsenal before the act of secession. Rumor, that old dame that is whispering in his ear about me, says that his objective point then was the presidency of the confederacy. In the struggle that ensued he was earnest for the cause till its fortunes began to wane, and with his militia he abandoned the starry cross to its fate. After the war we hear of him in the Chicago republican convention to nominate a President, there as here imitating if not rivaling the Laureate's stream, which says, (with some license of my own:)

Men may come and men may go,
But I go on forever.

We next hear of him as a radical candidate for the United States Senate and beaten by a more moderate republican, Joshua Hill, by a combination of democrats with the republicans. He next appears as the appointee of the carpet-bag Governor Bullock as chief-justice of the State supreme court, which position he subsequently resigned to take the presidency of a railroad. Now we have him here the leader of a party he calls democratic. His explanation of all this is that the democratic party erred and abandoned him, now it has righted itself and rallied upon his grand reserve of undying, unchangeable principles. Mr. President, this probably accounts for my anomalous position. When the democratic party went in search of the Senator from Georgia it left me. [Laughter.] Like him I shall try to hold this position till it returns, in the mean time sacrificing all my ambition and all my fortune. When they return I may be crowned its leader for the same reasons that induced it to wreathe the forehead of the venerable Senator.

Mr. President, I cannot part with the distinguished Senator until I have relieved his mind of all the perplexity I have occasioned it. There are rumors, he says, of a bargain. If I am the recipient of any consideration here I suppose I am much indebted for it to the fact that the Senator did not know of the opportunity. But I will

in this connection answer all the innuendoes of Senators on this point distinctly. With due regard for the dignity and decorum of this body, I hurl back with scorn and contempt every imputation from whatsoever quarter that my action here has been induced by any other consideration than the promotion of the interests of my people and the welfare of the whole country. No gentleman in any station will constitute himself a searcher of the human heart and presume to evolve the motives which should prompt representative conduct.

If rumor is to be brought into this Chamber, who of Senators here could not entertain us for an hour or two with what the breezes wafted here from Georgia about the methods by which the distinguished Senator obtained his appointment here. And who does not know, what is more than rumor, of the indignation meetings held in his State over that appointment. Against all this he now stands vindicated by his subsequent election, and from this he should learn the valuable lesson that every Senator should be left to adjust his accounts with his own constituency.

Mr. President, I must beg the indulgence of this Senate for a few minutes longer, to do justice by one for the introduction of whose name here I am responsible. It is reported generally that some Senators of the democratic party are ready and willing to abandon opposition to the further organization of this Senate if the name of Mr. Riddleberger shall be withdrawn. If that be true, I ask Senators to confess the fact and let it go to the country, that they are ready and willing to yield the organization of the Senate if only their revenge can be satisfied in the defeat of one of Virginia's own honorable and honored sons, in the person of Captain Riddleberger. They can yield a complete republican organization, but cannot accept this Virginia readjuster. I note with astonishment the reasons assigned, but discern very clearly the real and underlying ones. Say they, he is of the repudiating party. If so, Mr. President, I, too, am of that party. This I have sufficiently answered for both and for my State. But, sir, I want to reply further to some Senators on this point. They want a solid South. Can they not permit us to join the solid column of States with readjusted debts? Can they not accept a Sergeant-at-Arms who is the patron of the Riddleberger bill? As I said, they represent States here whose indebtedness has been arbitrarily scaled to less than thirty-five cents on the dollar in the aggregate. The State of West Virginia is represented here by two Senators; yet the certificates which represent her portion of the old Virginia debt are worth but ten to twelve cents in the market, and she has never suggested by her executive or Legislature, as far as I can learn, a purpose to pay any part of her share. I might recite the facts in detail in relation to other States, but it would be too tedious. With due deference to the Senators from North Carolina, I shall present a copy of the bill under which the debt of that State was adjusted from nearly sixteen millions, as of before the war, to a fraction over four millions now, and this bearing 4 per cent. I ask the Clerk to read this bill.

The Chief Clerk read as follows:

SECTION 1. That when any person or persons, holding and owning any bond or bonds of the State of North Carolina, issued in pursuance of any act of Assembly passed at any time before the 20th day of May, 1861, exclusive of bonds issued for the construction of the North Carolina Railroad, or in pursuance of the act of the General Assembly passed at its session in 1865, it being chapter 3 of the laws of 1865, or in pursuance of an act passed by the General Assembly at its session in 1867, it being chapter 56 of the laws of 1867, or in pursuance of an act entitled "An act to provide for the payment of the State debt *contracted before the war*," ratified on the 10th day of August, 1868; or any registered certificate or certificates belonging to the board of education, issued in pursuance of an act of the General Assembly of 1867, shall surrender and deliver such bond or bonds, with the coupons attached thereto, or registered certificate or certificates, to the treasurer of the State, then, and in that case, it shall be the duty of the treasurer of the State, and he is hereby requested, to issue and deliver to the persons surrendering such bond or bonds, certificate or certificates, a new bond or bonds of the State due and payable thirty years from the 1st day of July, 1830, bearing interest from date at the rate of 4 per cent. per annum, payable semi-annually on the 1st of January and July in each successive year at the office of the public treasurer.

* * * * * * *

SEC. 4. These bonds shall be exchanged for the old bonds of the State mentioned in the first section of this act at the following rates:

Class 1. For the bonds issued before the 20th day of May, 1861, 40 per cent. of the principal of the bond or bonds so surrendered.

Class 2. For the bonds issued since the close of the war, by authority of acts passed before the war, to aid in the construction of the Western North Carolina Railroad, and the bonds issued in pursuance of the said act of Assembly of 1865, chapter 3, and act of Assembly, 1867, chapter 56; the bonds issued October 1, 1861, by authority of act of 1861, chapter 137, for Western (Coalfield) Railroad; the bonds issued October 1, 1861, by authority of act of 1854-'55, chapter 228, section 35, and resolution September 12, 1861; and the said registered certificates of the literary fund for the bonds issued July 1, 1862, by authority of act of 1860-'61, chapter 142, for the construction of the Wilmington, Charlotte and Rutherford Railroad, *twenty-five per cent. of the principal of the bonds or certificates* so surrendered.

Class 3. And those issued in pursuance of the said funding acts of March 10, 1866, and August 20, 1868, *fifteen per cent. of the principal* of bond or bonds so surrendered: *Provided*, That all bonds issued in exchange for the new bonds shall be surrendered *with all coupons* attached.

Mr. MAHONE. Mr. President, I desire to make that which has just been read by the Clerk part of this record, in order that it may go down to posterity along with the Riddleberger bill, that after generations may learn the difference between readjustment in Virginia and something else in the State of North Carolina.

That bill followed close upon the executive recommendation, the governor being the Senator, [Mr. VANCE,] in which, among other assignments of justification for such a scale, the losses by that State resulting from the war are included. Virginia makes no such claim and assigns no such reason. She asks no creditor to abate a penny more than the interest that accrued during that war. She believes it to be her legal, certainly her equitable, right to demand this. Is this, then, the real reason why these gentlemen cannot accept Mr. Riddleberger? No Senator can so believe. It is to be seen otherwise in the fact that the Senator from Kentucky introduced here an old musty newspaper with which a chronic office-seeker supplied him. To the fact I answer for Mr. Riddleberger that he did exactly what that newspaper represents, but not for the reasons which that Senator assigned. If Mr. Riddleberger had made that motion of expulsion because that member was a colored man, I incline to the opinion that the Senator would rather have regarded it as a qualification for position here than otherwise. That he is mistaken in his other inference is testified by the records, which show that the republican platform of that year strongly denounced the funding bill of 1871 as a measure procured by bribery and corruption.

If it be the color of the member whom it was proposed to expel which troubles the Senator, he may be relieved by the information that the Bourbons opposed the submission of the brokers' bill to the people—that great measure of the democracy, such democracy as we have in Virginia, which was championed there on the hustings by my colleague, and which is now upheld here by distinguished Senators on the democratic side. I say that your leader upholding that measure, protesting against its submission to the rightful determination of the people, refusing that the freemen of Virginia should exercise the right of the franchise to vote upon a question which not only involved taxation, but which, by the forms of an irrepealable contract, undertook to bind them and their posterity for forty years—I say that your leader protested, among other reasons, wherefore he was unwilling that the people should vote upon this question that he did not desire and he did not intend that the "black herd of Eastern Virginia" should vote upon it, and that too, when it divested the Legislature of the State of all power over its revenues for that time, the syndicates becoming by it the collectors and disbursers of half the taxes before government, schools, or asylums should be supplied.

Mr. President, it is the coming contest in Virginia which makes this opposition to Mr. Riddleberger. His enemies and those of his party know his power, his influence, and his courage. His Virginian manhood and his splendid eloquence are obstacles to Bourbon success in our State. He is naturally dreaded by that Bourbonism which professing obedience to the Constitution of the country as it is yet cherishes by mental reservations hostility to portions of that Constitution. For, sir, our opponents in Virginia nominally accept the declaration of the Cincinnati platform in favor of "a full vote, a free ballot, and an honest count," yet aim to defeat those ends, as is well known among our people, by a constitutional provision prohibiting the exercise of the right of suffrage until the payment of a capitation tax of $1 shall be made. I say that this effort here is to uphold the party that thus defies your democratic creed, that has undertaken by this method of indirection to disfranchise the colored man. Whether my colleague voted for that disfranchising clause or not he can say for himself. I choose to say that it never had my consent either in public or at the ballot-box.

For one I want no political serfs in Virginia; I want no longer any condition of personal servitude. I desire not only in theory the right secured to all men of a free, untrammeled ballot, a priceless ballot, but I desire that there shall be secured an honest count. Whatever may be the professions of gentlemen on that side, I stand for that in fact, and I stand prepared here on this floor, by the courage of the men who are behind me at home, to assure the country that in Virginia at least there shall be a free suffrage, a full vote, and an honest count. [Applause.] I stand here to guarantee the enforcement of the laws by the brave men who stand at my back in the cause of freedom.

I say to Senators, of my friend Captain Riddleberger, that he is made of sterner stuff than they calculate, and will survive record investigations and attacks if but opportunity is afforded for defense. The shafts of my colleague fall harmless at his feet, and he is too manly to cherish feelings of resentment for them. When he says Mr. Riddleberger was unknown in Virginia until the issue of readjustment arose he but argues his own ignorance again of the men and affairs of his own State. Mr. Riddleberger was an active participant in the liberal movement of 1869, and his services were recognized by placing him on the State committee with the lamented Baldwin and Randolph. In 1872 he was a presidential canvasser, in 1873 a State canvasser, and in 1876 a presidential elector. He was a member of the house of delegates from 1871 to 1875, and as such refused to support his party in the proscriptive capitation-tax prerequisites, and, like myself, opposed it at the polls. Though representing the largest democratic constituency in the State, he was subsequently indorsed by being returned to the senate by the second largest majority in the State, and then voted to repeal the capitation prerequisite. He was also made Commonwealth's attorney, and as proof of the confidence of his people is to-day Commonwealth's attorney and State senator. At the time when my colleague was returned here Riddleberger was the recipient of a complimentary vote for a seat in this Chamber. The distinction which he has made as a liberal readjuster my colleague has given him, and of it he is not ashamed, for he would not abate one jot or tittle of his convictions on our State policy for the best office in the gift of the Federal Government. He was a captain

of cavalry in the confederate army, receiving his commission as such before he arrived at the age of manhood.

But, Mr. President, records are not always essential to preferment. My colleague was first elected to this Chamber because he had no record. It was at that crisis in our affairs when few men of positive records could get access here. And I may say as much of his second election. If he shall fail to come again it will not be because he has much record. Except that which he has made against one of his own citizens, I know of nothing that can be alleged against him or for him except his remarkable measure reported from a special committee to restore lost cuds, to prevent hollow-horn and wolf in the tail, entitled a bill to stamp out cattle diseases. Mr. President, I am here to vouch for the good character and eminent fitness of my friend, Captain Riddleberger, for the high and responsible position for which he has been named. If you would know more of the true inwardness of the opposition to him I would ask the Clerk to read an extract from one of his published letters on Virginia affairs.

The Chief Clerk read as follows:

The suffrage question, as it is involved between the parties, is neither a new nor terrifying issue with me. In 1874-'75 I declined to co-operate with our party in the General Assembly for the capitation tax qualification, and I opposed it here at the polls when it came before the people for ratification. I then believed it to be in conflict with the spirit of the Constitution of the United States, most certainly a gross innovation upon true democratic principles. There were two reasons influencing its supporters, as I understood them. One was to secure the payment of the capitation tax, the other to curtail the votes of a certain class of people. Nothing is now wanting to demonstrate the fallacy of both. Before the prerequisite qualification became part of our constitution we find the insolvent capitation tax to have been for 1871, $56,952; for 1872, $62,401; for 1873, $61,438; for 1874, $64,425; for 1875, $62,201; and for 1876, $65,356. In 1877 the change began. In 1878 the insolvent capitation return was $71,434, and again, in 1879, with a general election throughout the State, it was $70,992. I have not the reports for 1880, but have been authoritatively advised they reach the full average.

It is apparent from these exhibits that the device is a great failure as a revenue measure. Our people, as a rule, do not want a tax qualification for any other purpose than to aid in collecting the revenue. When it does not do this they are ready to abandon it. Those who would have it because it operates disfranchisement, and those who have acquired an illegitimate influence by it, of course will cling tenaciously to it. We have only to address the question to the good sense and justice of the people of every section. It is not a question of extending or enlarging the suffrage. Virginia went to the utmost limit in 1851, abolishing the last vestige of qualification in her constitution of that year. Every white male citizen of the State over the age of twenty-one years, and a resident thereof for two years, not proscribed by crime or incompetent from idiocy or lunacy, was a voter. So it was when, under the reconstruction acts, we erased the word white and accepted the three amendments to the Federal Constitution. When the Congress framed these amendments they did not mean to have them trifled with. They said we should not thereafter have a color qualification. This is imperative. Then in the second section of the fourteenth amendment we find the following:

"SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when *the right to vote at any election* for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or *in any way abridged, except for participation in rebellion, or other crime*, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

Here it is explicitly written that no State shall "abridge" the right of suffrage "except for participation in rebellion or other *crime*." The failure to pay a capitation tax is neither participation in rebellion nor crime. (I will be pardoned for barring the word other.) Therefore to fix such a qualification is clearly an infraction of this constitution which I have at least a dozen times sworn to maintain, and which every properly registered voter is sworn to support. Even if our amended State constitution were a successful collecting agency, I think the people would consider that they cannot afford to repudiate any part of their organic law, State or Federal, for money. Again, the Congress, as if apprehending attempted evasion of this prohibition, affixed a penalty therefor. Having accepted these amendments as conditions precedent to reconstruction; having signed our names to the registration oaths to support them, what conscientious man in Virginia can raise his voice if a republican Congress shall say next winter, when it reapportions, that we shall not have representation in that Congress or in the next electoral college for the 70,000 men who have not been paying capitation tax? As a matter of policy as well as of conscience we should not have this qualification. There the prohibition is written, and Congress being the sole judge of the qualification of its members and the sole authority to count and declare the electoral vote, reserves to itself the power to enforce the penalty. If enforced, as there is little room for rational doubt it will be, in 1881, Virginia, once the first, now the fifteenth, will again tumble, this time to take rank with next to the smallest class of States in the Union. Why court this further humiliation?

I did not stop to count the cost to me in votes in 1875, though representing a democratic district, nor will I undertake to treat this question from the standpoint of dollars and cents now, except as such treatment of it may serve to expose the follies of Bourbonism. We cannot afford to stand in open antagonism to the Constitution and the laws. Our principles have been those of strict construction and rigid adherence. Our *interests* would dictate the same. With what hope of success can we approach the powers that be for governmental aid while our every act and deed is hostile? One New England State in a period of years has received her $2,275,000 for harbor improvement, while Norfolk, we are told, has had $30,000 in the same six decades. That period covers much of the time when Virginia's star was the brightest in the constellation. If we inquire for the causes of this and kindred disparities of right, we find many of them (thank Heaven, not all) written on the pages of our own State history. We must *do* exactly right under the Constitution; then *demand* what is right of Government.

It would extend this letter beyond all reasonable bounds to consider this question as one involving the right of all men to vote, as an absolute, inherent right, resting in nature, and which laws and constitutions should not affect save to protect. Granting it to be maintainable that the elective franchise is still within the conventional power of the State, to be regulated by its sovereign political will, I could never agree that the constitution should provide a license tax upon its exercise. Neither would I class a man among criminals on election day simply because he had not paid his capitation tax any more than the man who had not paid his property tax. The liberties of the citizen are priceless; there can be no adequate price of a vote. The right to vote, said the Cincinnati platform, is the right preservative of all rights. General Hancock emphasized this in his letter of acceptance, declaring for a free and priceless suffrage in every State of the Union. In addition to this, a committee of a democratic United States Senate, Senator Wallace, (democrat,) of Pennsylvania, chairman, have had this subject under careful investigation, and have proclaimed it "unconstitutional and illegal, contrary to the spirit of our institutions, degrading to the people, and furnishing to money and fraud every opportunity to control our elections."

I have to find the first man who can make a creditable defense of this qualification. The substance and end of all argument is that "*a man who cannot pay one dollar ought not to vote.*" The slogan of the revolution was "no taxation without representation." To-day it is no representation unless you pay your head tax. The proper view is to let men vote for those who levy taxes, and then for those who levy to provide the means for collecting them. Louisiana collects her capitation tax almost entire. She makes it a lien upon the wages as well as the property of the citizen, and its payment cannot be avoided. Here we make it the price of a vote, and absolutely rejoice that $70,000 a year is not paid into the treasury. That the payment of a head tax qualifies a voter is too absurd to contemplate. Yesterday morning John Jones was not *qualified* to vote. Last night David Demagogue paid his dollar for him on a condition which violated a penal statute, and Mr. Jones became a marvelous proper person to cast a ballot. If his tax had not been paid he would have been tried by the judges of election and classed with the criminals, whom alone we have the constitutional right to disfranchise.

Our Virginia people are eminently practical and always just. Nothing but the temporary fright about "negro domination," which was peddled around on the hustings, could have brought about the monstrous innovation of a tax prerequisite in 1875. Nothing but the lowest appeal to venal passion could have held for it the meager support it has since had. It is now well understood that the colored people of Virginia are so located as scarcely to be able to get a dozen representatives in our assemblies of one hundred and forty; and results show that in general elections there are always more white than colored voters insolvent and *disqualified*. Fifty thousand white and 30,000 colored in the late election have concluded this once invincible cry of "negro domination." All we need to do is to take this question boldly to the front, present it fearlessly and logically; let the people know that readjustment means all the word implies in Virginia politics; that it means the levy of only necessary taxes; that these, when levied, will be collected; and that when collected they will be economically appropriated and honestly disbursed. The clearing away of the rubbish from the capitol discovering near a half million dollars of lost revenues through carelessness and defaults; the exhibit of a self-sustaining penitentiary against a $60,000 annual outlay in past years; the closer collection of revenues and reimbursement of the plundered school fund to the amount of $120,000 in a single year, the detection and exposure of $100,000 embezzlement or theft of bonds and coupons have seriously impressed the people that readjustment is the synonym of reform, and that the time has come for it.

The field for readjustment has materially and sensibly widened. Our chancery courts, with millions of property in their clutches, and there continuing for decades, with hundreds of interlocutory decrees and never a *final* one entered, and which swallow over a million a year in costs may be considerably improved by a very little readjustment. John Romilly once spoke of the English chancery courts as "a technical system for the creation of costs;" and when that government was troubled about the selection of a safe place for the incarceration of Napoleon it was blandly suggested to put him *in* chancery, and he would never get *out*. If that country had its system patented we could be mulcted in heavy damages for infringement. I refer to this, as I could to several other matters, as a hint that those funders who expect now to evade the debt question and simply go around beating the Chinese gong of "capitation tax" and "negro domination" next summer will quickly discover that readjustment means aggressive reform and cannot be put upon the defensive.

Mr. MAHONE. Such are the views of Captain Riddleberger in respect to the matter of suffrage in Virginia, and such are my views.

Senators who have feigned ignorance of my relations to the Bourbon-funder democracy of Virginia and to the so-called democracy which the senatorial caucus of this Chamber represents confess an ignorance of matters about which they are anxious to instruct the country, which wears the appearance of an afterthought born of discomfiture and intolerance.

That I was elected by the party for whom Senators speak on this floor, the Bourbon-funder reactionists of Virginia, the record refutes; and here I ask the Clerk to read what I send to the desk.

The Chief Clerk read as follows:

Election of Senator Mahone—Proceedings in the General Assembly of Virginia on the day of his election—Proof positive that he was not "Sent to the Senate as a democrat."

[Taken from the Richmond Dispatch (Bourbon-Funder.)]

MAHONE'S POLITICAL STATUS.

Proceedings of the Virginia house of delegates, December 16.

Mr. Cross nominated General WILLIAM MAHONE.

Mr. Norton, (colored,) of York County, seconded the nomination of General MAHONE in a speech of enthusiastic praise of the general. He said that in the most trying hour of the Commonwealth the general had come forward and done her such distinguished service as should win her undying gratitude and makes his name all but immortal. He begged gentlemen to look at the work of his hands. Look and see what he has done in the way of restoring peace. It was as if an angel had been dispatched from Heaven to make glorious summer in the hearts of the people. He has sworn to carry out the Constitution and to do even-handed justice to all. By 20,000 majority the people of Virginia call for WILLIAM MAHONE to go to the United States Senate, there to represent them for six years. His platform of principles, as Mr. Norton understood, was justice to all without regard to position in life or previous condition.

* * * * * * *

Mr. Nicol (democrat) called upon the gentlemen of the other side to say if General MAHONE goes to the Senate will he go there to act with the republicans or with the democrats?

Mr. Bailey, (readjuster.) If as a democrat, will you vote for him?

Mr. Nicol said he would not.

Mr. Gibson (democrat) reiterated the question of Mr. Nicol. He said General MAHONE was a coalition candidate and not the representative of the Virginia conservatives.

Mr. Payne, (democrat,) before the roll was called, wished to know if General MAHONE will co-operate with the democrats or republicans in Congress, or does he wish to carry readjustment there? He understood they were called upon to vote for a man with the knowledge that his party dare not state his political principles.

Mr. Dickenson (readjuster) supposed General MAHONE would be shrewd enough to know the interest of Virginia and to pursue it.

Mr. Payne (democrat) asked if the gentleman would be good enough to give the name and purpose of the party.

Mr. Dickenson (readjuster) said the name was readjuster, and the purpose and policy to turn Virginia from the downward to the upward road.

Mr. Payne (democrat) said there were but two parties in Congress; with which one would General MAHONE operate?

Mr. Dickenson insisted that General MAHONE's opinions were well known, and he would never disgrace Virginia nor misrepresent her people.

Mr. Payne (democrat) said as General MAHONE was to go to the United States Senate without any avowed principles, he hoped he was not to be in the market.

Mr. Gibson (democrat) said with Mr. Payne's permission he would answer. "I say he goes to represent no party, no principle, no people, but simply BILLY MAHONE."

Mr. Gibson, of Culpepper, said he arose to advocate the election of Robert E. Withers, and to repeat the question asked by the gentleman from Prince William, [Mr. Nicol,] but not answered: *If General Mahone goes to the United States Senate, will it be as a democrat or as a republican?*

The gentleman from Prince William asked this plain question, and the gentleman, [Mr. Bailey,] instead of answering in plain English, answered as a patriotic MAHONE Irishman, by asking another. "I say he represents no party; no people. The time was when he was a democrat, confederate soldier, conservative. What is he now? Is he a democrat, a republican, a readjuster, a repudiator, or a combination of all these? His present status is most remarkable; our present condition is most remarkable—so much so that I don't believe Saint John of Albemarle could have foretold it."

* * * * * * *

"And now, before voting for him," said Mr. Gibson, "we ask what party he represents? I say that he has been elected by no majority. I deny that he represents the conservative party of the State of Virginia. Hardly one-half of the 175,000 white votes were cast at the late election. He is a coalition representative, and not the representative of the conservatives; and those who have nominated him misrepresent their people."

* * * * * * *

Mr. Payne then remarked that from the support of General MAHONE by the gentleman from York [Mr. Norton] and the gentleman from Russell [Mr. Dickenson] he supposed that General MAHONE would go to the United States Senate as a republican.

[From the Richmond Dispatch, December 17, 1879.]

Proceedings of the Virginia senate, December 16.

Mr. Paul nominated General MAHONE.

Mr. Daniel nominated Mr. Withers.

Mr. Daniel, alluding to General MAHONE, said he was not here to indulge in harsh language, but he would say that no man knows, and the gentleman who has placed him in nomination has not done us the honor to inform us, with what party he will co-operate when he goes to Washington.

Mr. Riddleberger seconded the nomination of General MAHONE. He said General MAHONE had been elected to the position to which he was to-day nominated by the people on the 4th day of November last. * * * General MAHONE would (in Washington) co-operate with the great people's party, which had not yet been baptized.

* * * * * * *

Mr. Paul, addressing the Senate, said that since the foundation of the Republic it had been one of the highest honors of the world to hold a seat in the Senate of the United States, and especially is it an honor to occupy a seat in the Senate from Virginia. He nominated General WILLIAM MAHONE as a man in every way fitted to fill this exalted position. He was the founder of his own claim—a man of the people, from the people, and for the people. He regarded him as nobly fitted, and would nobly do the work that will be assigned to him. He has a generous regard for the rights of both races, and stands in the front rank of the most advanced school of practical politics. It gave him pleasure to nominate such a man, and he hoped it would be the pleasure of the General Assembly to elect him.

The following are extracts from editorials of the funder organ—the Richmond Dispatch—during December, 1879:

"If anything is plain to those who are here upon the ground, it is that General MAHONE has made up his mind to form a new party in Virginia. His organ scoffs at the conservative party."—*Dispatch*, 8th.

"Pray, what would be the difference between electing General MAHONE and electing a republican? We heard a republican say last Saturday that General MAHONE is a better republican than General Wickam."—*Dispatch*, 9th.

"Now, this determination of General MAHONE's to form a new party is what makes it so absurd for conservative papers to speak of voting for him in preference to a republican, as if such a vote would be one cast for a conservative."—*Dispatch*, 10th.

"If General MAHONE is to be elected to the United States Senate, let it be done by the new coalition. Let no conservative touch him. He does not profess to belong to our party, and it would be a shameful betrayal of trust for any conservative to support him."—*Dispatch*, 16th.

"WILLIAM MAHONE was yesterday elected to the United States Senate by the votes of so-called readjusters and negroes and republicans. The unholy coalition has now done the work for which it was formed. Our reports of the proceedings of the two houses will show the efforts that were made by the true men of Virginia to defeat this scheme.

"It is still true that revolutions never go backward. We need not be surprised at anything the revolutionists may do. General MAHONE has gained the prize which he so ardently coveted; but as he will probably take rank with Simon Cameron and be regarded as a sort of democratic successor to old Zach. Chandler, his fame will not be greatly increased after his associates in that high body shall have taken the measure of his abilities."—*Dispatch*, 17th.

Such are but a few specimens of the denunciations indulged in by the Dispatch just before and after the election of General MAHONE to the Senate. The Richmond State was just as bad. The other Bourbon-funder organs all over the State took their cue from these two central exponents of their faction.

Mr. MAHONE. Thus, Mr. President, it will be seen that another was the candidate of the so-called democratic party of Virginia, and not I. *I* was, and I am proud to have been, the candidate *of the people*, who had nominated me at the polls by a majority of over twenty thousand in the general election which preceded, and where that question, the Senatorship, had been made an issue by the Bourbon reactionists. That majority comprehended a majority of the white vote by full 15,000 and the colored vote by 5,000.

I know of no consideration which could have induced me to have taken a seat in this Senate or to have held any place at the hands of that party, the Funder-Bourbon party of Virginia. I am under no obligations to it nor to its champions, here or elsewhere. My allegiance, under God, is to my country, and my first duty is to the people of Virginia.

That the readjusters instructed their candidates for electors for Hancock and English, as has been here alleged, is true, and equally true is it that they forebore, and purposely forebore, to instruct for these candidates as the *nominees* of the democratic party; and it is equally true also that they did not adopt the platform of the Cincinnati convention. They planted their candidates for electors and for Congress upon an independent platform of their own making, a section of which I propose to introduce just here:

SECTION IV OF THE READJUSTER PLATFORM.

Recognizing—

So the readjusters in general convention declared—

their obligation and proclaiming their intention to support and obey the Federal and State constitutions as the only sure protection of civil and political rights of the citizen, and the only safe bulwark against encroachment upon the liberties of the residuaries of sovereignty in all popular governments, the readjusters reiterate their purpose to vindicate and maintain the constitutional right of the citizen to the exercise of a free and priceless suffrage.

And now, Mr. President, at the time of my election who constituted my opponents? Already, as you have been advised, another representing distinctly the Bourbon democracy of Virginia and the so-called democracy of this Chamber, another representing distinctly the republican party of Virginia—these were the candidates before the Legislature which elected me to this body. I received not only a majority of the so-called democratic readjusters but of the so-called republican readjusters. And now what were the efforts, known there if not here to gentlemen, to defeat me? Were not combinations sought to be made? It is known of all men there at the capital of my State, if not here, that every influence from whatsoever quarter it could be adduced, whether democratic or republican, was brought together at Richmond for the purpose by combination of defeating my election, of defeating the sovereign will of the people of that Commonwealth as expressed on the 4th of November, 1879.

There was a democracy which sought to secure the election of an orthodox, simon-pure, unadulterated republican, but of that kind called Bourbons in Virginia—a democracy which was not only willing but ready and anxious to send here in the place I have the honor to hold a republican whom they would otherwise profess to despise. What for? For the consideration well known there, that they might elect certain county judges and control the State offices, and by that means prevent the disclosures which have subsequently followed since the readjusters have gotten possession of the capitol. That democracy which, like Cæsar's wife, would stand "above suspicion," were ready to trade a seat in the United States Senate so that a few county judges might be preserved, that the offices in the capitol at Richmond might be retained in their control; I say in order, perhaps, that the disclosures which have followed the advent of the party I represent might have been longer concealed; moreover that control of the ballot-box in the State might continue where it had been; so certainly I believe; and all this by those who professed to represent the party which had declared in national convention for a full vote, a free ballot, and an honest count!

Such were the considerations, such I say were the inducements which prompted that democracy to its efforts to send to this Chamber a republican beyond question since these many long and weary years. If that is the democracy that the gentlemen on that side love, I proclaim my inability to co-operate with them.

I supported neither of the candidates for Congress in my district, and emphatically declared that purpose on more than one public occasion, because one was a candidate of that party, the Bourbon reactionists, and the other a Bourbon republican with accommodating views on the debt question.

To obey the behests of the democratic caucus of this body, whose leadership on this floor, whose representative national authority—the one here and the other elsewhere—have championed the cause of the Bourbon-funder party in Virginia, would be an obsequious surrender of our State policy and self-condemnation of our independent action.

The desire of our people for cordial relations with all sections of a common country and the people of all the States of the Union, their devotion to popular education, their efforts for the free enjoyment of a priceless suffrage and an honest count of ballots, their determination to make Virginia, in the public belief, a desirable home for all men, wherever their birthplace, whatever their opinions, and to open her fields and her mines to enterprise and capital, and to stay the retrograde movement of years, so as to bring her back from the fifteenth in grade to her original position among the first in the sisterhood of States, forbid that my action here should be controlled or influenced by a caucus whose party has waged war upon my constituency and where party success is held paramount to what I conceive to be the interests of Virginia and the welfare of the whole country.

The readjusters of Virginia have no feeling of hostility, no words of unkindness for the colored man. His freedom has come, and whether by purpose or by accident, thank God, that, among other issues which so long distracted our country and restrained its growth, was concluded, and I trust forever, by the results of the sanguinary struggle between the sections.

I have faith, and it is my earnest hope, that the march of an enlightened civilization and the progress of human freedom will proceed until God's great family shall everywhere enjoy the products of their own labor and the blessings of civil, political, and religious liberty.

The colored man was loyal to Virginia in all the days of conflict and devastation which came of the heroic struggle in the war of sections that made her fields historic. By no act of his was either the clash of arms provoked or his freedom secured. He did not solve his duty by considerations of self-interest.

Can so much be said of distinguished democratic statesmen who urged the South to resistance in behalf of principles held to be fundamental? Did they, when the tug of war came, solve their duty on the side of principle or self-interest? Virginia has not forgotten her abandonment from that quarter, and needs no counsel as to her duty.

To me and the people of Virginia, the South, as the phrase goes, is a mere geographical expression, and no longer has political idealization. To the noble intellect of Calhoun it epitomized a dream of empire. I do not question the grandeur of that hope and aspiration, but it was quenched in blood, and the South of our day has acquiesced in the decision that war made. The democratic party, indeed, affirms that acquiescence in its national platforms and in the declaration of its candidates.

Mr. President, I am here to assert that Virginia, the mother of the Union, renews her faith in and devotion to the Government that her honored sons aided to construct; and in furtherance thereof I propose to give my best ability and to exert my every energy. [Applause in the galleries.]

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The question being put, it was declared that the noes appeared to prevail.

Several Senators called for the yeas and nays, and they were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. DAWES. I hope there will be order in the Chamber.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) Order!

Mr. DAWES. What is the question?

The PRESIDING OFFICER. The motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business.

Mr. DAWES. What has become of the Senator's own motion, that this resolution be indefinitely postponed?

Mr. HARRIS. Pending that motion, I have moved that the Senate proceed to the consideration of executive business.

Mr. DAWES. I am sorry the Senator is not satisfied with his own motion.

Mr. HARRIS. I beg to assure the Senator from Massachusetts that the motion he refers to is the motion of the Senator from Ohio, [Mr. PENDLETON.]

The PRESIDING OFFICER. The Chair will state that debate is not in order. The roll-call will proceed.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] Otherwise, I should vote "yea."

Mr. DAVIS, of West Virginia, (when Mr. CAMDEN'S name was called.) My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut, [Mr. PLATT.] If present, my colleague would vote "yea."

Mr. GEORGE, (when Mr. FAIR'S name was called.) I was requested by the Senator from Nevada [Mr. FAIR] to state that he is paired with the Senator from California, [Mr. MILLER.]

Mr. GARLAND, (when his name was called.) On this subject I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who, if here, would vote "nay," and I should vote "yea." I make this statement now for the entire day.

Mr. ROLLINS, (when the name of Mr. JONES, of Nevada, was called.) The Senator from Nevada [Mr. JONES] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay."

Mr. PLATT, of Connecticut, (when his name was called.) As already announced, I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were present, I should vote "nay." This pair will continue during the day, and I make the announcement now to cover the day.

Mr. PLATT, of New York, (when his name was called.) I am paired with the Senator from California, [Mr. FARLEY.] If he were present, I should vote "nay."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

Mr. VOORHEES, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK,] who is obliged to be absent this afternoon.

Mr. BECK, (when the name of Mr. WILLIAMS was called.) My colleague [Mr. WILLIAMS] is still detained from the Senate because of sickness, and his pair with the Senator from Nebraska [Mr. SAUNDERS] continues during his illness. I will only announce it this one time.

The result was announced—yeas 25, nays 27; as follows:

YEAS—25.

Bayard,	Call,	Davis of W. Va.,	Hampton,
Beck,	Cockrell,	George,	Harris,
Brown,	Coke,	Grover,	Hill of Georgia,
Jackson,	Lamar,	Pendleton,	Walker.
Johnston,	McPherson,	Pugh,	
Jonas,	Maxey,	Saulsbury,	
Jones of Florida,	Morgan,	Slater,	

NAYS—27.

Allison,	Edgerton,	Hoar,	Morrill,
Blair,	Ferry,	Ingalls,	Rollins,
Burnside,	Frye,	Logan,	Sawyer,
Cameron of Wis.,	Hale,	McDill,	Sewell,
Conger,	Harrison,	McMillan,	Sherman,
Conkling,	Hawley,	Mahone,	Teller.
Dawes,	Hill of Colorado,	Mitchell,	

ABSENT—24.

Anthony,	Fair,	Kellogg,	Saunders,
Butler,	Farley,	Miller,	Vance,
Camden,	Garland,	Platt of Conn.,	Van Wyck,
Cameron of Pa.,	Gorman,	Platt of N. Y.,	Vest,
Davis of Illinois,	Groome,	Plumb,	Voorhees,
Edmunds,	Jones of Nevada,	Ransom,	Williams.

So the motion was not agreed to.

Mr. DAWES. I hope now we may have a vote on the resolution. These dilatory motions I deprecate very much indeed. I wish we might get at the public business as early as possible, and I hope we may have a vote on the resolution.

Mr. DAVIS, of West Virginia. To gratify the Senator from Massachusetts I move that we do now adjourn and ask for the yeas and nays.

Mr. DAWES. I hope the Senate will not adjourn——

Mr. COCKRELL. The motion is not debatable.

Mr. DAWES. I know it is not debatable.

Mr. COCKRELL. I rise to a question of order, Mr. President.

Mr. DAWES. I know the motion is not debatable.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia, that the Senate do now adjourn.

Mr. DAWES. I wanted to appeal to the Senator from Missouri, who is so devoted to the public business always——

Mr. BECK. The public business requires an executive session.

Mr. COCKRELL. I desire to know whether when a Senator is called to order, it is not his duty to stop?

The PRESIDING OFFICER. The Senator from Massachusetts is out of order. The question is on the motion of the Senator from West Virginia, that the Senate do now adjourn.

Mr. COCKRELL and others called for the yeas and nays, and they were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. BUTLER, (when his name was called.) I announce for the last time to-day that I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. GARLAND, (when the name of Mr. JONES, of Nevada, was called.) I am authorized to announce that the Senator from Nevada, [Mr. JONES,] whose name has just been called, is paired with the Senator from North Carolina [Mr. RANSOM.]

Mr. PLATT, of New York, (when his name was called.) I reannounce my pair with the Senator from California, [Mr. FARLEY.]

Mr. PLUMB, (when his name was called.) I am paired on this question with the Senator from Missouri, [Mr. VEST.]

Mr. VOORHEES, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. DAVIS, of West Virginia. If the Senator from Rhode Island [Mr. BURNSIDE] is in the room I should like to ask him if he is not paired with the Senator from Maryland, [Mr. GROOME.] I notice that he voted. I was informed that he was paired with the Senator from Maryland. He has voted without thought, probably. However, it makes no difference in the result.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The Senator from Rhode Island does not seem to be in the Chamber.

Mr. DAVIS, of West Virginia. No, sir; but I see his name is on the list.

The result was announced—yeas 25, nays 27; as follows:

YEAS—25.

Bayard,	George,	Jonas,	Pugh,
Beck,	Grover,	Jones of Florida,	Saulsbury,
Brown,	Hampton,	Lamar,	Slater,
Call,	Harris,	McPherson,	Walker.
Cockrell,	Hill of Georgia,	Maxey,	
Coke,	Jackson,	Morgan,	
Davis of W. Va.,	Johnston,	Pendleton,	

NAYS—27.

Allison,	Edgerton,	Hoar,	Morrill,
Blair,	Ferry,	Ingalls,	Rollins,
Burnside,	Frye,	Logan,	Sawyer,
Cameron of Wis.,	Hale,	McDill,	Sewell,
Conger,	Harrison,	McMillan,	Sherman,
Conkling,	Hawley,	Mahone,	Teller.
Dawes,	Hill of Colorado,	Mitchell,	

ABSENT—24.

Anthony,	Fair,	Kellogg,	Saunders,
Butler,	Farley,	Miller,	Vance,
Camden,	Garland,	Platt of Conn.,	Van Wyck,
Cameron of Pa.,	Gorman,	Platt of N. Y.,	Vest,
Davis of Illinois,	Groome,	Plumb,	Voorhees,
Edmunds,	Jones of Nevada,	Ransom,	Williams.

So the Senate refused to adjourn.

Mr. DAVIS, of West Virginia. Mr. President, in order that we may get out of the way the present resolution so that we may proceed to executive business, I move that the resolution lie on the table, on which motion I ask for the yeas and nays.

Mr. LOGAN. Which resolution, may I inquire?

Mr. DAVIS, of West Virginia. Oh, well.

Mr. LOGAN. I in good faith inquire.

Mr. DAVIS, of West Virginia. The resolution before the Senate, the one under consideration.

Mr. LOGAN. There are two, as I understand, before the Senate.

Mr. DAVIS, of West Virginia. Only one now pending, I will state to the Senator. I move that it lie on the table.

The PRESIDING OFFICER. The Senator from West Virginia moves that the resolution now pending do lie on the table.

Mr. DAVIS, of West Virginia. And on that motion I ask for the yeas and nays.

Mr. BURNSIDE. I desire to say that on the last vote I voted improperly. I was paired; but the fact escaped my mind.

Mr. DAVIS, of West Virginia. It makes no difference in the result.

Mr. BURNSIDE. I prefer to withdraw my vote.

The PRESIDING OFFICER. By unanimous consent, the Senator from Rhode Island, as the result has been declared, will have leave to withdraw his vote. The Senator from West Virginia moves that the pending resolution do lie upon the table, upon which motion he asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Iowa [Mr. ALLISON] on this vote. If he were here, I should vote "yea."

Mr. GROOME, (when Mr. GORMAN'S name was called.) The pair which I have had for several days past with the Senator from Rhode Island [Mr. ANTHONY] has been transferred to my colleague, [Mr. GORMAN.] If my colleague were here, he would vote "yea."

The roll-call was concluded.

Mr. COCKRELL. I was requested to announce that the Senator from Georgia [Mr. BROWN] and the Senator from Colorado [Mr. TELLER] are paired. If they were present they would vote on opposite sides, the Senator from Georgia for the motion and the Senator from Colorado against it.

The result was announced—yeas 25, nays 25; as follows:

YEAS—25.

Bayard,	Groome,	Jonas,	Pugh,
Beck,	Grover,	Jones of Florida,	Saulsbury,
Brown,	Hampton,	Lamar,	Slater,
Call,	Harris,	McPherson,	Walker.
Cockrell,	Hill of Georgia,	Maxey,	
Coke,	Jackson,	Morgan,	
George,	Johnston,	Pendleton,	

NAYS—25.

Blair,	Ferry,	Ingalls,	Rollins,
Burnside,	Frye,	Logan,	Sawyer,
Cameron of Wis.,	Hale,	McDill,	Sewell,
Conger,	Harrison,	McMillan,	Sherman.
Conkling,	Hawley,	Mahone,	
Dawes,	Hill of Colorado,	Mitchell,	
Edgerton,	Hoar,	Morrill,	

ABSENT—26.

Allison,	Edmunds,	Miller,	Vance,
Anthony,	Fair,	Platt of Conn.,	Van Wyck,
Butler,	Farley,	Platt of N. Y.,	Vest,
Camden,	Garland,	Plumb,	Voorhees,
Cameron of Pa.,	Gorman,	Ransom,	Williams.
Davis of Illinois,	Jones of Nevada,	Saunders,	
Davis of W. Va.,	Kellogg,	Teller,	

So the motion was not agreed to.

Mr. HARRIS. Mr. President, I move that when the Senate adjourns it be to meet at nine o'clock to-morrow morning, and on that motion I demand the yeas and nays.

Mr. CONKLING. Is that debatable?

Several SENATORS. No.

The PRESIDING OFFICER. The Senator from Tennessee moves that when the Senate adjourns to-day it be to meet at nine o'clock to-morrow morning, and on that question he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I should like to have the order fixing the daily hour of meeting read. Is there not an order fixing the daily hour of meeting? If so, as a matter of course that order cannot be changed in this way.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the order is that the hour of meeting shall be twelve o'clock each day, unless otherwise ordered.

Mr. DAVIS, of West Virginia. Nine o'clock is a little too early to come here in the morning, and I would submit an amendment to make it ten o'clock. I would prefer eleven, but my friends here say ten. I ask for the yeas and nays on the amendment. The motion of the Senator from Tennessee is nine o'clock, which is a little too early. I propose ten, and that is the amendment on which I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from West Virginia moves to amend the motion of the Senator from Tennessee by striking out "nine" and inserting in lieu thereof "ten;" and on that amendment he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Ten o'clock is a little too early for me. I move to amend the amendment by making the hour eleven o'clock, and on that I demand the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky, on which he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I think we had better adjourn now; and therefore I move that the Senate do now adjourn, upon which motion I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate do now adjourn, and on that motion asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. DAVIS, of West Virginia, (when his name was called.) I announced a moment ago, and state now to answer for the day, that I am paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. GROOME, (when Mr. GORMAN'S name was called.) I announce for the rest of the day that my colleague [Mr. GORMAN] is paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. ROLLINS, (when the name of Mr. JONES, of Nevada, was called.) The Senator from Nevada [Mr. JONES] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

The roll-call was concluded.

Mr. TELLER. I am paired on this subject with the Senator from Georgia, [Mr. BROWN.]

The result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Bayard,	Groome,	Johnston,	Morgan,
Beck,	Grover,	Jonas,	Pendleton,
Call,	Hampton,	Jones of Florida,	Pugh,
Cockrell,	Harris,	Lamar,	Saulsbury,
Coke,	Hill of Georgia,	McPherson,	Slater,
George,	Jackson,	Maxey,	Walker.

NAYS—25.

Blair,	Ferry,	Ingalls,	Rollins,
Burnside,	Frye,	Logan,	Sawyer,
Cameron of Wis.,	Hale,	McDill,	Sewell,
Conger,	Harrison,	McMillan,	Sherman.
Conkling,	Hawley,	Mahone,	
Dawes,	Hill of Colorado,	Mitchell,	
Edgerton,	Hoar,	Morrill,	

ABSENT—27.

Allison,	Davis of W. Va.,	Kellogg,	Teller,
Anthony,	Edmunds,	Miller,	Vance,
Brown,	Fair,	Platt of Conn.,	Van Wyck,
Butler,	Farley,	Platt of N. Y.,	Vest,
Camden,	Garland,	Plumb,	Voorhees,
Cameron of Pa.,	Gorman,	Ransom,	Williams.
Davis of Illinois,	Jones of Nevada,	Saunders,	

So the Senate refused to adjourn.

Mr. DAWES. Now I hope we may take the vote on the resolution.

Mr. HARRIS. Regular order, Mr. President.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment offered by the Senator from West Virginia [Mr. DAVIS] to the motion of the Senator from Tennessee, [Mr. HARRIS,] the amendment being that when the Senate adjourns to-day it be to meet at eleven o'clock to-morrow; upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ROLLINS, (when the name of Mr. JONES, of Nevada, was called.) The Senator from Nevada [Mr. JONES] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. JACKSON,] who is absent from the Chamber for a short time. If he were present, I should vote "nay" and he would vote "yea."

The roll-call having been concluded, the result was announced—yeas 14, nays 25; as follows:

YEAS—14.

Bayard,	Groome,	Jones of Florida,	Pendleton,
Brown,	Hampton,	Lamar,	Saulsbury.
Coke,	Hill of Georgia,	McPherson,	
George,	Johnston,	Maxey,	

NAYS—25.

Blair,	Ferry,	Ingalls,	Sawyer,
Burnside,	Frye,	Logan,	Sewell,
Cameron of Wis.,	Hale,	McDill,	Sherman,
Conger,	Harrison,	Mahone,	Teller.
Conkling,	Hawley,	Mitchell,	
Dawes,	Hill of Colorado,	Morrill,	
Edgerton,	Hoar,	Rollins,	

ABSENT—37.

Allison,	Edmunds,	Kellogg,	Slater,
Anthony,	Fair,	McMillan,	Vance,
Beck,	Farley,	Miller,	Van Wyck,
Butler,	Garland,	Morgan,	Vest,
Call,	Gorman,	Platt of Conn.,	Voorhees,
Camden,	Grover,	Platt of N. Y.,	Walker,
Cameron of Pa.,	Harris,	Plumb,	Williams.
Cockrell,	Jackson,	Pugh,	
Davis of Illinois,	Jonas,	Ransom,	
Davis of W. Va.,	Jones of Nevada,	Saunders,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from West Virginia [Mr. DAVIS] to the motion of the Senator from Tennessee, [Mr. HARRIS,] that when the Senate adjourns to-day it be to meet at ten o'clock to-morrow. Upon the amendment the yeas and nays have been ordered.

Mr. DAWES. I hope that motion will not be adopted. I wish we might vote upon the resolution.

Mr. HARRIS. Is the motion debatable?

The Secretary proceeded to call the roll.

Mr. BROWN, (when his name was called.) On this question I am paired with the Senator from Massachusetts, [Mr. HOAR.]

Mr. ROLLINS, (when the name of Mr. JONES, of Nevada, was called.) The Senator from Nevada [Mr. JONES] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. McMILLAN, (when his named was called.) As I announced before, I am paired with the Senator from Tennessee, [Mr. JACKSON.] I should vote "nay" and he would vote "yea," if he were present.

Mr. PLATT, of New York, (when his name was called.) As I announced before, I am paired with the Senator from California, [Mr. FARLEY.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. KELLOGG. I am informed that there is no quorum. I am paired with the Senator from North Carolina, [Mr. VANCE,] with the understanding that in such a contingency I can vote. I therefore vote "nay."

Mr. HARRIS. What is the business before the Senate?

The PRESIDING OFFICER. The business is the announcement of the vote.

Mr. CONKLING. I venture to ask a question. I see a Senator present who is paired with another Senator who is present, and I am told there is no quorum voting.

The PRESIDING OFFICER. There is a quorum now.

Mr. CONKLING. I beg pardon.

Mr. KELLOGG. Is there a quorum without my vote?

The PRESIDING OFFICER. Not without the Senator's vote.

Mr. HARRIS. Is not the announcement of the vote in order?

The PRESIDING OFFICER. It will be announced.

Mr. HARRIS. Then I ask for the announcement of the vote.

The PRESIDING OFFICER. The announcement would have been made if the Senator from Tennessee had not interrupted the Chair.

Mr. HARRIS. The Senator from Tennessee regrets very much the interruption.

The PRESIDING OFFICER. So does the Chair.

Mr. HARRIS. Then our regrets are mutual.

The PRESIDING OFFICER. So it seems.

The result was announced—yeas 14, nays 25; as follows:

YEAS—14.

Bayard,	Hampton,	Lamar,	Saulsbury,
Call,	Hill of Georgia,	McPherson,	Slater.
Coke,	Johnston,	Maxey,	
George,	Jones of Florida,	Pendleton,	

NAYS—25.

Blair,	Ferry,	Kellogg,	Sawyer,
Burnside,	Frye,	Logan,	Sewell,
Cameron of Wis.,	Hale,	McDill,	Sherman,
Conger,	Harrison,	Mahone,	Teller.
Conkling,	Hawley,	Mitchell,	
Dawes,	Hill of Colorado,	Morrill,	
Edgerton,	Ingalls,	Rollins,	

ABSENT—37.

Allison,	Edmunds,	Jonas,	Saunders,
Anthony,	Fair,	Jones of Nevada,	Vance,
Beck,	Farley,	McMillan,	Van Wyck,
Brown,	Garland,	Miller,	Vest,
Butler,	Gorman,	Morgan,	Voorhees,
Camden,	Groome,	Platt of Conn.,	Walker,
Cameron of Pa.,	Grover,	Platt of N. Y.,	Williams.
Cockrell,	Harris,	Plumb,	
Davis of Illinois,	Hoar,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] that when the Senate adjourns to-day it be to meet at nine o'clock to-morrow morning, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BROWN, (when his name was called.) On this question I am paired with the Senator from Massachusetts, [Mr. HOAR.]

Mr. ROLLINS, (when the name of Mr. JONES, of Nevada, was called.) The Senator from Nevada [Mr. JONES] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. JACKSON.] I should vote "nay" if he were here.

The roll-call was concluded.

Mr. VOORHEES. I see that the Senator from Nebraska [Mr. VAN WYCK] is in his seat, and I vote "yea."

Mr. ALLISON. I am paired temporarily with the Senator from West Virginia, [Mr. DAVIS.] I do not see him in his seat, but it is the understanding that I may vote to make a quorum. I vote "nay" in order to accomplish that object.

Mr. HAWLEY. I announce that my colleague [Mr. PLATT, of Connecticut] is paired with the Senator from West Virginia, [Mr. CAMDEN.]

Mr. MORRILL. I desire to state that my colleague [Mr. EDMUNDS] is paired with the Senator from Arkansas, [Mr. GARLAND.]

The result was announced—yeas 13, nays 26; as follows:

YEAS—13.

Bayard,	Grover,	Jones of Florida,	Voorhees.
Call,	Hampton,	Lamar,	
Coke,	Hill of Georgia,	Maxey,	
George,	Johnston,	Pendleton,	

NAYS—26.

Allison,	Edgerton,	Ingalls,	Sawyer,
Blair,	Ferry,	Logan,	Sewell,
Burnside,	Frye,	McDill,	Sherman,
Cameron of Wis.,	Hale,	Mahone,	Teller,
Conger,	Harrison,	Mitchell,	Van Wyck.
Conkling,	Hawley,	Morrill,	
Dawes,	Hill of Colorado,	Rollins,	

ABSENT—37.

Anthony,	Fair,	Kellogg,	Saulsbury,
Beck,	Farley,	McMillan,	Saunders,
Brown,	Garland,	McPherson,	Slater,
Butler,	Gorman,	Miller,	Vance,
Camden,	Groome,	Morgan,	Vest,
Cameron of Pa.,	Harris,	Platt of Conn.,	Walker,
Cockrell,	Hoar,	Platt of N. Y.,	Williams.
Davis of Illinois,	Jackson,	Plumb,	
Davis of W. Va.,	Jonas,	Pugh,	
Edmunds,	Jones of Nevada,	Ransom,	

So the motion was not agreed to.

Mr. DAWES. What is the motion now pending?

The PRESIDING OFFICER. The motion pending is that of the Senator from Ohio, [Mr. PENDLETON,] that the resolution now under consideration be indefinitely postponed.

Mr. DAWES. I regret very much the delay in the public business; it is very painful. I am surprised that our friends on the other side will indulge in these dilatory motions to this extent, delaying the public business. I am about to make a motion to adjourn, but I wish that our friends on the other side would come here to-morrow, feeling that the public business is of more importance than these dilatory motions, and be prepared to stay here and finish this business, so that we may go into executive session. Hoping and feeling a good deal of assurance that they will come here in that disposition to-morrow, I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and seven minutes p. m.) the Senate adjourned.

TUESDAY, *March* 29, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

OFFICERS OF THE SENATE.

Mr. DAWES. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the regular order. The Chair lays before the Senate the unfinished business of yesterday, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. JOHNSTON. Mr. President, I had some purpose of replying to-day to the speech of my colleague [Mr. MAHONE] which was delivered yesterday, but as I do not find it in the RECORD this morning I do not propose to do so now. In the first place, I do not desire to misrepresent my colleague in any way, and I want to see exactly what he did say in the RECORD first. When I see that, if I find anything that I consider proper and right for me to reply to, I shall do so. I will wait, however, until the speech is published before I do.

Mr. DAVIS, of West Virginia. I think we had better go into executive session this morning, so that we can attend to the business for which we were convened here. I understand that probably a hundred nominations have been sent to us by the President for confirmation. I regret very much that my friend from Massachusetts will continue to interfere with public business, which is the consideration of the nominations sent here by the President of his choice; and I

hope that he is ready now to move to go into executive session. I hardly think I appeal to him in vain. He knows better than I the importance of action on the nominations which are now pending. Some of them are very important, and the public business is suffering on account of the delay.

I was about to move myself to go into executive session, but I understand that my friend from South Carolina [Mr. HAMPTON] wishes to occupy the floor, and I yield for that purpose, giving notice, however, to my friend from Massachusetts that if he does not move to go into executive session at the end of the speech of the Senator from South Carolina, I shall do so.

Mr. DAWES. If the Senator from South Carolina will allow me a moment to reply to the Senator from West Virginia. I appreciate the Senator's anxiety to proceed as speedily as possible in due order to the legitimate business before the Senate, but I desire to express for one my great regret that the public business is delayed by this debate over Virginia politics, interesting enough in itself and interesting enough to Virginians. I am exceedingly sorry that the Senator from Virginia [Mr. JOHNSTON] cannot go on with his remarks to-day and have an end of the discussion. I did hope that we all came here to-day with a disposition to finish up this preliminary work before we adjourn; and I hope, consistently with the preparation for debate which Senators on the other side have made about this discussion of the local politics of Virginia, we may go on.

Of course I do not intend to suggest any interference with the Senator from South Carolina, but in response to the Senator from West Virginia, who is so anxious to proceed to the business of the Senate, I wish to suggest that (with that great influence which he is acknowledged by everybody to possess on that side) he co-operate with us in getting to a vote upon these resolutions, which are at the threshold, and over which we must go to get to the public business. They are here, and they can be disposed of any moment by the majority of the Senate.

I give the Senator my word that if the majority of the Senate shall agree with him I shall be as happy to accord with that judgment as he will be; I will never say a word against what a majority of the Senate think ought to be done, and I will take that judgment at this moment.

Mr. DAVIS, of West Virginia. Will the Senator submit to the will of the majority of the Senate without the Vice-President?

Mr. DAWES. I have not constituted the majority; the Constitution of the United States set it up for me. If the Senator desires to amend the Constitution and have a majority of his own arranged, that is another thing; but with the majority that the Constitution, which made him and me as well as the Vice-President, set us up here, the idea of the Senator from West Virginia that he would have a majority arranged before he will submit the question is a new idea.

Mr. HAMPTON. Mr. President, before I enter upon the discussion of the general questions involved, I beg to call attention to a statement made by the Senator from Virginia, [Mr. MAHONE,] who addressed the Senate yesterday, in reference to the debts of the different Southern States and to their repudiation or readjustment. In the paper that he sent to the desk to have read, in the statement touching South Carolina, the debt in 1860 was put down at $2,670,000; in 1870, at $6,540,000; and in 1880, at $7,175,000. There is also a statement that the highest debt since the war, accumulated by that State, was $24,700,000. Very grave misapprehensions have obtained throughout the country in reference to the action of the State which I have the honor in part to represent here, and I desire to put my State right upon the record.

It is true that the debt at one time was run up to something like these figures, $24,000,000; but that debt was made not by the true people of South Carolina. It was made by the party with which that gentleman is now acting. It was made by the republican party, by the carpet-bag government of South Carolina; and if there was any repudiation, that repudiation came from them. They scaled the debt.

When the government came into the possession, as it did in 1876, of the legitimate rulers of the State, the honest tax-payers of the State, what was their action? They did not repudiate; they assumed the debt left to them by the republican government; and when some question arose, knowing, as they did, that that debt was in large part a fraudulent one, the first democratic Legislature that we had appointed a tribunal, composed of three of the circuit judges, leaving to them to pass an opinion upon the validity of the debt, and the State divested herself of her sovereignty so far as to allow herself to be sued. She allowed the bondholders to go into that court and make their case, and it was provided that if that court decided adversely to the bondholders they might have the right to go before the supreme court, and if that court decided adversely they might bring up their case before the Supreme Court of the United States, the State, of course, having no right to appeal if the decisions of her own courts were adverse to her. When it was brought before the supreme court, the chief-justice of which was a republican and a northern man, an honorable man and an unimpeachable judge, that court did decide that about a million dollars of this debt was invalid. The bondholders had the right, then, to carry it up to the Supreme Court to test the question there; but they were so well satisfied with the decision that they accepted it, and the bonds of South Carolina are now above par.

I deny, therefore, that the democratic party of that State has repudiated. I deny it, and I say that that State took as honorable and as just a course as it was possible for any people to do. Finding that statement made, I only desired to put my State right upon that before I entered upon the general discussion of the question before us.

Mr. BUTLER. If my colleague will pardon me one moment, I desire to supplement what he has just said so well by emphasizing a statement which he made to the effect that the only repudiation of any debt of any amount in that State was made by a republican Legislature at the time the State was under the control of a republican governor, when the treasurer was a republican, the comptroller-general a republican, the secretary of State a republican, and the entire State government in the hands of the republican party, Governor Chamberlain at that time being the governor of the State; and that Legislature and that government divided the debt by two, scaling it down fifty cents on the dollar.

If my colleague will pardon me for completing what I was about to say, I am therefore indebted to the Senator from Virginia for the opportunity he gives us of putting the State right upon the record in this regard. South Carolina has never repudiated one dollar of her honest indebtedness except by a republican government of that State.

Mr. HOAR. May I ask the honorable Senator to complete the information in question?

Mr. BUTLER. Certainly.

Mr. HOAR. If the republican State government, as I understand the Senator, repudiated half the honest debt, have the democratic State government done anything toward paying it since they came into power?

Mr. BUTLER. The democratic government of South Carolina did a great deal more than the government of Massachusetts with reference to one of her debts; she left it to a special court, in which the bondholders, the creditors of the State, acquiesced, and the whole question was submitted to this special court, as my colleague said, with the right of appeal to the supreme court of the State, and from that to the Supreme Court of the United States. No demand was made by the creditors to have the adjustment made by the republican government interfered with.

Mr. HOAR. I understand the Senator it was not repudiation of the honest debt, in the judgment of that court. The point of my question was this: how can that be repudiation when the republican government did not pay it, which is not repudiation but an honest performance of the obligation when the democratic party coming into power did not do anything to pay it?

Mr. BUTLER. The understanding of the Senator from Massachusetts must be very obtuse, intensely obtuse. I said that the republican government of South Carolina repudiated fifty cents on the dollar and issued bonds for only fifty cents on the dollar of the debt, and these bonds went into the hands of the creditors. It was not at all necessary for the democratic government of the State to go to those creditors and say, "Give up those bonds."

Mr. HOAR. I think we all see the point, Mr. President.

Mr. BUTLER. I am very glad the Senator from Massachusetts does see the point.

Mr. HAMPTON. Mr. President, in the anomalous condition existing in this Chamber between the two great political parties the position of each member of this body should be defined. In order that no possible shadow should rest on mine, I beg to trespass on the indulgence of the Senate while I present very briefly the reasons which influence my action. The condition in which the opposing parties are placed is one never known before in our political experience, and it demands thoughtful consideration not only from us but from the whole country. When the Senate convened in extraordinary session on the 4th March it was composed, as we had every reason to suppose, of thirty-eight democrats, thirty-six republicans, and one independent. The latter, the distinguished Senator from Illinois, [Mr. DAVIS,] promptly announced that he should vote with the democrats, while he disclaimed with characteristic patriotism all intention of accepting the high position assigned him as chairman of one of the most important committees—a position for which he was eminently fitted, and which was tendered to him as a well-merited tribute to his character and his ability. By the mysterious dispensation of Providence one chair on the republican side had been made vacant by death, and I need not say that we of the other side shared sincerely in the sorrow felt by the whole country for the loss of one of its ablest and brightest intellects; a colleague who, while opposed to us politically, had won our regard personally, and who commanded our admiration by his ability and his courage. Three more vacancies on that side were made by the action of the President in calling to his Cabinet members of this body.

Thus it happened that the democrats found themselves at the beginning of the session in a clear, legitimate, undisputed, constitutional majority. They were ready and willing to proceed at once to discharge the duties for which they had been called together. They prepared promptly to fulfill those duties, following the time-honored precedents and the constitutional methods which have always heretofore obtained in this Chamber. How were they met by the other side? It would be scarcely proper to characterize their conduct here in the terms which would be most natural and proper elsewhere. I prefer simply to state facts, leaving the great tribunal of public opinion to pass judgment on that conduct. But I will say that in my

opinion the course pursued by our opponents was subversive of all the usages and precedents of this body, and is fraught with infinite danger to the legislative branch of our Government. For several weeks a minority of this body deliberately obstructed its legitimate business, and they did this by open, palpable, direct violation of the rules of the Senate, those rules which were ordained for the transaction of business in an orderly and decent mode and for the preservation of the dignity and the decorum which should always mark our proceedings.

The published Journals of the Senate furnish ample proof of the correctness of this statement, and I desire to call the attention of the country to the deplorable condition of affairs in this Chamber, brought about by the republican minority. I have faith in the sense of fair dealing, of manliness, of honesty, which marks our people, and I cannot believe that any party which clutches desperately by questionable means at power can maintain its hold on popular confidence. I believe that the sober second thought of the people will condemn and repudiate such a party, for it would indicate a frightful decadence of public and private virtue were it otherwise. In this faith I am well content to leave the conduct of the republican party on this floor to the impartial judgment of the people.

There is another and a very grave aspect in which this subject should be considered, one altogether apart from it as a question of political ethics, and that is in a practical point of view, as it may affect our legislation. As the Senate is constituted at present neither party has a quorum. Now, has it occurred to Senators what might result from this unprecedented condition of affairs should either side adopt the desperate course lately resorted to by the republicans in refusing to vote when present, and thus breaking a quorum? Do these gentlemen realize the dangerous, the fatal tendency of the pernicious system they have inaugurated? Should this system obtain here, either party in the Senate, as the numbers now stand, could exercise an absolute, despotic power to veto all legislation. This power would be far more comprehensive than that exercised by the President in a veto, for the Constitution provides the means of counteracting a presidential veto, but it provides none to protect that instrument itself or the established privileges of this body from such dangerous and revolutionary action as we have witnessed here of late. If it is to grow into a precedent—and for the honor of this body I trust it never may—we who hold our seats here as representatives of great States will bring deserved rebuke upon ourselves for degrading the highest legislative tribunal in our country. We cannot be fit to hold our seats in this Chamber unless we maintain rigidly the honor and the dignity pertaining to it, and we can do this only by a strict observance of the laws and the rules made for our governance. It will be an evil day for the country when all the barriers that time, precedent, custom, and law have carefully erected shall be rudely broken down by a desperate moiety of this body to secure partisan ends, and I beg Senators to consider whether any party success would justify them before the country in gaining a mere temporary triumph by means which, if not disreputable, are certainly questionable.

We have heard much from the other side of the obligations and the rights of a constitutional majority of this body, and we are denounced for not yielding promptly to every demand of what is claimed to be such a majority. What is that asserted majority? I deny that such a majority exists. The Constitution provides that the Senate "shall be composed of two Senators from each State chosen by the Legislature thereof for six years." "The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided." "The Senate"—that Senate which is composed of two Senators from each State, and that alone—"shall choose *their other officers*." The Constitution fixes the composition of the Senate; it gives to the Senate the exclusive right to choose its other officers after providing that the Vice-President shall be the presiding officer, but it nowhere clothes him with the absolute power to choose the other officers of the Senate. The body is competent to do that of itself and by itself when a majority of its members desires to do so.

It has been clearly demonstrated by the result of many votes on this question that a majority of the Senate does not choose to elect any officers at this session. What may be the wishes of the Vice-President on this subject I do not know; but as he is not a member of this body I submit most respectfully that we should not call on him as arbitrator to discharge what could not be other than a most delicate and painful office to an honorable man—that of ejecting officers perfectly satisfactory to one-half of this body and choosing others objectionable to the same number. When a majority of the Senate desires to change its officers it will be time enough to consider that matter.

My anxious consideration for your tender feelings, Mr. President, makes me solicitous to aid in protecting them from a violent shock. Already, sir, in your brief service as presiding officer you have won for yourself the proud distinction of having "untied the senatorial knot," as the distinguished Senator from Illinois expressed it, oftener, I suppose, than all your predecessors combined, and when you retire to private life, to wear there worthily the laurels which you won here so bravely, you will always cherish a sense of profound gratitude to the democrats of this body for having saved you once, at least, from a most painful, embarrassing, and unpleasant exercise of a most doubtful prerogative.

Apart from this consideration, which has its proper influence with me, there is another of great weight, and that is suggested by the terms of the proclamation of the President calling us together. The objects for which we were thus summoned to meet are thus stated:

> Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the 4th of March next *to receive and act upon such communications as may be made to it on the part of the Executive.*

Now, sir, has any communication come from the President to the effect that it is an object of interest to the United States that the Senate should turn out its competent officers and choose others? Such a message may have come, but if it has it lies on your desk unacted on because the especial friends of the Administration refuse persistently to proceed to the consideration of executive business. It is our duty to go into executive session at once, in order to ascertain if the President deems it an object of interest to the United States that a readjusting, repudiating debt-payer and a republican Hancock elector should be made Sergeant-at-Arms of the Senate. Should such a communication be among those important papers which lie unopened upon your table, and which our republican friends will not allow us to consider, this side will give it all the respectful consideration it demands. But until we can be apprised that the President regards the selection of officers for this body of graver importance to the public interests, I venture to assert that these interests will be best subserved by our devoting ourselves to the discharge of the specific and legitimate business for which we have been convened, and that is "to receive and act upon such communications as may be made to us on the part of the Executive." Proper respect for that distinguished gentleman as well as self-respect should compel us to do this promptly.

Mr. President, this is no petty scramble on our side for a few paltry offices. It rises to a much higher plane than that; it has a nobler aim, and it involves a great principle. It is true that we should regard it as an act of cruel injustice to displace officers who have proved themselves honest, acceptable, and competent, without one word of warning to them, and when they had every reason to suppose from the political outlook that no change would be made at present.

The democratic States had and have a legitimate majority in this body, and the officials appointed by that party had every right to suppose that they would hold, for the present at least, the places to which they had been assigned and for which they had proved themselves thoroughly fit. Nor was this the only reason they had for the confidence they felt that they should not be removed. They had the assurance, I may say the pledge, from the Senator from Rhode Island, the father of the Senate and the chairman of the republican caucus, that they should not be disturbed if they discharged their duties properly. In reply to a question from the Senator from Georgia [Mr. HILL] whether "if the Senate should become republican in 1881, two years from now, will you oppose a change of the officers then?" Mr. ANTHONY answered:

> It will depend upon the manner in which they fulfill the duties of their offices. I do not think I shall ever be found advocating the removal of officers of this body who have performed their duties with fidelity, with honesty, and with intelligence.

That was a manly declaration. I regret that the Senator who uttered it has been unable, on account of illness, to be here to reiterate it and to act on it. He certainly cannot, after this utterance, be in accord with the action of his party associates as dictated by the caucus of which he is the chairman. He is too consistent to speak with a double tongue.

The present officers have had no charges preferred against them. They have performed their duties with fidelity, with honesty, and with intelligence; and like the distinguished Senator from Rhode Island, I shall not be found advocating the removal of such men. We break the established custom and precedents of this body when we leave our legitimate executive business to enter on that which belongs exclusively to legislative proceedings. Nor is this a question to be settled by a test of physical endurance; it should be determined on the broad ground of its merits, by the rules established by custom and precedent, and on the immutable principles of justice and equity. I regretted to hear the Senator from Pennsylvania announce that the result was to be reached only by a competitive trial of physical strength between the two parties. I regret, too, to perceive that he was the first victim to his own plan of battle. His crest was the first to be lowered, his knightly plume went down in the first shock of arms; and like the unhappy Knight Templar at "the gentle and joyous passage of arms at Ashby," he was borne, if not bleeding, at least senseless, from the conflict. His was an unfortunate boast. "The spirit was willing, but the flesh was weak." His plan of campaign was bold, his maneuvers masterly, his discipline so perfect that even the young and tender recruit behaved like the veteran of a hundred hard-fought fields—those veterans who always fight well when spoils can be captured; his forces were ably deployed, and he told them on the eve of battle, like the great Henry, if his banner went down—

> Be your oriflamme to-day the helmet of Navarre;

but, unlike Navarre, he did not lead to victory; and following the example of another illustrious soldier, the lame captain, after putting his men under the fire of the enemy, he secured his own safety by a timely and masterly, but not a glorious, retreat. I trust that his followers will take warning by his fate and let us settle this vexed matter like sensible men, not like senatorial gladiators. But if we are forced to take up the gage of battle thrown so defiantly at our feet, we shall try to quit ourselves like men. I shall regret not only on my own account to try this issue, but on account of the disabled

leader of the opposite side. I admire his courage—more indeed than I do his discretion—and I am sorry that he did not live in those good old days when the gallant clan Cameron, those famous free-lancers and border raiders, carried terror to their southern neighbors, fighting under the suggestive motto—

> The good old rule sufficeth them—
> The plain and simple plan:
> That he should take who has the power,
> And he should keep who can.

Perhaps our republican friends may adopt this motto as their battle-cry. It is a good creed for a party that makes success the only criterion of merit.

But, sir, while expressing my admiration and sympathy for the leader of the allies on the other side of the Chamber, I have been led into a digression. I have said that we were not struggling merely for the retention of a few officials. We made no unseemly struggle to retain the organization of the Senate. We could have defeated the formation of your committees as readily as we can defeat your present attempt to remove the officers of the Senate, but we recognized the propriety of placing this body in proper order to discharge its legitimate business. When we held an undisputed majority we did not endeavor nor did we threaten to bring the decision of any question to the test of physical endurance. We claimed what we regarded as our right with dignity, and we yielded with decorum rather than to obstruct the public business. It would not lower the republican party in public estimation were they to follow this example, for to do right can never injure a party. We oppose your contemplated action because it would break a recognized precedent and establish a very bad one; because we were called here only for executive business, and, above all, because a grave suspicion has taken hold of the public mind that this action is the result of an unnatural coalition and of a corrupt bargain.

The distinguished Senator from Virginia [Mr. MAHONE] yesterday disclaimed for himself that he had been moved by any impure consideration, and I congratulate him on having done so. But he will excuse me if I say to him in all frankness that he would strengthen his position before the country if he would show what consideration had moved him. The suspicion may be groundless, but it is due to the reputation of this body that it should be proved beyond all doubt to be unfounded. Gentlemen on the other side can readily dispel this suspicion if there is no foundation for it, and I need not remind them how imperative it is for them to do so. The cloud rests upon their characters, not ours, save as we feel deeply any reproach that would touch this honorable body. You framed recently a committee, and clothed it with unusual powers, to investigate a much smaller breach of privilege than is involved in this matter. Give to a committee of your own choosing the same powers, and direct it to ascertain the truth or the falsity of those dark rumors that are flying unchallenged throughout the land. Find out whether any vote in this Chamber has been controlled by the promise of place or of patronage. If the damning charge is proved untrue, stamp out the foul calumny at once and forever. If true, the Constitution gives us a prompt and ample remedy. But do not, I beseech you, fail to meet this issue in a manner becoming the Senate of the United States. It will not do to let this foul suspicion, this base imputation, go out to the world uncontradicted. We know what such a charge can effect, for we know what one of a similar character did effect.

When John Randolph denounced what he supposed to be a coalition between Mr. Clay and Mr. Adams; when he referred to it in those memorable words as "This until now unheard-of combination of the blackleg with the Puritan; this union of Black George with Blifil," he defeated Adams for the Presidency and blasted Clay's highest political aspirations. It is true that the charge was unjust; Clay risked his life to vindicate his honor, and Randolph subsequently made him the *amende honorable;* but such a hold did this terrible philippic take on the public mind that it affected disastrously Mr. Clay's whole after career, pure, honorable, patriotic man that he was; able statesman, he never recovered from this unjust charge.

For the sake of this body I do not wish to see one shadow, one suspicion, one imputation rest on its fair fame or its good name. For this reason, one touching our reputation, I do not wish to see any immediate action taken on the resolutions offered by the Senator from Massachusetts. Let us take time to act deliberately and dispassionately. A few weeks or a few months are of small consequence compared with the magnitude of the grave issues involved in the proper settlement of this question. All of us are interested to have it settled justly and honorably, and I appeal to the other side to let it rest for the present. Delay will not be dangerous in this instance. A majority of the Senate certainly does not demand instant action, and we on this side, constituting half of a full Senate, cannot be blamed for resisting such action by all proper and legitimate means.

Have Senators forgotten already what occurred here before the expiration of the last session and during this? In whose hands was the constitutional majority then? Did it not rest in the hands of the democrats? Did the minority yield gracefully and promptly then? We on this side strove, but strove in vain, to proceed to the consideration of executive business and to the organization of the Senate. Time and again we were defeated, not by argument, not by legitimate parliamentary tactics, but by open, defiant violation of the rules of this body. Republican Senators sat here hour after hour refusing to vote, and thus breaking a quorum. It scarcely becomes them in view of this fact to assume an air of virtuous indignation or to pose before the country in the role of innocent martyrs because the democrats by legitimate methods resist what appears to them to be not only an act of injustice, but one of inappropriate, ill-timed legislation. We know our rights, and we propose to exercise them in an orderly, proper, and determined manner. No such spectacle has been presented on this side of the Chamber as has of late been witnessed on the other; and, sir, I venture to assert that it never will be while these seats are filled as at present. No temptation to seize or to retain power, no consideration of political expediency, no subserviency to party discipline will force from us a servile obedience in wrong-doing, nor will we surrender our independence, our manhood, or our conscience to the keeping of any caucus. We recognize no autocracy in our party, in our caucus, nor in this Chamber, where representatives of co-equal States meet on terms of perfect equality. We are not a revolutionary party. Had we been where would your vaunted, so-called constitutional majority be now? Has not one Senator, upon whose vote your majority depends, held his seat on this floor for months only because of the constitutional and conscientious scruples of democrats who were unwilling to seize party advantage at the cost of personal conviction? But for our rigid adherence to the line we thought our duty dictated, the seat of that Senator who misrepresents a democratic State and a democratic Legislature would long since have been filled by his democratic successor, already unanimously elected. Do Senators on the other side imagine that when we followed the course we believed to be right we did not contemplate the contingency in which the vote of the Senator from Louisiana might possibly be a most controlling factor in the organization of this body. We realized it then as forcibly as now, and yet we are taunted as being a revolutionary party. Sir, I repel the charge with scorn and indignation; it is unworthy of those who make it and it falls harmlessly at our feet.

The senior Senator from Louisiana, who holds his seat under such very peculiar conditions, contributes to your boasted constitutional majority, and he can certainly claim at your hands equal consideration, equal reward, and equal honor with the junior Senator from Virginia. These two Senators not only make your majority, but they make your committees; they actually make your party in this body. They are the "conscript fathers" of the republicans here; not your leaders merely, but your masters. Every position you hold is by their dictation and at their will, and of you it may truly be said, "a breath can make them as a breath has made." It is a touching sight, Mr. President, to see these two distinguished brigadiers, the Federal and the rebel, clasping hands across the bloody chasm and clamoring for the "old flag—and an appropriation;" to see them, republican and readjuster, shoulder to shoulder, marching on to storm the citadel of Federal patronage. It is a strange sight, too, sir. It must be peculiarly so to the people of Louisiana and of Virginia—those true men who wrested their States from the infamy of carpet-bag rule and placed them in the great democratic column. It must indeed seem strange to them that their rights, their wishes, and their votes should not be respected or represented on this floor.

I have on another occasion expressed my profound sympathy for the people of Louisiana. I do so now for those of Virginia. In the days of the past—the grand, the heroic days—that proud State was wont to speak with no uncertain sound, and her voice was always potential. No State in this Union has done as much for that Union as herself. But for her devoted patriotism there would have been no Union of great and free States on this continent. It was one of her sons who made the declaration that "these united colonies are, and of right ought to be free and independent States;" it was another, the Father of his Country, whose sword won that independence and fixed for all time to come the freedom of these States; yet another lives in the memory of his grateful countrymen as the father of that Constitution which secures the liberties of fifty millions of freemen. When discord threatened the integrity of the young Republic, Virginia brought peace by an act of the most unselfish patriotism and of the most unbounded munificence. She gave to the General Government a domain grand enough for an empire, but not as large as her patriotic heart. Calling to mind all the noble deeds of the Old Dominion—deeds which shed an undying luster on American history—it seems to me that her honor and her fame should be dear to every man in this broad land. They should be especially dear to the representatives of these great States of the Northwest, who hold their seats in this Chamber through the munificent bounty of that grand State. To myself they are as dear as the fame and the reputation of my own State.

Thus it is that I sympathize with her in the misfortune which causes her, in these degenerate days, when public faith is attacked and political morality is set at naught, to speak in this high Chamber with doubtful and divided voice. Whatever is the true voice of her true sons should be heard and obeyed here. Sooner or later it will be heard, and it will command obedience. Knowing as I do the proud sense of private and public honor which has always characterized the people of that State; knowing how reverently, almost religiously, they cling to the hallowed memories of the past, I cannot, I will not, I dare not doubt that their voice will soon be heard declaring in unmistakable tones for the maintenance of plighted public faith and of political integrity. It would be treason to her immortal

dead to doubt her. Can she prove faithless now to the teaching, the traditions of that history of hers, every page of which is radiant with unsullied faith, unblemished honor, and untarnished renown? Can her living sons prove recreant to the memory of their illustrious sires? It cannot be.

Mr. President, near the capitol in Richmond stands a monument erected by Virginia to perpetuate the memory of the services of some of her sons whose names will live as long as patriotism and honor and virtue shall be respected among mankind. On pedestals surrounding the main shaft are placed statues of Jefferson, of Henry, of Mason, and of Marshall, while capping the column is the majestic figure of Washington, "seated in massy strength." A poet of Virginia, addressing this august group, asks:

> Could life awaken in the limb of bronze
> And blaze in the burnished eye,
> What would ye do with your moment of life,
> Ye men of the days gone by?

Could these heroes and sages be recalled to life, with what feelings would they behold the State they loved and served so well a prey to domestic dissension, torn by unseemly discord and apparently hesitating on the brink of financial dishonor. I imagine that their thoughts could be easily read. It seems to my mind's eye I can see them looking with shame and humiliation upon this sad spectacle. I can see Washington bearing the stainless sword that won our liberties; I see Patrick Henry as he utters that immortal call to arms that rang throughout the land like the blast of a bugle; I see Jefferson grasping in his hand the scroll that declared us free; I see Mason holding aloft the bill of rights; and I see Marshall clothed in his spotless ermine, pointing to the law of which he was the ornament as well as the expounder. In imagination I can see these mighty dead, these great Virginians "of the days gone by," and as their forms fade from sight the thought comes to my mind and the words to my lips:

> Shrine of the mighty! can it be
> That this is all remains of thee?

Mr. JONAS. Mr. President, I have no desire to make a speech on this question. I rise simply for the purpose of saying that so far as the honorable Senator from South Carolina is disposed to attribute credit to this side for what he calls their magnanimous conduct in having refused to unseat the sitting Senator from Louisiana and to seat the contestant when we were in the majority here, I wish to disclaim all share of that honor, and I know there are many gentlemen on this side of the Chamber who share with me in the disclaimer.

There can be no comparison drawn between Louisiana and Virginia. However unfortunate Virginia may be in her representation here, she has two Senators elected by the Legislature of her State, and no one questions that fact. The condition of Louisiana in that respect has been too often discussed for me to elaborate it. I will only say that the people of Louisiana not having had the benefit of the assistance of the honorable Senator in righting the great wrong that they think was committed upon them, will try to do without his sympathy and to bear that wrong in silence.

Mr. GROOME. Mr. President, the Senate was convened in extraordinary session on the fourth day of the present month by a proclamation of the late President which, as is well known, was issued after conference with the present Executive and in accordance with his wishes. That proclamation declared that the business which required that the Senate should be convened at that time was to receive and act upon such communications as might be made to it on the part of the Executive.

At the time that proclamation was made it was well known to the present Executive that a vacancy existed in this body and that others would be created by his own act in calling upon certain Senators to accept positions in his Cabinet.

Upon the assembling of the Senate it proceeded without delay to confirm the Cabinet ministers selected by the new President, and such other of his appointees as were men of national reputation and whose appointments could with safety and propriety and according to usage be acted upon without reference to a committee.

This done, the republican minority of the Senate as it was then constituted refused to permit the democratic majority to proceed further with the business for which alone the Senate was convened unless the democratic majority would consent to pass upon each nomination without having the same first examined into by a committee in the usual and orderly manner to ascertain whether or not it was one which ought to be confirmed, or unless that majority would consent that the committees of the Senate should be selected by the then existing republican minority. It was of course impossible for the majority of this body as it was then constituted to consent, without forfeiting its self-respect and the respect of the country, to the monstrous and theretofore unheard-of proposition that what was then conceded to be a minority of the body should be allowed to select its committees and shape its business because that minority chose to assert that at some day in the future it would be transformed into what it saw fit to style a constitutional majority of this body. The truth of that assertion was not apparent, indeed it was hard to understand how it could be true. In the presidential campaign through which we have so recently passed, as is well known, thirty-nine members of the present Senate, one more than an even half of the body when all its seats are full, supported the democratic nominees for President and Vice-President.

This seemed to be conclusive upon the question as to which would be the majority party in the Senate after the then existing vacancies were filled, unless for once some Senator's political convictions as expressed in the choice of his candidates for President and Vice-President were not to be his guide in the selection of his political associates. It was not to be believed that any Senator occupied this anomalous position unless upon clear proof, and no proof whatever was produced. Instead of proof, the democrats were asked to accept as true the vague and unsupported assertion that when the then existing vacancies in this body were filled they would find themselves, in some unexplained way, in a constitutional minority of the body; and, with an assurance worthy of a better cause, they were asked to surrender their rights and responsibilities as the party then concededly in the majority and to permit them to be assumed by the minority party in the body.

This request—or, more properly speaking, demand—being necessarily refused, the republican members of the Senate saw fit to resort to dilatory motions and the various devices of parliamentary tactics, which have come to be known as "filibustering," by which they prevented any further progress from being made in the public business until the session had lasted two weeks. This conduct on their part, no matter what their intent, was in its effect an act of disrespect to the President of the United States, as it was equivalent to a continued and oft-repeated declaration upon their part that he had convened them in extraordinary session at a time and under circumstances when, from a party stand-point, he ought not to have called them together, and that the public business for the transaction of which they were convened should not be considered until such time as in their judgment he ought to have selected for their assembling.

As already indicated, no considerable progress was made in the public business during the first two weeks of the session, owing to the parliamentary tactics to which the republican Senators resorted to prevent its consideration. Then, the vacancies existing at the opening of the Senate being filled, the republican Senators temporarily abandoned their attempt to obstruct the public business, and permitted a vote to be taken upon the resolution which had been offered by the democrats at an early day of the session, providing for the appointment of the usual committees of the body, many of which were absolutely essential to the conduct in a discreet and judicious manner of the business of the session. That vote disclosed the fact that the thirty-seven republican Senators had secured the co-operation of a Senator who had supported at the recent election the democratic candidate for the Presidency, and were able to prevent the organization of the committees as proposed by the democratic Senators.

As soon as this fact was made apparent, the democrats, instead of imitating the parliamentary tactics of their opponents and preventing the organization of the committees, as they might have done for an indefinite period, permitted the republicans to have a vote without any delay whatever upon the resolution which they then offered for the appointment of the committees, and to carry that resolution by the casting vote of the Vice-President. If the case rested here the conduct of the two parties, that of the democrats in attempting to expedite the public business and that of the republicans in attempting to obstruct it, would be sufficiently in contrast; but that contrast has been greatly strengthened by the subsequent conduct of the republican Senators.

As soon as the republicans had obtained control of the committees they discharged old clerks and appointed others in their stead, with a haste that made it apparent to the dullest observer that their course in obstructing and preventing the transaction of the public business until such time as they could secure the committees was not actuated so much by a desire to be in a situation to control the disposition of that business through the agency of the committees as it was by desire to possess themselves of the few paltry clerkships which were under the control of the committees.

Mr. CAMERON, of Wisconsin. Will the Senator from Maryland allow me to make a remark right there?

Mr. GROOME. I would prefer not to be interrupted.

Mr. CAMERON, of Wisconsin. What I desire to say is——

Mr. GROOME. I prefer not to be interrupted.

Mr. CAMERON, of Wisconsin. That all the democratic committee clerks have not been discharged——

Mr. GROOME. I am aware that the Senator from Wisconsin has made a notable exception in the case of Mr. Morrow, an exception for which I give the Senator great credit.

Mr. HOAR. My friend——

Mr. GROOME. I decline to be interrupted, Mr. President.

Mr. HOAR. I think my friend from Maryland will do me the favor——

Mr. GROOME. I call the Senator from Massachusetts to order.

The VICE-PRESIDENT. The Senator from Maryland will proceed; he declines to yield.

Mr. HOAR. What! Is it out of order to ask a gentleman for a courtesy? He can refuse if he choose.

Mr. GROOME. It is well known that it is not usual in this body to interrupt speeches such as I am delivering; hence it is I decline to be interrupted.

Now, to resume, these clerkships secured, the republican Senators,

instead of proceeding to the careful and diligent discharge of the important public duties to which they were called by the Executive, began to devote their great energies and abilities to the perfection of the details of a plan by which they proposed to dismiss, at this session, called solely for the consideration of executive business, the experienced, faithful, and efficient officers of this body, and to appoint others in their stead.

Mr. HALE. Will the gentleman allow me? I know the gentleman will allow me to correct him.

Mr. GROOME. I remind the Senator from Maine that it is not customary to interrupt speeches such as I am delivering.

Mr. HALE. It is only as to a matter of fact. I know the gentleman himself will be very glad to let me correct him in one respect.

Mr. GROOME. If I have misstated, in the opinion of the Senator from Maine, any matter of fact, I will yield most cheerfully for a correction as to the matter of fact.

Mr. HALE. That is all. I understood the Senator to say that upon the republicans obtaining the control of the committees the clerks had all been discharged. I wish to say in reference to one committee of which I have the honor to be chairman, the Census Committee, that the clerk has not been changed, that the old chairman of the committee has been left in possession of the room, and the Senator from Ohio [Mr. PENDLETON] will bear me out in that statement, I hope.

Mr. GROOME. I was speaking, sir, of the general rule. I was not denying that there were occasional exceptions. I had already admitted that there was one exception in the case of the committee of which the honorable Senator from Wisconsin is chairman, of which I was aware.

Mr. PENDLETON. Mr. President, I desire to bear my testimony to the courtesy and kindness of the Senator from Maine in the case to which he alluded. He has not only left me in possession of the room of the committee of which I was formerly chairman, but he has continued, with great consideration, the clerk of that committee.

Mr. INGALLS. Mr. President, I ask the Senator from Tennessee [Mr. HARRIS] to state the facts with regard to the Committee on the District of Columbia.

Mr. HARRIS. If it be deemed material, I will state with great pleasure that the honorable Senator from Kansas who succeeded me in the chairmanship of the Committee on the District of Columbia told me within the hour the committees were appointed that the clerk that I had appointed to that committee might continue on duty there and hold the position during the present session, and he is still there on duty.

Mr. HOAR. Mr. President, I would like to ask my honorable friend from Delaware [Mr. SAULSBURY] if he thinks there was any undue haste to turn out the clerk——

Mr. GROOME. I desire to say to the Senator from Massachusetts that when he asked to interrupt me just now I did not understand that he wished to state a fact. I supposed he wished to inject an argument into my speech.

Mr. HOAR. Not at all.

Mr. GROOME. I will yield cheerfully to the Senator from Massachusetts for a statement of fact.

Mr. HOAR. I wish simply to say that it was my desire, as my friend from Delaware will testify, that the very accomplished gentleman who was the clerk of the Committee on Privileges and Elections should continue in that office, and it was only his own convenience that prevented. I ask my friend if that be not so?

Mr. SAULSBURY. The statement made by the Senator from Massachusetts is true. He called on me and stated to me his desire that the former clerk of the Committee on Privileges and Elections should continue during the present session.

Mr. BECK. Now will the Senator from Maryland allow me to make a statement?

Mr. GROOME. Yes, sir.

Mr. PLUMB. I desire to interrupt the Senator from Maryland just a moment by the statement of a fact which I think he will be glad to learn; that is, that the clerk of the Committee on Public Lands under my predecessor, the late Senator from Indiana, is not only still the clerk of that committee, but has been reappointed.

Mr. BECK. I only rise to suggest to the gentlemen on the other side that as they have so little use for clerks and committee-rooms, I do not see why they should make such an unseemly squabble to get rid of two or three very competent officers we have here now. If they have been so courteous all around, why not go on with public business and let these few men stay where they are?

Mr. GROOME. Mr. President, I was simply stating the general rule, a general rule known to every Senator in this body and a rule the existence of which will not be denied by any Senator, that in an overwhelming majority of cases the clerks to the old committees were removed with the most extreme haste after the new committees were created. Upon the next day after the creation of the new committees, and for a day or two thereafter, the newspapers of this land contained the announcements of the appointment of many gentlemen as clerks of certain committees in this body in the stead of other gentlemen summarily dismissed. That is a matter of general knowledge. I had not denied, and I did not propose to deny, that there were a few notable exceptions in which the chairmen of certain committees had appointed or retained old and efficient clerks, following therein an example that was very liberally indulged in two years ago when the democratic party came into power upon this floor and retained those of the old clerks whom they realized to be capable and efficient officers whose places it would be hard to fill with men so thoroughly experienced and so competent to discharge the duties required of them. So I say these unusual interruptions were entirely unnecessary, as the proposition I stated is true as a general rule, and it was only stated as a general rule. Its accuracy is not in the least shaken by the fact that there exist a few cases in which republican chairmen of committees for this called session have not deemed it wise to discharge the old clerks, and I hope and I would be glad to have the assurance from these republican chairmen that when the Senate convenes in regular session in December they will act as liberally in reference to the few particular clerks they have retained as they have done at this session.

I was saying, sir, when interrupted, that as soon as this matter of clerkships had been disposed of by the republican Senators they began to devote their great energies and abilities to maturing the details of a plan by which they hoped that at this session, called solely for the consideration of executive business, they would be able to secure the dismissal of the experienced, faithful, and efficient officers of this body, and to appoint others in their stead. To do so is against precedent. The public interest does not require it. On the other hand, the public interest would be best served by retaining in their positions the present officers of this body. There is no possible reason for a change except that it would afford the republican Senators an opportunity to remove a few democrats from official positions which they have filled with credit to themselves and with advantage to the body which they serve. The details of the plan were soon agreed upon, and the Senator from Massachusetts [Mr. DAWES] offered his resolution to carry that plan into effect. But an obstacle to its consummation immediately presented itself which could hardly have been wholly unexpected. It was found that the democratic Senators still resolutely maintained the position which they assumed at the opening of the session, and which, unless all signs fail, they will continue to uphold as long as the necessity for its maintenance exists. That position is that this extraordinary session of the Senate was called for the consideration of such executive communications as might be made to it, and ought to be devoted to business of that character, and other business incident to it, as, for example, the selection of committees, without which it is impossible to consider carefully and act judiciously upon the executive business upon which we are called to pass judgment, and that no other business ought to be considered at the session, or at any rate not until that for which the session was convened has been considered and acted upon. The more that position is assailed the more impregnable it will appear. Why, then, should the republican Senators waste the time of the Senate, hinder and delay the public business, and weary the patience of the country by fruitless attacks upon it? Why not permit the Senate to proceed to the orderly and expeditious transaction of the business for which it was convened, and, that accomplished, permit its members to retire to their homes?

As the Senate has been repeatedly reminded within the last two weeks, the President has sent us a great number of nominations which remain unacted upon, for the reason that the republican members of the Senate will not permit us to proceed to the consideration of executive business. Among these nominations are those for high positions in the judicial department of the Government, from the Supreme Court down, in the diplomatic and consular service of the Government, in the customs, the internal revenue, and the postal service, and in almost every department of the Government. Must all these important nominations remain unacted on, and the public interest and that of the individual appointees suffer in consequence, while the republican members of the Senate protract an unseemly struggle to obtain at this time, in violation of usage, those of the paltry offices connected with this body which happen to be held by democrats?

The two great parties in this land are so evenly divided in numbers that although nearly five months have elapsed since the people voted for presidential electors it is still a disputed point whether the Garfield or the Hancock electors received the larger aggregate popular vote. Mr. Garfield secured a large majority in the electoral colleges owing to the Empire State being carried by a meager majority by the electors favorable to his election. As a consequence the republican party has secured for a new term of four years the immense official patronage of the General Government. It embraces upward of a hundred thousand official positions, great and small, and has its ramifications not only in every county throughout our broad land but in every nation or city throughout the globe with which we have diplomatic or consular relations. The great body of this official patronage is enjoyed and will ever be enjoyed by the party in power, no matter how fond its chief executive officer may be of discussing some utopian plan of civil-service reform or how sincerely desirous he may be of carrying that plan into operation. Cannot the republican Senators content themselves for the present with aiding the President of their selection in parceling out this vast and far-reaching patronage among their camp-followers? Is their appetite so insatiable that it cannot be appeased until they have devoured also our one little ewe lamb at a time when in the course of nature it ought not to be led to the slaughter? For twenty years successively a President of their party has pre-

sided at the national banqueting table and has dispensed the delicious viands with which it abounded among those of his own political household. We never murmured. We learned to cultivate frugal and abstemious habits. We almost ceased to crave those delicacies which it seemed were never to delight our palates. Four years ago, when we were invited to the table, and approached close enough to scent the delicious fragrance of the many dainties under which it fairly groaned, only to be rudely ordered away again, we hardly complained of the injustice done us. Still we were never entirely insensible to the pangs of hunger produced by our protracted fast. Two years ago we secured a decided majority of the Senate, and were enabled to set up a little side-table of our own. But after partaking moderately of the delicacies which were placed upon it, after consuming one-half or perhaps two-thirds of them, we left the rest to be enjoyed by our republican brothers. Does not our hospitality to them then deserve a better requital than they propose to give now, when, not content with having free access to the national banqueting table, they propose between meals to seize upon our little side-table and never again to permit us to enjoy a fair share of its delicacies?

Mr. President, I do not claim that it is incompetent for the Senate at a called session to remove its officers and select others in their stead if by a vote it decides to do so. But I do claim that the officers upon the annual rolls of the Senate are elected or appointed for no fixed time, and continue to be officers of the body until discharged by some competent authority. I further claim that it is against the precedents to remove them at a called session of the Senate when, as in this case, their conduct has been unexceptionable; and that it is wrong to violate long-established precedents simply to obtain control of a few offices. But if the precedents are to be disregarded and our efficient officers are to be dismissed at this called session, I ask why do the republican Senators insist upon forcing upon us Mr. Riddleberger, of Virginia, for Sergeant-at-Arms? That gentleman has not been in the past a republican. Why, then, give him the distribution of nearly all the offices of this body, which, as is well known, is made by its Sergeant-at-Arms? From all that I have been able to learn of his political record in the course of this debate, it must be very distasteful to the Senators who have nominated him as their candidate. Why, then, was he so nominated? He was a confederate officer—what the republican Senators are fond of calling upon all occasions "a rebel." That surely has not commended him to their especial favor. The republican constituencies of the North have not been very generous in sending the brave men who periled their lives to maintain the perpetuity of the Union to occupy seats in this Chamber and help to shape the legislation of the Government they did so much to preserve. But, surely, there is not one of them that does not contain many brave, patriotic men, who fought upon the Union side, who would gladly accept this lucrative and responsible position, and would discharge its duties with capacity and fidelity and to the satisfaction of this body. That the selection of any one of these brave and deserving Union soldiers for Sergeant-at-Arms would be more satisfactory than that of Mr. Riddleberger to the constituencies represented by the republican Senators cannot be doubted. Why, then, was not one of them selected?

Again, we are told that Mr. Riddleberger was a candidate for presidential elector on a ticket favorable to General Hancock's election. Has the republican party reached that high plane of civil-service reform that it from choice proposes to bestow its fat places upon those who occupied the most conspicuous positions in the attempt to defeat its national ticket? Have not the able and honorable men who, whether upon the Garfield electoral ticket or off of it, exerted their utmost energies to secure the success of the republican ticket in the late campaign, as they had done in previous campaigns, stronger claims upon the representatives of the republican party than a gentleman who has never belonged to that party, but as recently as the late election was ambitious of the honor of casting an electoral vote in favor of the democratic nominee? Why, then, was not one of those gentlemen selected for that responsible and honorable position rather than Mr. Riddleberger? That it was not because none of them would accept it is amply testified by the crowds of active, earnest, deserving republican politicians who throng all the public places in this city, anxiously seeking to obtain offices less lucrative, less honorable, and less important. Why, then, were their claims disregarded?

Again, we are told that Mr. Riddleberger is what is known in Virginia as a democratic readjuster—that is, that he is a democrat who is in favor of the State recognizing its obligation to pay a portion of its State debt at a reduced rate of interest, and of its declining to pay the residue. Was it his views upon the debt question that caused the republican Senators to select him as their candidate for Sergeant-at-Arms in preference to any member of their own party? Heretofore that party has vied with the democratic party in maintaining the sacred character of the national and State debts, and that the public creditor is to be fully paid according to the letter and spirit of the contract. Do the republican Senators, by the selection of Mr. Riddleberger, propose to announce a new departure in regard to keeping the public faith? Do they mean by their act to proclaim that sooner than permit any portion of the offices of any of the departments of the Government to be held by democrats, they will make a coalition with any set of men, no matter what the views of that body of men may be in regard to repudiating or scaling down the national debt or the debt of any State? Do they mean that in order to enable them to act in harmony with such body of men they will modify their professed belief as to the binding character of the national and State debts so that they and their allies may agree upon a common platform of principles? If not, why have they put forward Mr. Riddleberger as their candidate for Sergeant-at-Arms? Certainly it was not because, as shown by the Senator from Kentucky [Mr. BECK] the other day, Mr. Riddleberger proved himself, to use the slang of the day, to be the champion bulldozer of the South by moving as a member of the Virginia Legislature to expel a negro member who had spoken in favor of paying the whole of the State debt. Why, then, was it? The only reason that I recollect to have heard assigned by any republican Senator was that given by the Senator from Massachusetts [Mr. DAWES] a few days since. He said that he supported Mr. Riddleberger because he believed him to be "a man of ability, of influence, of force, of position to exercise that legitimate power in a cause in which the free ballot in this country is involved."

Mr. President, I listened to that announcement of the distinguished Senator from Massachusetts with unfeigned astonishment. I could not doubt its sincerity, because he uttered it. But I confess I had never before suspected how low an estimate he placed upon the material of which the republican party is made up. Does he not do the republican party serious injustice? Can it be that out of the upward of four and a half million republicans who voted the Garfield electoral tickets at the late presidential election no one could be found "of ability, of influence, of force, of position to exercise that legitimate power in a cause in which the free ballot of this country is involved," and that in order to secure a candidate for Sergeant-at-Arms who possessed these excellent qualities the Senator from Massachusetts and the other republican Senators were compelled to go outside of the republican party? The Senator from Massachusetts ought to know the character of men who make up the party of which he is a distinguished member better than I do, but I confess I cannot bring myself to think he has not done them unintentional injustice.

But suppose he is right and I am wrong. Why, then, did he select his candidate for Sergeant-at-Arms from among the democratic readjusters of Virginia? In every State of this Union—however destitute in his opinion the republican party is of such material—he could have found among the regular democracy, who maintain and will ever maintain the binding obligation resting upon the National Government and upon the State governments to keep the public faith inviolate, many men who measure up to his standard "of ability, of influence, of force, of position to exercise that legitimate power in a cause in which the free ballot of this country is involved." The men of whom I speak stand ready at all times to exert their utmost energies to secure a ballot so free that every citizen, white or black, democrat or republican, whether employed by a great manufacturing establishment of the North or not, shall be secure of the privilege of voting once and only once at each election according to the dictates of his own conscience, and of having that vote counted as cast. They are for a ballot so free that no educational test shall bar the citizen's access to the polls, as in the Senator's State of Massachusetts, and no property qualification shall be required of the foreign-born citizens, as in the State of Rhode Island. Why, if it was necessary for the republicans to seek among the democrats for their candidate for Sergeant-at-Arms, was not one of these debt-paying democrats selected instead of Mr. Riddleberger?

Men act upon motives. The more unaccountable the action the more earnestly its true motive is inquired into and the more surely it is ascertained. What overriding necessity compelled the selection of Mr. Riddleberger? Why were thirty-seven Senators whose previous records indicate that they are in favor of their respective States and of the General Government keeping their public credit unimpaired constrained to accept as their candidate for Sergeant-at-Arms a gentleman whose views as to the right of a State to scale down or to repudiate a portion of its debt are shared by none of the Senators who support him except the junior Senator from Virginia? No satisfactory explanation has been given by any republican Senator of the motive which prompted this extraordinary selection, and I will not attempt to suggest one. It would not perhaps be courteous in me to do so. But that explanation will be sought for and found when that greatest of all human tribunals, the American people, are called upon to pass judgment on the selection made by the republican Senators of a candidate for Sergeant-at-Arms.

We read in the sacred narrative how Joseph in a dream saw twelve sheaves in the field, and the other eleven made obeisance to his sheaf. But—I speak it with reverence—we have witnessed within the last few days in this Senate a more remarkable sight. We have seen the thirty-seven sheaves selected from the most fertile fields of twenty-two of the States of our Union make obeisance and bow down even to the ground to the sheaf gleaned by a motley band of laborers who had nothing in common except the belief that they would be more properly represented in the National Legislature by a democrat who was not in favor of recognizing the obligation of his State to pay her entire indebtedness than by one who was.

It is a familiar saying that "if the mountain will not come to Mohammed, Mohammed must go to the mountain." In this case it seems that the mountain came to Mohammed. Be that as it may, we see him standing upon its highest peak, complete master of the situ-

ation, able to exclaim with the mythical Crusoe, "I am monarch of all I survey," but hardly able to add with truth, "my right there is none to dispute." And there he is likely to stand until the smouldering fires within burst forth in volcanic fury and consume mountain and man in the general conflagration.

Mr. President, I can hardly hope that anything I have said will cause any republican Senator to pause in the course which they seem to have deliberately marked out for themselves, of preventing the transaction of any of the business for the consideration of which the Senate was convened until such time as they can, in violation of usage, secure the dismissal of the present efficient officers of this body; but to test the effect of my remarks upon them I move that the Senate do now proceed to the consideration of executive business and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Mr. President, what is the motion?

The VICE-PRESIDENT. The motion of the Senator from Maryland is that the Senate proceed to the consideration of executive business, upon which the yeas and nays were ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired on this subject with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. GORMAN, (when his name was called.) I am paired on this question with the Senator from Rhode Island, [Mr. ANTHONY.] If he were present, I should vote "yea."

Mr. ROLLINS, (when Mr. PLUMB's name was called.) The Senator from Kansas [Mr. PLUMB] is paired with the Senator from Missouri, [Mr. VEST.]

Mr. TELLER. On this vote I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I desire to say that my colleague [Mr. WILLIAMS] is still paired with the Senator from Nebraska, [Mr. SAUNDERS.] I announce that now for the day.

Mr. DAVIS, of West Virginia. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut, [Mr. PLATT.] Were my colleague here, he would vote "yea."

Mr. ROLLINS. I wish to announce the pair of the Senator from Nebraska [Mr. VAN WYCK] with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. BUTLER. I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. BURNSIDE. I desire to announce that my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. COCKRELL. I am paired with the Senator from New York, [Mr. CONKLING.]

The result was announced—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Farley,	Johnston,	Pendleton,
Beck,	Groome,	Jonas,	Pugh,
Brown,	Grover,	Jones of Florida,	Ransom,
Call,	Hampton,	Lamar,	Slater,
Coke,	Harris,	McPherson,	Voorhees,
Davis of W. Va.,	Hill of Georgia,	Maxey,	Walker.
Fair,	Jackson,	Morgan,	

NAYS—28.

Allison,	Ferry,	Ingalls,	Mitchell,
Blair,	Frye,	Jones of Nevada,	Morrill,
Burnside,	Hale,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Harrison,	McDill,	Rollins,
Conger,	Hawley,	McMillan,	Sawyer,
Dawes,	Hill of Colorado,	Mahone,	Sewell,
Edgerton,	Hoar,	Miller,	Sherman.

ABSENT—21.

Anthony,	Davis of Illinois,	Platt of Conn.,	Van Wyck,
Butler,	Edmunds,	Plumb,	Vest,
Camden,	Garland,	Saulsbury,	Williams.
Cameron of Pa.,	George,	Saunders,	
Cockrell,	Gorman,	Teller,	
Conkling,	Kellogg,	Vance,	

So the motion was not agreed to.

Mr. BROWN. Mr. President, I had hoped I should see in the RECORD this morning the speech of the Senator from Virginia [Mr. MAHONE] which was delivered yesterday. I predicated that hope on the fact that the Senator seemed to read his speech not from written manuscript, as is often done, but from printed slips. The natural supposition was, therefore, that it had been revised and that there was no good reason why it should not go into the RECORD this morning after such careful preparation. I was, however, disappointed in that reasonable expectation, and I am left to make some remarks in reply to-day without having that rather remarkable production before me.

One of the points the Senator dwelt upon with most satisfaction was what he considered a dissection of my own record. Possibly it is not very interesting to the country, although the Senator thought proper to bring it before the country and grossly to misrepresent it. He took the position that I had been inconsistent. I must admit that most men who have been long in public life have sometimes been placed in positions that appear to be inconsistent with each other, and I must admit that the position I now occupy on certain questions is not the position I occupied at the commencement of the war, now known as the war of the rebellion. I went into that contest to maintain slavery and State sovereignty. These were the two cardinal points upon which we planted ourselves. I sincerely believed we were right in both. The war, however, has settled both questions. Slavery is abolished and I am now content that it is abolished. Then I was a pro-slavery man. To that extent, therefore, I may be said to be inconsistent, or to have changed position, growing out of the results of the war. I honestly and earnestly advocated then and believed in State sovereignty. The results of the war and the amendments to the Constitution have so changed our situation that I cannot and do not contend to-day that the States are sovereign in the sense in which I then claimed that they were sovereign. Therefore, on these questions I may be properly said to be, as most southern men are, inconsistent. I do not contend now for what I claimed then.

The Senator said, as he is a readjuster, that I had a very happy faculty of readjusting myself to fit the circumstances. I do not know with how much justice I might claim that faculty; but there is one point of readjustment I can never attain. I would be wholly unable to readjust myself so as to occupy the position that the Senator from Virginia occupies to-day before this Senate and this country. I may readjust myself to many circumstances, but I could not afford to be a party to that kind of readjustment. If he enjoys either the distinction or the notoriety he has lately attained, I confess I rather pity than envy him.

The Senator would have you believe that I was a very ardent rebel. I plead guilty to that charge in the fullest sense of the term. When I went into that contest I went in deliberately, with my mind made up that I was right. I was a secessionist, and when I saw that my State had determined to secede I did not choose to have any other power occupy the forts or arsenals of that State as the Government of the United States had occupied Fort Sumter at Charleston. Hence, I took the responsibility to seize those forts and hold them; and situated as I then was, I considered it my duty.

He was a little wrong on one point, however, when he stated, if I understood him correctly, that I seized the arsenal at Augusta before the State seceded. That was a day or two afterward; but I will give him the full benefit. If it had been necessary to have done it to protect the arms that were there and preserve them for our cause, I would have seized them in advance; I have no hesitation about that. I went into the contest like the Bostonians did in the Revolution. They threw the tea overboard, and fought the battle of Lexington before hostilities had been declared; they saw the contest had to come; they prepared for it. They took time by the forelock, and did all they could to strengthen their position. That is what I did at the commencement of the war we now term the rebellion. I have no regrets about it. Situated as I was then, with the surroundings at that time, and engaged in the cause I was at the time, I did what I should do again under like circumstances. In other words, to speak more correctly, I considered that the facts and circumstances by which I was surrounded not only justified my action then, but made it my duty to do what I did.

But the honorable Senator says that I had ambition for the presidency of the Confederate States. There, as in some other cases, his statement is very wide of the facts. There happen to be living witnesses to-day who know that I positively refused to permit my name to be used for any confederate position whatever. I had attained—he says I am ambitious—a point of ambition that he did not attain in Virginia, and failing to attain it he conceived the idea of abandoning the democracy. I was governor of my State at the time; I sought no higher position; my ambition was gratified. The people of my State honored me with that position not only once, but for four successive terms by four different elections. That was honor enough to satisfy the ambition of a reasonable man. It fully satisfied mine at the time. Therefore the Senator is much mistaken when he says I was ambitious for any confederate office. I had no disappointed ambition on that question, as he seems to have in the matter of the governorship of his own State.

The Senator made the further charge that I was the first to confiscate private property at Savannah. This charge is without foundation. A citizen of Georgia had purchased two hundred stands of muskets in New York after Georgia had seceded, but before there was any war or any blockade. The chief of police of the city of New York, who was understood to act under the authority of the governor of that State, seized the guns and would not permit them to be sent to Georgia. I presented that fact to the governor of New York and demanded their immediate release; and as they were not promptly released, I ordered all the ships belonging to citizens of New York in the harbor of Savannah to be seized and held until the guns were delivered, and no longer. I notified the authorities of New York that Mr. Gazaway B. Lamar, of that city, was my agent to receive the guns. After some days' delay I was informed by Mr. Lamar that they had agreed to release the guns. I then released the ships; but before they had all left the harbor I was notified that the authorities of New York again refused to permit the guns to be sent forward, and I then ordered the ships to be detained till they were sent. Not many days afterward the guns were shipped to Savannah, and I then released the ships of the citizens of New York. This is doubtless the confiscation to which the Senator refers. A mere statement of the facts is a sufficient refutation of the charge. I required the guns that were the property of a citizen of Georgia to be sent forward,

and I held the ships until they were sent, and then discharged them. The guns were seized in violation of right and of the comity usual between States. The ships were seized to be held until the guns were delivered. I had as much right to hold them as the authorities of New York had to hold the guns, and I did it until I had accomplished my object. I had no other remedy but the one to which I resorted, and I made that effective.

But the Senator says that when the cause of the confederacy began to wane I withdrew with my militia from the starry cross. This is what he is reported in the New York Herald this morning to have said. I have to quote his language from recollection and from the best sources in my power, as he has not thought proper to give it to us in the RECORD. There again he is misinformed about the facts, or he willfully misrepresents the facts. I never withdrew with my militia from the confederate cause. True, I differed with the confederate authorities on the conscript question. I had gone, as I have already stated, into the contest to maintain slavery and State sovereignty. When the confederate congress passed the conscript act I felt, whether right or wrong, that we had not much State sovereignty left when we gave the president of the Confederate States the power to organize regiments of conscripts, and to appoint every officer down to a second lieutenant.

There was a long correspondence between me and the president of the Confederate States on that question; but while I refused to have anything to do with the execution of the conscript act in Georgia, I notified him that under the other provisions of that act I would not throw the slightest obstacle in the way of its execution by him. And let me here state that there was never a single instance during the struggle when the president of the Confederate States called on me for troops of a character furnished by any other Confederate State, or such as were subject to confederate service, that I did not furnish or tender not only the quota called for, but a larger quota than he called for—not a single instance.

Now, as to my withdrawing the militia. When General Sherman's army invaded Georgia I called out a class of our people who were not subject to conscription, and had not been called out in large numbers by the other Confederate States; I called the old men up to fifty-five years of age and the boys down to sixteen, and I required the clerks of the courts, the sheriffs, the ordinaries, the tax collectors and receivers, and all the other officers of every character to go with them, to unite in regiments, electing their own officers; and I raised of that class not subject to conscription about ten thousand men that I placed under that grand old hero General Johnston as soon as possible after Sherman had invaded the State. They remained under his control until he was superseded by General Hood; and then I placed them under General Hood's control. They staid in the trenches around Atlanta until the city was surrendered, and both Johnston and Hood placed on record high commendation of their gallantry and the distinguished service they rendered in the defense of that city and of the State.

When General Hood made his march to the west he did not desire to carry this class of militia with him; the boys and the old men could not have stood his hard march, and they had only been organized of a class not subject to conscription for the defense of their own State. When he left Georgia for Tennessee General Sherman turned upon his heel and marched for the sea-coast. I kept that militia force under arms and annoyed him all I could on his passage through the State. General Gustavus W. Smith, a distinguished officer of the old Army, was the major-general in command of them, and when I sent them around by rail to Savannah, when Sherman was on his march through the State, General Smith asked me if it became necessary to throw them into any other State whether I consented, and I told him without hesitation to do so; and history records the fact that he carried them across into South Carolina, and they fought there the battle of Honey Hill and won a victory over a regular Federal force. They were then returned to Georgia, and I surrendered those gallant troops after Lee and Johnston had surrendered.

That is the way and that was the time that my militia were withdrawn from the starry cross. I was in the field with them, among the last who stood by the cause. The battle of Griswoldville was fought by them against part of Sherman's troops as they went through Georgia, one of the bloodiest of the war for the numbers engaged. This was the way of their withdrawal from the cause of the starry bars. They came at my call to defend their State, and they remained under arms in its defense until the armies of the confederacy had been surrendered. In the mean time they had fought a battle and gained a glorious victory upon the soil of our beloved sister State of South Carolina.

It may not be known to the Senator, but it is very well known to the General of the armies of the United States to-day, that while he was invading Georgia and pressing us to the very last ditch he sent a messenger to invite me to a conference with him, with a view to an adjustment, and I declined to hold it, saying I had no power to speak for the confederacy, and that Georgia, having gone into the contest with her confederate sisters, would be the last to retire and leave them in the lurch. No; I was not untrue to the confederate cause; I spurn the imputation; nor were the troops of Georgia untrue. The militia of Georgia acted gallantly in its defense till the last moment. Therefore that charge made by the honorable Senator falls to the ground as grossly unjust and absolutely untrue.

But the Senator says at the end of the war I acted with the republican party for a time. I stated that the other day. There was nothing new in it. I also stated the other day the reasons why I did it. It has never been questioned that I did it. He says, however, that when the democracy went after me he retired. There is a little mistake just there in dates. If I understand the Senator from Virginia correctly, he never retired from the democracy, nor was he ever lacking in his zeal for the democracy, until he was beaten for governor in the democratic convention of 1877. I returned to the democracy, or they returned to me, whichever you choose to call it, in 1872, when they planted themselves upon the reconstruction platform and nominated Greeley, and I have acted steadily with them from that day until this, in no instance varying from my loyalty to the party or failing to stand by its organization and its principles. I do not think the Senator quit it until his defeat for governor. He felt possibly a little of that ambition that he erroneously attributes to me when he says that I wanted to be president of the Confederate States. He did want, if we may judge him by his acts, to be governor of Virginia, and failed. Up to that period who had ever heard that he was a readjuster? Since that period, if he is correctly reported—I do not know whether he is or not, but I take the evidence before me and presume it to be correct—he did not oppose the payment of the thirty-two millions of debt by Virginia, but only advocated, even after that period, I believe it was, a reduction of the interest to 3 per cent. I will ask the Clerk to read a slip that I send him, which is reported to be an extract from the speech of General WILLIAM MAHONE at Mozart Hall.

The Chief Clerk read as follows:

Impoverished and disheartened as are our people, onerous and oppressive as is the present rate of taxation, opposed as I have been and still am to such increase thereof, and certain as I am that such increase to some extent must be necessary after 1880, yet to secure the great object of a settlement of this question and to avoid that direst of all calamities to the State, a repudiation of its obligations, unless some settlement can be arrived at upon terms at least possible, though difficult of endurance, I would earnestly advise this people to accept a permanent settlement at 3 per cent., believing that they could, if called upon, see that the quiet and repose gained thereby would counterbalance the hardships of an increase which they are so little able to bear. I would use my best endeavors to secure a vote of the people sanctioning a settlement at 3 per cent. for forty-five years on the basis of $32,977,090 02. And this settlement being ratified, I would enforce it by the Legislature and courts, whose powers I believe to be fully adequate thereto. I would do so because I believe it to be right, because I believe it is the only way to avoid consequences we would all regret deeply, because I believe it is to the best interest of the bondholders and the tax-payer, and because I believe it is a duty we owe to the Commonwealth of Virginia.

Mr. BROWN. If that be a correct extract from the speech of the Senator from Virginia at Mozart Hall, he stood then for the payment of a debt of $32,000,000 and over, with 3 per cent. interest. He was not then a readjuster, and possibly his position on that subject since may be as inconsistent as some of my inconsistencies to which he has referred, and in that connection let me refer to one or two other of his charges.

He says I accepted the position of chief-justice of my State from a carpet-bag governor. While I was acting with the republican party I did accept the position of chief-justice of my State from the governor and senate of Georgia. The gentleman who occupied the position of governor at the time it is true was a northern man by birth, but he had been many years in Georgia before the war and was president of a railroad company in Georgia at the time he was elected governor, and I believe also superintendent of an express company. He was a business man there and not regarded as a carpet-bagger at the time.

However, the Senator says that I then resigned that position and accepted the presidency of a railroad company. That is true. I had a twelve years' term as chief-justice; I had served less than three years when my health began to fail on account of the labor and the close confinement, and I did resign the high position I held and took charge of a railroad as president. But the history of the railroad of which I am president and that of the one of which the Senator from Virginia has been president are a little different. The one I took charge of has been a financial success; I have taken care of the interest of its stockholders; I have made the stock good to them; I have paid its bonds and coupons promptly as they fell due, and it is doing well to-day. The railroad of which the honorable Senator from Virginia was president I think has not so well served the interest of the stockholders, or even of all the bondholders, as it has gone into bankruptcy and had to be sold out for its debts. That is the difference between the Senator from Virginia and myself on the railroad question. [Laughter.]

The Senator turned a period or two upon the subject of bargains, and seemed a little in fear of competition in that line. But I beg to assure him that he has no reason to apprehend danger on that subject. Neither I nor any other Senator is likely at any time to be his competitor when there is occasion for bargain and sale. He went out of his way to state that there was dissatisfaction with my appointment to the Senate at the time it was made by Governor Colquitt, of Georgia, and gave by indirection his sanction to a groundless charge that there was some sort of an improper understanding between me, Governor Colquitt, and General Gordon on that subject. Our enemies fabricated a well-known falsehood, alleging that there was an improper understanding between us. We each stamped it as a falsehood and sent the denial with the evidence to the country. As stated by the Senator from Virginia, there were two or three

indignation meetings held in Georgia, gotten up by a few of our enemies, to denounce Governor Colquitt on account of my appointment. The people of Georgia were indignant at the injustice done by those meetings. We both appealed to the people, Governor Colquitt as a candidate for governor, and I as a candidate for United States Senator. There is no allegation in any quarter that anybody was prevented from voting. No one pretends to deny that there was a free vote and a fair count. Every qualified voter in the State who desired to do so came to the polls. My position was fully defined. I announced myself in favor, as I have been for years, of the strictest conformity to the reconstruction measures, in the utmost good faith, and of scrupulous fidelity in the execution of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States with the protection of every legal right of every citizen. What was the result? Governor Colquitt was re-elected as the executive of our State by a majority of 55,000, and I was elected to this Senate by over two-thirds of the representatives of the people. The gentleman is welcome to all he can make out of that charge. There was no sailing under false colors. I ran as a democrat upon this liberal, progressive line; I was elected as a democrat upon that line, and I expect in good faith to so continue.

But, Mr. President, the Senator from Virginia was very indignant yesterday; he was hurling back at everybody on this side of the House the statement that there had been any bargain or contract between him and the republicans. I have not asserted it. I did say the other day in debate that the air was full of rumors of that character. I think no gentleman who walks the streets of the city of Washington or reads the newspapers of the Union to-day will doubt that that statement was correct. Not only is the air full of rumors, but it is on every tongue that there has been a contract of that sort. I have not said it was true, but I take it the statement I made and the obstructions that I threw in the way of carrying out the contract, if it exists, must have had some effect. I think, in a word, I did hit cock sparrow, for it is said the feathers flew, and it seems that the ball has left a little sore.

But first the Senator palliates his position on repudiation by saying that other States have been guilty of repudiation. Well, other Southern States have thrown off certain burdens that were put upon them during the reconstruction period by carpet-baggers, as they think, or by the reconstruction Legislatures, where those in power thought the debt was not an honest one. But Virginia can plead no such palliation. I do not understand that her debt was increased to any considerable extent during the reconstruction period. Her debt is the old debt of Virginia, for which she received value dollar for dollar. She got it in the building of railroads, her various internal improvements, &c. She made the debt when there was no question about the consideration, and it would seem that she is less justifiable in repudiating a portion of it than other Southern States would be in repudiating a portion of the reconstruction debt where they got no just consideration for it.

So much for repudiation in Virginia.

The Senator says there has been no contract between him and the republicans. I do not affirm that there has been, but I reiterate what I have said before, the air is full of rumors to that effect, and I believe to-day that a very large majority of the American people are of the opinion, whether truly or not, that there has been such a contract. Well, going on the supposition that it exists, let us see what are the evidences of it. A strong chain of circumstances, connecting well with each other, is the most conclusive kind of proof. Many a man has been convicted of high crime upon circumstantial evidence, and justly convicted. Without any assertion as to whether there has been a contract or not, let me refer to some of the proofs that seem to establish that fact.

In the first, place the Senator from Virginia was a democrat, a true democrat, as he always convinced his people up to the time, as I have already stated, of his defeat for governor by the democratic convention. After that it is true he commenced finding fault; and although he took position for paying $32,000,000 of debt at 3 per cent., he afterward changed that, because it was necessary to make a stronger point against the democrats of Virginia, and he took a position for readjusting that amount and for reducing it in round numbers $12,000,000. The first was to be a readjustment with the consent of the creditors, taking off one-third, as I understand, for West Virginia. The last readjustment, if I understand the question, was $12,000,000 more to be stricken off absolutely without consulting the creditors or without their consent. The republicans formerly called that repudiation. In fact, in my own State to-day, though she does not owe $12,000,000, if she were to strike off $10,000,000 at one stroke of the pen without consulting the creditors, I presume the republican presses of the North and of the South would say that Georgia had repudiated that much. We might call it readjustment; but they would still insist that it was repudiation.

But I have never understood yet that the republican party approved of the repudiation by the other Southern States of the debt contracted during the reconstruction period for which no consideration was paid. No; I think the republican party has stood *par excellence* as a party of debt-payers. They have held that all debts ought to be paid everywhere; and it does seem the spectacle is a little novel when they take up a repudiationist and a democrat as their candidate for an important office in the Senate. People will naturally say this needs explanation.

But let us go along with this case. When the honorable Senator from Virginia came to Washington nobody here knew, at least the public did not know, what position he was going to occupy. He had always claimed to be a democrat in his State up to 1877, and though he had separated from the organization after that time and established a readjusting party, yet when the two candidates for President were put into the field last summer, and he had, as we thought generally we had, good reason to believe that General Hancock would be elected, and would have the distribution of the patronage, he rallied under the Hancock banner, and his man Riddleberger stood with him. Yes, they were the very essence of democracy; they were the leaders, as they claimed, of the democracy of the Old Dominion.

And it is said—I do not know that fact—that communications between those leaders of the Virginia democracy, General MAHONE, Mr. Riddleberger, and others, were kept up with the democratic executive committee, and even with General Hancock, holding out the idea that they were the true democracy and could carry Virginia for him. But we cannot always tell what the tide of fortune will do. It turned the other way this time, and contrary to our hopes and expectations the republican candidate was elected. Then the Senator from Virginia was silent on his democracy until he came here; no one seemed to be able to locate him. After he got here, the air was full of rumors that there were conferences going on all the time between him and certain republican leaders, and it was said on all sides again and again—I cannot say with what justice—that Mr. Gorham, who is now nominated for Secretary of this body, was in very constant communication with him; that they were good friends, so much so that some of the newspapers have even said that Mr. Gorham was his political wet-nurse. [Laughter.] I do not know anything about whether that is true, but it is evident they were great friends, as everybody admits.

Negotiations or interchange of visits, or whatever they might have been, went on between him and various parties until there was a republican caucus. The same rumor is that while the republican Senators were meeting in one room caucusing the honorable Senator from Virginia was in another room in this building, and that there was frequent communication between them, a going back and forth, consultation, as it seemed to be understood. What was the result? The result was that Mr. Gorham, this special friend of the Senator from Virginia, was nominated for Secretary of the Senate. And who is Mr. Gorham? I understand he was once Secretary of the Senate and an ardent republican. Since that time, if the newspapers are to be credited, he went to his State, California, bolted the republican organization, supported Dr. Glenn, the democratic candidate for governor, and was in effect read out of the republican party there. Still he was the intimate friend of the Senator from Virginia, and when the caucus adjourned it soon came to light that he had been taken up by the republicans again, rebaptized into the faith, I presume, and nominated as their choice above all men for Secretary of this Senate.

Again, Mr. Riddleberger—and I presume he is a very clever gentleman—who had been a democrat all the time, as I understand, in Virginia, and in the late contest, though a readjuster, was not only a Hancock man, but one of the electors for the State at large for Hancock and English, who worked and did all he could to defeat your candidates—he was the right-hand man of the Senator from Virginia; and when the caucus adjourned it soon came to light that by some marvelous sort of change—I do not know how; a sort of hocus-pocus—he had become one of the leading republicans of the United States, transformed in a very short time, and he had been selected in preference to all living men, out of about four and a half millions of republicans in the United States. Yes, Mr. Riddleberger had been agreed on by the senatorial caucus of the republican party and presented as the republican candidate for the Sergeant-at-Arms of this Senate.

I say a man has a right to change his opinions. I have exercised that right in the past, I admit. I may do it again in the future, whenever I think I ought to do it; a man is a Bourbon who never changes; but it is not usual, I must say, for a new convert who has just now changed over to be so much favored by the party with whom he has just united. I do not know for what distinguished services, but for some good reason, no doubt, Mr. Riddleberger, of Virginia, this life-long democrat, this Hancock elector for the State at large, is chosen by the senatorial caucus of the republican party as their first choice for the position of Sergeant-at-Arms.

It may be I have been a little too fast; that I have got a little ahead. I have shown the result of the republican caucus possibly without showing the consideration, as I am now proving the bargain. Before that time there was an election here for the committees of the Senate. We being in power on this side had attempted to organize those committees. You on that side had filibustered for nearly two weeks, because you were not ready, and we could not go on with the regular business of the Senate. When you reached the time, however, that you filled all your republican vacancies and the Senator from Virginia [Mr. MAHONE] had come fully into your embrace, you were then ready, and you went forward with the organization of the committees. As committees were necessary, we offered no dilatory resistance.

Mr. CONKLING. Will the Senator allow me to inquire one moment——

Mr. BROWN. No, sir, I will not permit any interruption.

Mr. CONKLING. I will accept that if the Senator wishes it to stand there. I was about to ask him to correct a statement of his own, but if he does not wish to be corrected I certainly shall not interrupt him.

Mr. BROWN. If I have made any misstatement, I of course yield.

Mr. CONKLING. I think the honorable Senator made a grave misstatement, and I feel quite sure an inadvertent one.

Mr. BROWN. I yield with great pleasure if for the purpose of correcting a misstatement.

Mr. CONKLING. I understood the Senator to assert that this side of the Chamber for two weeks had filibustered.

Mr. BROWN. I said for nearly two weeks.

Mr. CONKLING. The Senator is equally inexact. I rose to remind the honorable Senator that without any motion on the other side to take up the resolution to which he refers organizing the Senate, a good many days elapsed, and that it was not until the week when the seats became full that delays were suggested on this side; so that instead of its being a delay for two weeks or nearly two weeks it was for less than one week. I think the Senator would hardly upon his attention being called to it like to make so broad and I think so unjust a statement.

Mr. BROWN. Whether I am right or the Senator is right as to the exact time the RECORD will show. Of course I have no disposition to misstate the case.

Mr. CONKLING. So I supposed.

Mr. BROWN. The Senator from New York, however, will not deny that there was filibustering on his side to prevent the election of the committees. I may be in error about the length of time.

Mr. CONKLING. If the Senator will not feel it an imputation, I will with great respect to him deny that there was filibustering, and I will affirm that in place of there being filibustering there was some earnestness of protest on this side against proceeding at a day so late as it had then come to be, when Senators who had been elected to vacant chairs were some of them already on their way to this Capitol; but I think that protest and that remonstrance fell very far short of what I understand to be filibustering; so that without meaning to do it offensively to the Senator at all, I do respectfully deny that there was filibustering.

Mr. BROWN. The Senator from New York calls the same thing by a different name, and I am willing for him to have his own opinion about it. It is very evident that motions to adjourn and motions to go into executive session alternately were made here by the Senator from Pennsylvania from day to day. We call it filibustering; we did at the time. I believe that is what you call it now when we interpose such objections. Therefore, I still say that, according to my interpretation of that sort of conduct, it was filibustering. It was delay; it was fighting for time to get the power to carry out the purpose. You would, I suppose, call it filibustering when done by the democrats, and an effort to secure delay when done by the republicans. We call the same thing by the same name in both cases.

But I will proceed with my narrative. I am going on with the evidence of this contract, and I do not care to be interrupted unless I should inadvertently make some error in my statement. We heard the Senator from Virginia yesterday three hours, and nobody interrupted him once.

Mr. CONKLING. I beg the honorable Senator's pardon.

Mr. BROWN. Not at all.

Mr. CONKLING. The Senator from Georgia is speaking extemporaneously, and as he is a very practiced debater it never occurred to me that it would be a serious inconvenience to him to have his attention called to an inadvertent inaccuracy of statement.

Mr. BROWN. It has not been by any means. The Senator and I only differ about the accuracy of the statement as it is a question of time. I may have said that it went on for a little longer than was the case. The RECORD may show that I am right, or it may show that the Senator is right on that particular point. He is entitled to his opinion and his recollection of that, and so am I. That point is not at all important in this instance.

We did reach a time when we came to a vote on the question of the organization of the committees of the Senate. There were thirty-seven democrats and thirty-seven republicans in this Chamber. The Vice-President is a republican. The Senator from Virginia had always been a democrat up to the end of the Hancock and Garfield campaign, if we may judge him by his conduct and profession during that campaign. Coming here from that sort of field, with that kind of precedent and course of conduct, with those antecedents, he left the democratic party and voted with the republicans for the organization of every committee just as they proposed to organize the committees. Every vote that he has cast in this Chamber since that time has been on the same line. He has never voted with the democracy a single time.

Now, when we take into the account the two things and put them together, it is a PECULIAR COINCIDENCE, to say the least of it, that the Senator from Virginia, always a democrat up to a very late period, should vote with the republicans on the organization of every committee, and that he should continue to vote with them on every issue since that time; and then in a very short time afterward that they should meet in caucus and nominate his intimate friend Gorham, who had bolted their party a year or two ago and been read out, and Riddleberger, who had always been a democrat, a Hancock elector, who was his bosom friend and his right-hand man, and should put them forward here as the republican candidates—I say there is a very peculiar coincidence about it, to say the least. It may have been no bargain; it may not have been even a capital understanding; but I will call it a *coincidence*. It is just one of those things that happen sometimes in life, I suppose; but there is something about it peculiar that it should happen under such circumstances.

But there is another point about it which is a little peculiar. It has not been the habit of the Senate to reorganize the officers of the Senate at an executive session. There was one exception to that rule in 1853, when, the tradition says, there was a man in one of the positions who did not give satisfaction, who was not considered worthy, and they took the matter up at that executive session and went into a reorganization, dismissed him, and put another man in his place belonging to the same party, and re-elected all of the other officers. Therefore, according to the precedents, it is not usual at this time to reorganize the officers of the Senate. It is usual to wait until the business session of the two Houses. But after the peculiar coincidence that I have spoken of it seems to become essentially necessary in this case—supremely important—that we should reorganize the officers of the Senate now and elect these two special friends of the Senator from Virginia.

True, as I stated the other day, there are very important nominations before us that it is the custom of the Senate to act on at this time. We are called together by the President of the United States for that very purpose. That is what we are here for. There is a vacancy upon the supreme bench of the United States, and I am informed that court adjourned to-day for want of a quorum. There is a vacancy, as I have stated heretofore, in the Court of Claims. There is a vacancy in the position of the circuit judge of the fifth judicial circuit, where in my own town the term is running and the judge ought to be there. The district judge is sick, and not able to attend to the duties. A judge from another State is there to do district judge's duty, and the United States circuit judge is needed there to hold his court. Public ministers and other important officers have been nominated, and it is our duty to act upon the nominations. But these matters are insignificant compared with the overwhelming importance of electing a Secretary of the Senate and a Sergeant-at-Arms who are the bosom friends and right-hand men of the Senator from Virginia. These other matters that I speak of may be important questions, but they sink into insignificance compared with the great importance of electing these officers here contrary to general usage. That is another coincidence in this matter—another peculiarity about it.

Again I ask, why in the first place should these two men have been selected by the republican caucus over everybody else under these peculiar circumstances, and then why should this stubborn fight be made for their ratification over all the other important nominations before us, and over the importance of three or four treaties with foreign powers? There is another coincidence that is a little peculiar; it happens so I suppose; still the people of the United States will naturally inquire why these things are so. Why is it so? The people of the United States are an inquisitive people; they will look into this sort of thing. We have an energetic press, they are always inquiring, and now these coincidences that are denied to be a contract have been taken up by them, and all around they say it was a contract, and some of them even say it was a corrupt bargain. I have not said so, but I see it in the papers.

I presume it is these peculiar coincidences that cause people to think there was a bargain and sale here. There is one point about it, however, if it is a bargain, (and all these facts and circumstances look very much that way,) we do not on this side of the House intend to be parties to it. If there has been a bargain and sale here, and the contract has been carried out on one side, we will not help to deliver the goods to the other side. We will stay here a long time first.

We have just reasons for remaining here to prevent the turning out of good officers of the Senate (when you have half of them and we half) in violation of the general usage; but we have still higher reasons, yes, infinitely higher, for preventing the consummation of what looks to the country to be what the people of the United States believe to be a contract for the election of these men on account of a consideration received by the other side. If there has been such an arrangement, whether it is to be dignified by the term contract or not, then I believe we reflect the popular will when we stay here and say we will never be a party to it nor see it consummated while we have power to prevent it. I believe we are right when we stay here and call the attention of the American people to this extraordinary coincidence.

All this may be, as I have said, mere happen-so, but it does not look right. There is something about it that I do not fancy. It reminds me of a story that it may not be quite proper to relate here of a 'coon and a polecat, sometimes called the skunk. It is said that a 'coon left his house one day and went in quest of food. On his return he found some other animal down in the hollow of the tree where his home was. He thought it was a cat, and challenged it by saying: "A cat?" "No," said the polecat, "I am a 'coon." Said the 'coon, "You don't look like a 'coon." He replied, "But I am a 'coon." Said the 'coon, "You don't talk like a 'coon." He repeated, "But I am a 'coon." "Ugh," said the 'coon, "you don't smell like a 'coon, and you

are not a 'coon." [Laughter.] This transaction does not look like it was a proper transaction, and it does not smell like a clean transaction, and we do not intend to be a party to it. We will do all in our power to prevent its consummation.

It may be that all this ado about it is without foundation, but I think if this matter were put on trial before a jury of the country and the issue was whether the contract could be established, we might apply to it the usual rules of evidence for practice and have no hesitation in going before a jury and claiming a verdict. I am not sure that we could not go further. I am not very fresh from my reading of Blackstone, Starkie, and some of the older authorities, but if I recollect, I think it is in Starkie on Evidence, probably, in reference to criminal cases, the rule is laid down that the evidence must not only be consistent with the hypothesis of the guilt of the prisoner but inconsistent with every other reasonable hypothesis. I think the evidence here is not only consistent with the hypothesis of a contract, but it seems to my mind to be inconsistent with every other reasonable hypothesis. Therefore, applying the rules in a criminal case to it, I think we should convict the defendants, the parties to the contract.

I think I can see in the sedate manner and grave appearance of some of my friends on the other side of this Chamber that they feel they are a little in the condition of the man who caught the wolf. After scuffling with it a good while he called upon his friends to come and help him let it loose. Or it may be that you are a little nearer the condition of the man who won the elephant at a raffle. He got him, but he did not know what to do with him, and he was in great trepidation about it. You have won the elephant in this case, and it seems to me you are not in very good condition to get rid of him, for if you do not stand by his friends and elect them to office he may turn upon you and rend every chairman of you, and turn you all off from the heads of the committees.

Possibly I am wrong about that. It may be that you are in the better condition of the astronomer who looked through his telescope at the moon, and after gazing at it for a time he told his friends that he saw a large elephant upon the surface of the moon. His friend said, "That is impossible." The astronomer looked again. "Yes," said he, "there is a large elephant on the surface of the moon; I not only see it, but I saw it move just that minute." His friends gathered around him then and there was great excitement, and it was a very great problem how it could have come there or why it had never been seen before. At length some one looking carefully found that there was a mouse between the lenses of the instrument, and it turned out that instead of having found an elephant on the surface of the moon, the astronomer had a mouse in his telescope. [Laughter.] I think it is possible that my friends on the other side have not the elephant they think they have caught. I believe they could let him loose, and possibly in the end it would turn out instead of a huge elephant to be the diminutive form of a little mouse.

I know the condition may be somewhat embarrassing, and I do not wish to see our friends on the other side embarrassed. But this peculiar coincidence, this strange state of things that has come along here, that nobody can account for, that made our friends over there the chairmen of the different committees that are generally given to the majority, that gave them the control of the committees and business of the Senate, that gave the Senator from Virginia the chairmanship of the committee he desired, that put him on several other important committees, that was followed by the nomination of his friends, one of them a democrat, for these offices—I say this strange coincidence may be and doubtless is somewhat embarrassing, and I sympathize with our friends in their embarrassment, but I must still reiterate that we cannot afford to make ourselves parties to it, and while we dislike to submit to the personal inconvenience of remaining here, or to subject those on the other side to that inconvenience, we feel it is our duty to stay here whatever time may be necessary to prevent the consummation of what the public believe to be a bargain and sale, or at least to prevent the election of these caucus candidates who have been nominated under this strange coincidence.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Arkansas [Mr. WALKER] on this question.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay."

Mr. PLATT, of Connecticut, (when his name was called.) On this vote and all similar votes I am paired with the Senator from West Virginia, [Mr. CAMDEN.] I make this statement in reference to all votes of this character that may be taken during the day.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

Mr. TELLER, (when his name was called.) On this vote I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. FARLEY, (when Mr. WALKER'S name was called.) I was requested by the Senator from Arkansas [Mr. WALKER] to state that on this question he is paired with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded.

Mr. BAYARD. My colleague [Mr. SAULSBURY] is paired on this question with the Senator from Nebraska, [Mr. VAN WYCK.]

The result was announced—yeas 28, nays 28; as follows:

YEAS—28.

Bayard,	Fair,	Hill of Georgia,	Maxey,
Beck,	Farley,	Jackson,	Morgan,
Brown,	George,	Johnston,	Pendleton,
Call,	Groome,	Jonas,	Pugh,
Cockrell,	Grover,	Jones of Florida,	Ransom,
Coke,	Hampton,	Lamar,	Slater,
Davis of W. Va.,	Harris,	McPherson,	Voorhees.

NAYS—28.

Allison,	Edgerton,	Ingalls,	Mitchell,
Blair,	Ferry,	Jones of Nevada,	Morrill,
Burnside,	Frye,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Hale,	McDill,	Rollins,
Conger,	Harrison,	McMillan,	Sawyer,
Conkling,	Hawley,	Mahone,	Sewell,
Dawes,	Hoar,	Miller,	Sherman.

ABSENT—20.

Anthony,	Edmunds,	Platt of Conn.,	Vance,
Butler,	Garland,	Plumb,	Van Wyck,
Camden,	Gorman,	Saulsbury,	Vest,
Cameron of Pa.,	Hill of Colorado,	Saunders,	Walker,
Davis of Illinois,	Kellogg,	Teller,	Williams.

So the motion was not agreed to.

Mr. DAWES. I hope we may have a vote on the resolution now.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely.

Mr. BUTLER. I find upon the desk of the Secretary two resolutions, one introduced by my friend from North Carolina [Mr. RANSOM] and one by the Senator from Kansas, [Mr. INGALLS.] The one introduced by the Senator from North Carolina reads as follows:

Resolved, That the Committee on Commerce be, and it is hereby, instructed to inquire into the condition of the Potomac River front of the city of Washington and of the navigability of said river, the effect of bridges across the same upon navigation, floods, and the health of the city, and report at the next session of the Senate what steps, if any, ought, in its opinion, to be taken in reference thereto; that said committee be authorized to sit during the recess of the Senate, and, if necessary, to employ a stenographer.

I should like to inquire of my friend from North Carolina if he regards it as a matter of consequence to the health of the city that that resolution should be acted upon and passed?

Mr. RANSOM. Of course I do, or I should not have introduced the resolution. I was in hope that the Senate would have passed it before this time. I suppose the Senate will pass it at some time during the session.

Mr. BUTLER. Then I ask the Senator from Kansas in reference to his resolution. I find the following resolution submitted by him:

Resolved, That the Secretary of War be directed to report to the Senate at this session—

First. A list of all appointments, other than those in the Army of the United States, made in his Department from December 1, 1879, to March 15, 1881.

Second. Under what provisions of law said appointments have been made, the rate of payment per annum, and the amount paid to each person appointed.

Third. What changes, promotions, details, and transfers have been made within said period, with the reasons for such transfers and details from one bureau or division to another.

Fourth. What revocations of appointments and promotions have been made, if any, with dates thereof and reasons for the same, with copies of all official and personal correspondence and telegrams relating thereto.

Fifth. What clerks, if any, have received pay when not on duty, what clerks have had leave of absence, with or without pay, and for what reason, and for what length of time in each case.

Sixth. What reductions of salary have been made within said period, and why said reductions, if any, were made.

Seventh. What dismissals have been made, if any, and for what causes.

Eighth. What employés, if any, have been paid out of a "lapse fund," and how such fund was obtained.

Ninth. Whether any board or commission has been convened for the purpose of making or considering the subject of appointments in said Department, and, if so, of whom said commission was composed, and what duties it performed.

Tenth. Whether clerks and other employés have been paid lower salaries than were provided by the statutes authorizing their employments.

I should like to inquire of the Senator from Kansas if it is his purpose to press that resolution on the consideration of the Senate, and ask that it be put upon its passage?

Mr. INGALLS. It has been customary when Senators offered resolutions of inquiry to allow the Senator offering such a resolution to take his own course in regard to the time when he would press it and when he would ask a vote of the Senate upon it; and if the Senator from South Carolina will kindly concede to me the right which never has been denied to any other Senator, I shall be obliged to him.

Mr. BUTLER. If the Senator claims that right, as a matter of course I shall not infringe upon it.

Mr. INGALLS. I supposed the Senator would not.

Mr. BUTLER. But regarding it as a matter of consequence, I was going to ask the Senator if he would not consent to allow the resolution to be put upon its passage now.

Mr. INGALLS. I prefer that it should not be acted upon now, sir.

Mr. BUTLER. That ends it, then. I move, therefore, that the Senate adjourn.

The PRESIDING OFFICER put the question, and declared that the noes appeared to prevail.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HILL, of Colorado, (when his name was called.) I am paired on this question with the Senator from Arkansas, [Mr. WALKER.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

The roll-call was concluded.

Mr. BAYARD. My colleague [Mr. SAULSBURY] is paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The result was announced—yeas 28, nays 29; as follows:

YEAS—28.

Bayard,	Fair,	Hill of Georgia,	Maxey,
Beck,	Farley,	Jackson,	Morgan,
Brown,	George,	Johnston,	Pendleton,
Call,	Groome,	Jonas,	Pugh,
Cockrell,	Grover,	Jones of Florida,	Ransom,
Coke,	Hampton,	Lamar,	Slater,
Davis of W. Va.,	Harris,	McPherson,	Voorhees.

NAYS—29.

Allison,	Ferry,	Logan,	Rollins,
Blair,	Frye,	McDill,	Sawyer,
Burnside,	Hale,	McMillan,	Sewell,
Cameron of Wis.,	Harrison,	Mahone,	Sherman,
Conger,	Hawley,	Miller,	Teller.
Conkling,	Hoar,	Mitchell,	
Dawes,	Ingalls,	Morrill,	
Edgerton,	Jones of Nevada,	Platt of N. Y.,	

ABSENT—19.

Anthony,	Edmunds,	Platt of Conn.,	Van Wyck,
Butler,	Garland,	Plumb,	Vest,
Camden,	Gorman,	Saulsbury,	Walker,
Cameron of Pa.,	Hill of Colorado,	Saunders,	Williams.
Davis of Illinois,	Kellogg,	Vance,	

So the Senate refused to adjourn.

Mr. BUTLER. I ask leave to introduce the following resolution.

The PRESIDING OFFICER. The resolution will be read for information.

The Chief Clerk proceeded to read, as follows:

Resolved, That the Committee on Civil Service and Retrenchment be directed to inquire and report to the Senate at this session—

First. A list of all appointments, other than those in the Army of the United States, made in each Department from December 1, 1879, to March 15, 1881.

Second. Under what provisions of law said appointments have been made, the rate of payment per annum, and the amount paid to each person appointed.

Third. What changes, promotions, details, and transfers have been made within said period, with the reasons for such transfers and details from one bureau or division to another.

Fourth. What revocations of appointments and promotions have been made, if any, with dates thereof and reasons for the same, with copies of all official and personal correspondence and telegrams relating thereto——

Mr. ALLISON. I object to that.

The PRESIDING OFFICER. Objection is made, and the resolution is not in order. The question recurs on the motion of the Senator from Ohio to postpone the resolution of the Senator from Massachusetts indefinitely.

Mr. KELLOGG. Mr. President——

Mr. BUTLER. Why is not the resolution in order?

The PRESIDING OFFICER. There is a pending resolution.

Mr. DAWES. There is a pending resolution, and that is enough.

The PRESIDING OFFICER. One resolution is pending.

Mr. BUTLER. I should like to have my resolution read for information.

Mr. DAWES. Pending the resolution that I offered, I object to the introduction of any other.

Mr. BUTLER. Has the resolution I offered been read through?

Mr. HOAR. Who has the floor? The Chair has not assigned it to anybody.

The PRESIDING OFFICER. The Senator from South Carolina had the floor, and offered a resolution which is not in order.

Mr. BUTLER. The Senator from Massachusetts certainly has not the floor.

The PRESIDING OFFICER. The Chair recognizes now the Senator from Louisiana, [Mr. KELLOGG.]

Mr. BUTLER. I simply rise to inquire whether the resolution has been read through or not?

The PRESIDING OFFICER. It was not read entirely through.

Mr. BUTLER. I ask that it be read for information; I believe there is no objection to that.

The PRESIDING OFFICER. Objection was made, and the reading was suspended.

Mr. BUTLER. Is that objection well founded?

The PRESIDING OFFICER. The Senator from Iowa [Mr. ALLISON] made an objection.

Mr. BUTLER. I have a right, it seems to me, to have the resolution read, and I have not yielded the floor to the Senator from Louisiana. I was proceeding——

The PRESIDING OFFICER. The Chair is of opinion that the resolution is not in order.

Mr. BUTLER. I ask that the resolution be read for information.

Mr. DAWES. The Senator cannot have it read for information.

Mr. BUTLER. Then I ask that the Clerk send the resolution back, and I will read it myself. I do not yield the floor. I suppose I have a right to read it.

The PRESIDING OFFICER. The Senator from South Carolina is on the floor.

Mr. BUTLER. I have offered the following resolution:

Resolved, That the Committee on Civil Service and Retrenchment be directed to inquire and report to the Senate at this session—

First. A list of all appointments, other than those in the Army of the United States, made in each Department from December 1, 1879, to March 15, 1881.

Second. Under what provisions of law said appointments have been made, the rate of payment per annum, and the amount paid to each person appointed.

Mr. DAWES. How many——

Mr. TELLER. What is the first item? Read it again.

Mr. BUTLER. The honorable Senators from Colorado and Massachusetts may read the resolution in the RECORD to-morrow. If the Senators will indulge me and not interrupt me I shall be obliged to them. I think that will be far more polite, if they will pardon me for saying so:

Third. What changes, promotions, details, and transfers have been made within said period, with the reasons for such transfers and details from one bureau or division to another.

Fourth. What revocations of appointments and promotions have been made, if any, with dates thereof and reasons for the same, with copies of all official and personal correspondence and telegrams relating thereto.

Fifth. What clerks, if any, have received pay when not on duty; what clerks have had leave of absence, with or without pay, and for what reason, and for what length of time in each case.

Sixth. What reductions of salary have been made within said period, and why said reductions, if any, were made.

Seventh. What dismissals have been made, if any, and for what causes.

Eighth. What employés, if any, have been paid out of a "lapse fund," and how such fund was obtained.

Ninth. Whether any board or commission has been convened for the purpose of making or considering the subject of appointments in said Department; and if so, of whom said commission was composed, and what duties it performed.

I have read the resolution for information, which I had the honor to offer, and I now move that the Senate adjourn in order to give my friend from Massachusetts an opportunity to digest the resolution, and I hope he will vote for it when it is in order.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina, that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. INGALLS, (when his name was called.) On this vote I am paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

The result was announced—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Fair,	Hill of Georgia,	Morgan,
Beck,	Farley,	Johnston,	Pendleton,
Brown,	George,	Jonas,	Pugh,
Call,	Groome,	Jones of Florida,	Ransom,
Cockrell,	Grover,	Lamar,	Slater,
Coke,	Hampton,	McPherson,	Voorhees.
Davis of W. Va.,	Harris,	Maxey,	

NAYS—28.

Allison,	Edgerton,	Jones of Nevada,	Morrill,
Blair,	Ferry,	Logan,	Platt of N. Y.,
Burnside,	Frye,	McDill,	Rollins,
Cameron of Wis.,	Hale,	McMillan,	Sawyer,
Conger,	Harrison,	Mahone,	Sewell,
Conkling,	Hawley,	Miller,	Sherman,
Dawes,	Hoar,	Mitchell,	Teller.

ABSENT—21.

Anthony,	Garland,	Platt of Conn.,	Vest,
Butler,	Gorman,	Plumb,	Walker,
Camden,	Hill of Colorado,	Saulsbury,	Williams.
Cameron of Pa.,	Ingalls,	Saunders,	
Davis of Illinois,	Jackson,	Vance,	
Edmunds,	Kellogg,	Van Wyck,	

So the Senate refused to adjourn.

Mr. BECK. Mr. President, it is very certain that grave apprehensions exist over the country as to the effect of this alliance between the republican party and the distinguished gentleman, Mr. Riddleberger, I believe is his name, who has figured so largely here, and it is evidently extending to very respectable quarters. The impression seems to be that if the republican party once lets go its financial hold on the public faith which it claims to have held so tenaciously, there may be serious difficulty in carrying on the Government of the country; even the New York Times, which is a highly respectable paper, seems to have taken alarm. It says to-day in regard to the speech made yesterday by the Senator from Virginia:

The substance of the matter, so far as General MAHONE is concerned, seems to be that he is not a repudiator, because he proposes that the State should pay a part

of its just debts. The refusal to pay the remainder is not, he says, repudiation, but readjustment. The explanation is feeble. The bill which the Mahone party in Virginia succeeded in passing a year ago (March 1, 1880) reduces the recognized principal of the debt to $20,000,000, i. e., it cuts off half. But it does cut off that much absolutely, and, moreover, it reduces the interest to 3 per cent., makes the bonds taxable, deprives the coupons of the privilege of being received for taxes, and abolishes the sinking fund provided by law for the payment of the debt. In other words, it reduces the maximum amount of principal which in any event can be got by the creditors, and then by an elaborate series of injurious provisions reduces the money value of the obligations which are acknowledged. In addition to which it must be remembered that such trickery with the credit of the State in itself depreciates its bonds. It is only a modest estimate of the effect intended by this bill that it cheats the creditor of at least one-half his due. If this is not repudiation, then a man is not a thief who robs you of one-half the contents of your pocket-book and leaves you the other half.

That is from the editorial column of to-day's issue.

Mr. DAWES. Will not the Senator read on?

Mr. BECK. Now, all I propose——

Mr. DAWES. Why do you stop there?

Mr. BECK. As grave alarm obviously exists in the minds of highly respectable people, and as the contagion may spread so that it may involve the Senator from Massachusetts after a while, and he may take up the view that it is honest to do what the Riddleberger bill proposed, and as we have a committee I think peculiarly well constituted to stamp out all these diseases—I do not mean the pleuro-pneumonia committee, for I believe that was dissolved when the present Secretary of the Interior was taken from us—I shall move to refer this resolution to the Committee on Epidemic Diseases, to see if they cannot devise ways and means to stamp out this repudiation mania which has taken such a deep hold on the republican party, and upon the motion for that reference I shall call for the yeas and nays.

Mr. DAWES. And I ask the floor on that motion for a moment.

Mr. BECK. I want to get a vote if I can on the motion to refer.

Mr. CONKLING. It is debatable.

Mr. DAWES. I have the floor, I believe. The Senator has made his motion.

The PRESIDING OFFICER. The motion of the Senator from Kentucky is not now in order.

Mr. DAWES. I have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BECK. I have not sat down, but I will.

Mr. HARRIS. I rise to a question of order.

Mr. BECK. I give it up.

Mr. HARRIS. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Tennessee will state his question of order.

Mr. HARRIS. I desire to inquire of the Chair why the motion of the Senator from Kentucky is not in order?

Mr. CAMERON, of Wisconsin. That is not a question of order.

Mr. HARRIS. Then it is a parliamentary inquiry.

Mr. CONKLING. Is there not a motion to postpone indefinitely pending?

The PRESIDING OFFICER. The motion to postpone indefinitely takes precedence of the motion of the Senator from Kentucky to refer.

Mr. CONKLING. It is not in order to move to refer pending that motion.

Mr. DAVIS, of West Virginia. That is the only reason.

Mr. BECK. I will make the motion after the present motion is acted on.

Mr. DAWES. Mr. President, it seems too bad that the article to which the Senator from Kentucky called attention, and which so impressed him, should be cut off in the middle. I think that it is due to the author of the article, as well as the Senator from Kentucky, that what impressed him and aroused him so much to struggle against, the truths contained in this article, should appear in the RECORD alongside of what he has read, and therefore, as a part of my own speech, I read, beginning where he left off:

But the aggressive portion of General MAHONE'S speech was effective. He showed by the record—

This is what I should like to have my friend hear—

that the men who had accused him of sustaining dishonesty in the treatment of the debt had connived at similar but worse offenses in their own States; and in addition he made a very pointed attack on the tendency shown by the democratic party toward repudiation of national obligations.

I do not wonder that my friend from Kentucky was stirred to the very bottom of his soul when he came to read this article.

If he did not show that there was no mote in the eye of the Virginia readjuster, he brought out plainly the existence of a considerable beam in the eyes of his assailants.

Among them is the Senator from Kentucky.

He also charged that the Bourbons of Virginia, "while openly professing obedience to the Constitution, held by mental reservation purposes hostile to the Constitution," and that they "had undertaken by methods of indirection to disfranchise the colored man." For his part, he "had never given that doctrine his assent, either in public or at the ballot-box."

I hope the Senator from Kentucky is not so disgusted as to refuse to hear this.

Mr. HILL, of Georgia. That is only another coincidence; go on.

Mr. DAWES. The article proceeds:

He "wanted no political serfs in Virginia." He was prepared to "assure the country that in Virginia, at least, there should be a free suffrage—a priceless suffrage—a full vote and an honest count." Thus, General MAHONE has a second time deliberately, and with greater emphasis than before, drawn the line between his party and the democratic organization in Virginia precisely at a point at which the latter is divided from the republicans. There is no denying the significance of this fact. The democratic organs choose to ignore it, and to dwell only on the position of General MAHONE with reference to the State debt. We do not conceal our disapproval of the latter, but we rejoice that a man of courage and political influence, and with a strong following, has been found among the democratic leaders of a Southern State to take issue with his party on the question of equal suffrage. It is the beginning of the end. Bad as is the doctrine for which General MAHONE has sought negro votes, the fact that he has sought them, that he is ready to expose the purposes of his former associates to resist them, is a hopeful sign. Once recognize the right of all the voters in the South to the actual use of the ballot and the questions to the solution of which the ballot will be applied must ultimately be settled with reasonable justice.

That is all, Mr. President, at this time. If the Senator from Kentucky finds any more in this editorial that he would like to call attention to, there are other significant passages to which I will commend his attention.

Mr. BECK. Mr. President, I was not dealing with Mr. MAHONE, and never have in what little I have said. He has gone over to the other side, as he had a right to do, and as he says, and I have no right to dispute his word, that there was no particular bargain made with him. Let him stay there. What I have been endeavoring to show is that the Senator from Massachusetts, [Mr. DAWES,] in taking up Mr. Riddleberger, who was an avowed repudiationist, as the New York Times admits and proves, who introduced and passed the bill which it justly says was as honest as it would be for a man to take half your money and leave you the other half and still claim to be an honest man, is making a great mistake. He is made the organ of the republican caucus to indorse him and place him in power without any bargain with MAHONE. Merely for the love they entertain and because of the admiration they have for the principles of Mr. Riddleberger, they propose to make him Sergeant-at-Arms and Doorkeeper of this Senate as a reward for the faithful services he had rendered the republican party. There is no bargain about it, MAHONE says; although he was a confederate brigadier, was a Hancock elector, and a repudiator, still such is the love and affection of the republican caucus for that class of men that the Senator from Massachusetts has taken him up, and all executive business has to be suspended, everything must come to a stand-still, the Supreme Court may adjourn without a quorum, the great offices of the country remain unfilled, the public business must suffer, because we cannot take a day even to go into executive session before Mr Riddleberger shall be rewarded for the great and meritorious services he has rendered!

The Senator from Virginia said yesterday, he had to admit, I suppose, with sorrow, that the statement I read the other day was true that Riddleberger had sought to expel from the Legislature an honest, simple-minded, debt-paying negro member, who could not vote in Massachusetts; he would have been a serf there because he could not read or write, perhaps, or sign his name. Riddleberger is a hero in republican eyes for seeking to expel him as a nuisance because he sought to pay the debt. That adds, no doubt, great luster to the action of the caucus and its nominee.

I dismiss the Senator from Virginia; I have nothing to do with him or Riddleberger and those little fellows. The time was when I was a boy and followed the organ around—and the Senator from Massachusetts seems to be the great organ-grinder of the caucus now—then I watched the monkey that danced about with a collar around his neck and looked handsome in his fine clothes as he picked up the pennies, and I thought he was the great factor in the case; but I learned after awhile that the man who turned the organ controlled the business and held on to everything; that he was indeed the real man of the concern. I do not think that is good kind of work for the distinguished Senator from Massachusetts. I do not propose to help him place in high position here a man like Riddleberger or any of these repudiating fellows. The Senator from Massachusetts should look round for somebody else. I want to persuade him to quit that business and not be keeping the Senate here day after day and the country agitated any longer merely to get a few pennies by this performance for the benefit of Mr. Riddleberger or anybody else who has occupied such a position.

While I am on my feet I want to say another thing. I looked into the trial of the Donnelly and Washburn case, in the other House, last winter, in order to keep up with what was going on. The Senator from Massachusetts takes pains to propose another man who I am not in a great hurry to put into place and power as Chief Clerk of this Senate; a man by the name of Charles W. Johnson, of Minnesota. I am opposed to him, if for no other reason than this: on the 19th of September, 1878, before the democrats came into power in the Senate, he, as chairman or secretary of a republican committee in Minnesota, issued this pronunciamiento:

MINNEAPOLIS, *September* 19.

SIR: The congressional committee, charged with laboring for the success of the republican cause in this district, call with confidence (so) upon you, as a republican, for such a contribution in money as you may feel willing to make, hoping that it will not be less than $—.

The committee deem it proper, in thus speaking to republicans, to remind them of the importance of the impending campaign. That the United States Senate is to be democratic after the 4th of March, 1879, is very nearly certain.

Recollect this was in September, 1878. The Senator from Massachusetts thought the other day that nobody knew two years ago, when we turned out a few men, until a week or two before they were turned out, that there would be a democratic Senate, and that they would lose their places, and he quarreled a good deal with the Sena-

tor from California [Mr. FARLEY] because he ventured to remark that they had known it for nearly a year before. Mr. Johnson, on the 19th of September, 1878, knew it, and tells the republicans in a circular that the United States Senate is to be democratic after the 4th of March, 1879.

Mr. DAWES. That is not what he says, or you read it wrong a moment ago.

Mr. BECK. "That the United States Senate is to be democratic after the 4th of March, 1879, is very nearly certain."

Mr. DAWES. "Very nearly certain" you then left out.

Mr. BECK. I beg your pardon. I never leave anything out when I read. I have not the habit of some others in that regard.

Mr. DAWES. You succeeded admirably the first time you tried.

Mr. BECK. If the Senator from Massachusetts will contain himself with patience a little while, I will read him more:

In view of this, the election of a democratic House of Representatives would precipitate upon the country dangerous agitations which would inevitably add to the present distresses and burdens. Among these schemes is the intention to attempt the revolutionary expulsion of the President from his office, the payment of the rebel claims and war debt, the payment of the full value of all emancipated slaves, and the unlimited issue of irredeemable paper currency in place of the present redeemable paper money, which was issued by authority of a republican Congress, and by the same party has been sustained, thereby preserving the national honor and credit.

We have had that democratic House and we have had that democratic Senate, and the country knows, the Senator from Massachusetts knows, that every charge made by this man Johnson was absolutely false. He sent this circular, he says, to fifty men, got money from nearly all of them, and what more does he do? Mr. Bernard Cloutier appeared before a justice of the peace and swore that Johnson gave him $30 at one time and $20 at another as one of the operators in the Washburn election. Another man swears—Mr. William R. Metcalf—that Johnson gave him $15:

I presume that my name was handed to Charley Johnson and he paid me the money personally two days after election. When I got that money there was not a thing said except that I went in there and gave him my name, and he paid me. I do swear that not a word was said of political matters at the time I received the money.

Mr. CONKLING. What money? I did not hear the statement.

Mr. BECK. Money to use in the election, or as pay for work, (so called.) The committee, a majority of it, made a report to the House. I shall read a short sentence from that; they said it was Mr. Washburn's money.

Mr. DAWES. What did the democratic House do with that report?

Mr. BECK. I do not know. Here is the majority report.

Mr. DAWES. Does not the Senator know what they did with it?

Mr. BECK. I do not.

Mr. DAWES. I guess nobody does.

Mr. BECK. I suppose the Senator from Massachusetts would know if anybody would, if there was anything wrong about it.

Mr. DAWES. Certainly. That is what I want to look at it for.

Mr. BECK. Did they repudiate it? Ask Riddleberger what was done with it.

Mr. McMILLAN. Will the Senator from Kentucky allow me to ask him whether or not General Washburn was seated by the democratic House on that report?

Mr. BECK. Very likely. Men have been seated many times where fraud has been committed.

Mr. McMILLAN. The democratic House having charge of that report and to which the report was made was satisfied that all the declarations made there injurious to General Washburn or the republican committee of the district were without foundation and false.

Mr. BECK. Mr. Johnson himself admitted that he issued that circular, which he knew was wholly without foundation in fact. Is that a qualification for Chief Clerk of the Senate?

Mr. McMILLAN. I am not speaking of the circular, but of the fact.

Mr. BECK. It is admitted that it was a slander on the democratic party when he issued it and sent it out, and he knew it. Do you desire me to say that I will consent to see made our Chief Clerk a man who thus slandered this side of the Senate and who was handing out Washburn's money for corrupt electioneering purposes? Here is a little more:

Mr. Edward A. Stevens——

Mr. McMILLAN. If we are——

Mr. BECK. Wait a moment. There is more of this. You will be a good deal wiser if you would listen a little longer.

Mr. McMILLAN. Very well.

Mr. BECK. Edward A. Stevens, among other things, swears:

Q. Did you undertand that Charles W. Johnson, chairman or secretary of the republican district committee, complained the day after the election that he had a great number of parties coming to him to be paid, with whom he himself had made no contract, for money for votes or influence or work for Washburn at the polls?

(Objected to as immaterial.)

A. At that time my office was in the same building with that of Mr. Johnson. In passing down the stairs on the day following the election, or perhaps the next, I met a gentleman, I believe it was Mr. W. P. Roberts, who said, substantially, "You ought to hear Charley Johnson swear; there is a big crowd down below after their pay, and Charley says, 'Major Hale can pay his own hounds. I have all I can do to pay those I hired myself.'"

That is Charles W. Johnson, the gentleman who is proposed to be our Chief Clerk. Somebody seemed to have found fault with the statement that Charley Johnson swore, but there was no doubt about the money part:

Q. Is Mr. Charles W. Johnson, of whom you spoke, a member of some church in this city of good standing?

(Objected to on the ground that it is a little astute.)

A. Since the Beecher-Tilton controversy, I have been in doubt as to what the term "good standing" means. As to Charles Johnson's membership I know little, seeing him as often at Harmonia Hall and so-called low dances as I do at church. I understand that he is claimed as one of the dwellers at the Tabernacle.

Mr. McMILLAN. I hope the Senator now will be careful in reading the testimony, because he is reading of a very respectable citizen of the State which I have the honor in part to represent.

Mr. BECK. I have no doubt of it; and a very good political wire-worker, I have no doubt.

Mr. McMILLAN. The Senator does not intend to do any injustice to him. I hope he will be careful as to the testimony he reads there, and read it frankly and fully.

Mr. BECK. I will furnish the document to the Senator. Here is the report, signed by five very respectable gentlemen, members of the House of Representatives, a majority of those who had charge of the subject, Mr. Van H. Manning, Mr. S. L. Sawyer, Mr. R. F. Armfield, Mr. F. E. Beltzhoover, and Mr. W. G. Colerick. In their report to Congress they say:

Johnson wanted Cloutier to go out and electioneer for Washburn. Cloutier said he would do so if he was paid for his time and expenses. Thereupon Johnson told him to start out. The next day Johnson met Cloutier at the post-office and paid him $30. The following Wednesday Cloutier met Johnson again at Washburn's office. "I told him I wanted some more money. He asked me how much I wanted, and I told him I wanted $20. He [Mr. Johnson] went into the next room and commenced talking with Mr. Washburn, [the sitting member.] He came back and handed me $20."

And they go on and give a great many other instances of Mr. Johnson's efficiency as an electioneerer and show how the election was being worked up. I am therefore, as to this gentleman who is embraced in the resolutions of the caucus, in no great hurry to vote without further time to examine whether he is a fit man to be Chief Clerk of the Senate, in view of the record that is here. He may be; if he is, a little further time for investigation would not hurt. He may be as respectable as the Senator from Minnesota says he is.

This testimony and this majority report would indicate that we are to place simply republican electioneerers, men who are adepts in running party machinery, in the high offices of this Senate. I think we had better look a little further into Mr. Johnson's case before we put him in. I do not doubt his respectability, I know there are very many respectable men who use money in elections; but I do not think it is quite a good thing to select one of that class of men as Chief Clerk in this Senate after it is developed to be the truth that he is doing that sort of work as freely as he seems to have been doing in this case. We have lobbyists enough outside; and to get time to look into it further, I move that the Senate do now adjourn.

Mr. HAWLEY. The Senator will allow me a word before pressing that motion?

Mr. BECK. If you will renew the motion.

Mr. HAWLEY. I will leave the gentleman to do that. I recollect very well the contested-election case of Mr. Washburn, for I had the honor to be a member of the House in the Forty-sixth Congress; and now that the Senator recalls it, I believe there was a report made against Mr. Washburn. I may call it perhaps a partisan report; but I remember also that the republicans in the House were quite willing to enter into a little debate on that subject if it was desired. I remember, too, sir, that not a human being in that House raised his voice for one moment, either in debate or upon a call for the yeas and nays, to sustain that report or to contest Mr. Washburn's seat. Indeed, now that I recall the case still further, there was no call of the roll. *Nemine contradicente*, the entire House let Mr. Washburn keep his seat, for nobody had any doubt whatever of his right; neither had the people of that district any question of Mr. Washburn's ability or integrity, for he went before them in the late canvass and was returned to the Forty-seventh Congress by nearly 13,000 majority.

Mr. DAWES. The Senator from Kentucky said he was like that little appendage to an organ-grinder that picked up little pennies and crumbs. The Senator is in the proper employment going around among the rejected matters of the House and gathering them up here for the entertainment of those who are engaged in the same business.

Mr. McMILLAN. Mr. President, in justice to Mr. Johnson, to whom the Senator from Kentucky has referred and who is a citizen of my own State, I desire to say that the investigation in regard to the election of Mr. Washburn, which was contested by Mr. Donnelly, was fully examined in the House; the allegations of bribery made by Mr. Donnelly were denied by democrats of our own State so fully and so flatly that the democrats in the House of Representatives could not stand upon the accusations for a moment. They were all refuted. The charges made by Mr. Donnelly, supported by Colonel Finley, you know became a part of the issue before this nation. Democrats of Minnesota were so ashamed of the charges that they would not support them for an instant, and in the House, as has been stated by the Senator from Connecticut, [Mr. HAWLEY,] the democratic party abandoned the charges as false and without foundation, and General Washburn's reputation and the reputation of the people of that congressional district was fully and abundantly sustained in the House

of Representatives; and when the matter went before the people of our State in that congressional district, the question there was fully considered by the people and General Washburn was returned, upon that issue largely, by a majority of 13,000, emphatically contradicting and repudiating any such charges.

Mr. Johnson is a gentleman of excellent character. He has served faithfully as a citizen in advancing the interests of our State; he has served faithfully in the Army in defense of the country; he has been faithful and honorable in every position in which he has been placed, and he will be faithful here; and I am sure before he has closed his term, should he be permitted to enter upon it, as the Chief Clerk of this Senate, the Senator from Kentucky and every other Senator upon this floor will be gratified that they have had an opportunity of receiving his services.

Mr. BECK. Now, Mr. President, I do not want any shifting of issues. I have said nothing against General Washburn; nor did I say that General Washburn knew anything about this money that was paid out. I read the case at the time. Judge Flandrean, who was his counsel, spent much of his time with me while he was here. As far as I could see, I thought Washburn ought to have the seat from the beginning; I said so to the Senator from Minnesota and to the members of the House; but that is not the question. Every man who was working for him and spending money for him and writing slanderous articles on the democratic party is not to be vindicated because General Washburn was allowed to have his seat by a democratic House. We are in the habit of doing justice both in the House and the Senate. I think they did justice in that contest at that time in the House. But on the question whether or not this man Johnson, who may be as reputable as he is said to be, should be made Chief Clerk, in view of this testimony, I thought we had better adjourn, and take a little time longer to see whether he is that order of man or not. If he is, and you do elect him next December, perhaps—not much before—and if he is as clever a man as you say he is, I will endeavor to sustain him in the proper performance of his duties. To have time to look into the matter, I move that the Senate adjourn, and I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. HILL, of Colorado, (when his name was called.) On this question I am paired with the Senator from Arkansas, [Mr. WALKER.] If he were here, I should vote "nay."

Mr. LOGAN, (when his name was called.) On this question I am temporarily paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 26, nays 28; as follows:

YEAS—26.

Bayard,	Farley,	Jackson,	Pendleton,
Beck,	George,	Jonas,	Pugh,
Brown,	Groome,	Jones of Florida,	Ransom,
Call,	Grover,	Lamar,	Slater,
Coke,	Hampton,	McPherson,	Voorhees.
Davis of W. Va.,	Harris,	Maxey,	
Fair,	Hill of Georgia,	Morgan,	

NAYS—28.

Allison,	Edgerton,	Ingalls,	Morrill,
Blair,	Ferry,	Jones of Nevada,	Platt of N. Y.,
Burnside,	Frye,	McDill,	Rollins,
Cameron of Wis.,	Hale,	McMillan,	Sawyer,
Conger,	Harrison,	Mahone,	Sewell,
Conkling,	Hawley,	Miller,	Sherman,
Dawes,	Hoar,	Mitchell,	Teller.

ABSENT—22.

Anthony,	Edmunds,	Logan,	Van Wyck
Butler,	Garland,	Platt of Conn.,	Vest,
Camden,	Gorman,	Plumb,	Walker,
Cameron of Pa.,	Hill of Colorado,	Saulsbury,	Williams.
Cockrell,	Johnston,	Saunders,	
Davis of Illinois,	Kellogg,	Vance,	

So the Senate refused to adjourn.

Mr. KELLOGG. Mr. President, during the earlier hours of the day, and following the remarks made by the Senator from South Carolina, [Mr. HAMPTON,] my colleague [Mr. JONAS] indulged in some remarks that seemed to me of questionable taste, and which justify, I think, my replying.

My colleague animadverted somewhat severely upon the course of the distinguished Senator from South Carolina in voting in my behalf at the session of Congress just closed, and in thus censuring the Senator from South Carolina my colleague took occasion to repeat what he has time and again stated with as little justification and, as I think, as little occasion for it as to-day, that I was not elected to this body, and that I do not represent the State of Louisiana.

My colleague doubtless feels disappointed that I was not unseated, and takes my retention in this body much to heart. I am well aware that he was elected upon that issue; at least, he so declared when he received the nomination of the caucus of the Legislature that chose him. He then, if my recollection serves me aright, stated that he would labor early and late to the end that the State of Louisiana should be represented by another than myself; and he has refused to be comforted because he was not able to see that result accomplished. I bethink me that but a few days since I picked up a paper published in Louisiana, not republican, referring to the fact that my colleague had spent two years in the endeavor to unseat me, and after referring in somewhat complimentary terms to the service I had, as they were pleased to say, rendered the State during a previous term in this body, called the attention of my colleague to the fact that he had done nothing during his term for the State of Louisiana except to endeavor to unseat me, and that, so far as any record he had been able to make was concerned, they were compelled to say that the State of Louisiana, or at least the democratic party, had in him heretofore no representative on this floor.

Mr. President, I supposed when my colleague took the floor that it was for the purpose of replying to a statement made by the Senator from Virginia yesterday regarding the repudiation by the State of Louisiana of her public debt. I supposed that he would follow the example set him by the two Senators from South Carolina, and pursue the course intended to be pursued by other Senators on the other side, if I am rightly informed, in regard to the allegation made by the Senator from Virginia that the democratic party were responsible in the Southern States for the various acts of repudiation that those States have been guilty of. I supposed that my colleague would attempt at least to vindicate the democratic party of Louisiana, and that he would naturally endeavor to show that the debt repudiated by that State represented the fraud and corruption of the so-called carpet-bag or republican governments of that State. That would have been an issue in point, I submit. It would have been an issue upon which I would gladly have met him, and will joyfully, I may say, now or hereafter meet my colleague. For, sir, no more inexcusable, no more unjustifiable, no more altogether unprecedented and even rascally act—if I may use the expression in this body—of repudiation was ever perpetrated than that perpetrated by the democratic party of Louisiana in regard to the debt of that State.

Sir, upon that question and upon the question how that debt originated and whether it represents fraud or corruption, and if it does, which party is chargeable with that fraud and corruption, I am ready now and hereafter to meet my colleague or any other Senator. So far as one Southern State, and that the State I have the honor in part to represent, is concerned, the record made by the republican party, at least while I was governor, will bear the closest scrutiny. The hour is late, and I do not desire to go into that question in detail to-night. Some time in the not distant future I may feel myself justified in doing so. I repeat, sir, that I was surprised that my colleague did not pursue the course that I have indicated. I was surprised that he should content himself with a single remark or two covering one or two minutes of time, stating, after censuring the course of the Senator from South Carolina [Mr. HAMPTON] in regard to his vote in my case, that Louisiana was only represented on this floor by one Senator, alluding to himself.

Does my colleague desire that I should go into that question, a question that has not yet been discussed in this body? for bear in mind that the discussion in regard to my right to this seat has turned entirely and exclusively heretofore upon alleged improper practices—falsely alleged, as I aver, and for a purpose—in procuring my election; but never has there been a discussion upon the question as to whether the members of the Legislature of Louisiana that chose me to this position represented a majority of the people of that State, or whether the assemblage that chose the gentleman now here as my colleague, a Legislature chosen under the Nicholls government that succeeded the Packard government, represented a majority of the people of the State. Does my colleague desire me to enter that arena? Does he wish me to travel over that bloody record? And does he wish me to invoke the proof, manifold on every hand and irresistible, showing the mode and the manner by which the majority of the voters of Louisiana in 1876 and in 1878 were suppressed; how the party I represent, born in tribulation under the reconstruction acts of Congress and baptized in blood for years, was overthrown by violence and by fraud, by open corruption and bribery?

Sir, had I time I would go into that question, and I would show you that I represent a majority of the people of that State, numbering at least fifteen thousand. I think I could do it by proof that would be regarded as conclusive, but time will not permit me to-night.

I had intended to refer to the report of certain officers of the United States Army touching the election of 1876, showing the bloody record made by the democratic party that year. It is a touching and horrible history. I need not depend upon evidence taken before the returning board or by the agents of the returning board, but I rely upon the unbiased and impartial official reports of officers of the United States Army scattered over six or eight of the large republican parishes. The suppressing of this republican vote only enabled the democratic party *prima facie* upon the returns to claim a majority in that State. It would be upon the evidence of these Army officers and upon their reports on file in the Department of War alone that I would depend to show the justice of my claims. I will even venture to occupy the time of the Senate for a few moments, as illustrative of the nature of this proof, and ask the Secretary to read from the report and from the statement of H. M. McCawley, first lieutenant Thirteenth United States Infantry, as a specimen of the

means and the methods by which the vote of one large republican parish, namely, Ouachita, in 1876, returning two members to the Legislature and one senator, was overcome, though I had carried that parish in 1872 by a thousand majority over McEnery, my competitor, himself a resident of the parish, a parish where the colored vote is two to one as compared with the white vote. I ask the Secretary to read from the point I have marked. This is a report made by an Army officer in regard to the assassination of two colored clergymen, leading republicans of that parish.

The Chief Clerk read as follows:

I was sent with Mr. Hardy to see that he arrived safely at Logwood's, as it was then feared that persons going in that direction might be shot down by some assassin. My command consisted of eight men and non-commissioned officer. It was about ten o'clock p. m. when we arrived at Logwood's house. After innumerable stoppages in Chuville Swamp, it being very dark at the time, we were compelled to carry a lantern to see through the swamp or woods. Upon arriving at Logwood's, the sight was indeed appalling, and one which will never be erased from my memory—helpless women, frightened men, and children all huddled together in groups, looking terror-stricken, as though about being led out to be slaughtered; a few more surrounding a camp-fire which was burning to enable them to keep warm. In the passage-way of the front house was Primus Johnson, who lay there with the blood oozing from his wounds, which caused his death. In the rear of the house, or kitchen, Logwood was in bed, with at least eight or ten men and women surrounding his then supposed death-bed. The district attorney, Mr. Hardy, took his declaration, and, from all I could learn, two white men, who were blackened, committed this atrocious deed, and were supposed to be then on the lookout to return and finish their fiendish work, which had only been partly accomplished. I have seen many sad, sad sights, but the expression upon the faces of those helpless ones that night protrayed all that fright could possibly do; and when we had finished our business and about leaving, the supplication of those poor creatures was heart-rending, fearing they, as well as Logwood, would be murdered. I therefore left a detail of three men and a corporal of my own company to protect Eaton Logwood, his wife, and Mrs. Primus Johnson, at all hazards, and not to permit any one to enter the premises without permission from Logwood's wife or Mrs. Primus Johnson. The detail remained there for one week or more, and returned to the camp when Logwood was removed to the city of Monroe for safety. My impression was and is that the colored people thought they were killed and shot for their political opinions, both being known as strong republicans, particularly Logwood, who was a property-owner, and who had great influence with those of his own color. The effect, therefore, upon them (those colored people) was to drive those who were republicans into joining democratic clubs, for the purpose of avoiding a like calamity befalling them.

Mr. KELLOGG. Mr. President, I need only add that the man who was so severely wounded was taken to New Orleans, recovered sufficiently to give his testimony before a committee of the House of Representatives, and a few days afterward relapsed and died from his wounds. He sleeps in that city; but all over the State, on the banks of the Ouachita and of the Red River and in the swamps throughout that entire State, either lying upon the surface of the earth or buried under narrow hillocks, repose the bones of thousands of colored and white republicans who were slain in order to overcome the legitimate republican majority in that State and enable my colleague to say that he, and he alone, represents Louisiana on this floor.

Mr. President, I have but glanced at the question of fraud and violence in 1876. I now want to say a word or two in regard to the election of 1878. I have before me a journal; it is the journal of the Legislature of Louisiana. This journal contains the roll-call of the Legislature that chose my colleague. I turn to the vote cast for him by the members of the senate and the house, and I find that he could not have been elected except that representatives from certain parishes, republican heretofore, had voted for him. I find that he was voted for by three members from the parish of Caddo; and I see before me the honorable Senator from Colorado, [Mr. TELLER,] who, with several other Senators, took testimony in regard to the election of 1878. There are three members and one senator from Caddo. How were those members elected? The honorable Senator from Colorado and the Senator from Arkansas [Mr. GARLAND] and the Senator from Wisconsin [Mr. CAMERON] will recollect the testimony produced before them in regard to the manner in which that election was conducted.

The three democratic members from Caddo Parish, who in the Legislature that elected my colleague voted for him, were chosen from a parish having about 4,000 colored voters and about 1,600 white; a parish that always had been republican since reconstruction whenever a fair vote was permitted; a parish that even in 1876 gave over a thousand republican majority, admitted to have given that majority on the face of the returns; a parish where, in 1878, (and it contains the second city of the State of Louisiana in population,) in order to carry the democratic ticket, the adherents and supporters of my colleague actually established, in direct contravention of law, two ballot-boxes at each poll; and in order to avoid the effect of the enforcement act, and the supervision of the supervisors appointed under that act, they compelled all the voters to put in a separate box the ballots cast for State officers and for members of the Legislature.

There is a gentleman now in this city, a planter well known by two or three Senators in this Chamber, who will tell you, as he told me, that to test the fairness of that election he stood at a poll held in a log-cabin near his plantation; that the colored people outnumbered the whites three to one, where there are less than one hundred white or democratic voters all told and about three hundred blacks; that he absolutely saw them vote; that he staid there until the polls were closed, when all but the commissioners of election were excluded from the room; and thereupon these commissioners, chosen by the police jurors, who were appointed by the governor; these commissioners constituted by law a returning board for their respective polls throughout the State of Louisiana, made a return of that poll reversing the actual result, and returned but about 60 republican votes and nearly 300 democratic votes, thus practically reversing the result at that poll. That is the way those men were chosen from Caddo Parish that voted for my colleague.

Take the parish of Tensas as another instance—a parish that numbers 3,500 colored voters against less than four hundred white. I have before me, but have not time to read from it, the message of Governor Nicholls in regard to the riots in that parish in 1878, that resulted in the election of two democratic members of the lower house from this strongly republican parish, in which Governor Nicholls admitted that the assault upon Fairfax, the colored republican leader and candidate for Congress, and the violence and intimidation that resulted in overthrowing the republican vote, were purely political and were entirely unjustifiable. Let me add that for this one act of candor Governor Nicholls was denounced by the Bourbon democracy from one end of the State to the other, and shortly afterward was legislated out of office, before the expiration of his term, by a constitutional convention, and virtually driven into political exile in Assumption Parish, where he now resides.

I mention these two parishes of Caddo and Tensas alone. But there are Concordia and Madison and several other parishes that I might refer to as showing that, eliminating from this record the votes cast for my colleague by democratic members from parishes that should have been represented by republicans, his competitor, Governor Warmoth, who was voted for by the republicans, would rightly have been elected in his stead.

Who will say that I do not represent the State of Louisiana? Sir, I represent a majority of the voters of the State of Louisiana, according to a registration taken under democratic auspices, as I said before, by from 15,000 to 20,000 majority. I not only represent those voters, but I represent men who pay taxes on more than $25,000,000 of property, men who represent the labor that cultivates and produces seven-eighths of the entire sugar crop of this country and five-eighths of the entire rice crop, men who pay seven-tenths of all the taxes of the State of Louisiana, paid during my administration and that of my predecessor taxes that enabled us to accumulate sufficient money to pay, and pay honestly, up to the last hour of my administration, the interest upon the public debt, and leave nearly two hundred thousand dollars in the Treasury, which the incoming democratic administration hypothecated and used to pay one installment of the public debt, and after that defaulted on the interest, and practically repudiated that and a large proportion of the principal.

Sir, I represent republican parishes the delinquent taxes of many of which were less than 5 per cent., while the delinquent taxes of the democratic parishes were in many cases over 60 per cent., and in some nearly 90 per cent. In fact the republican parishes of Louisiana have since the war paid seven-tenths or nearly of all the taxes levied. They have borne the burden of taxation. My republican constituents are hewers of wood and drawers of water now as in time past; but they are freemen, and they earned their right to the ballot and earned their right to be represented by me on this floor because they were loyal to the Union, because they enlisted as soon as they had the opportunity to do so to maintain the Union, because they fought side by side with the loyal white men of the North, because they marched with them side by side during the smoke and din and tempest of battle to the mountain of victory, and their black hands united with the white hands of the loyal North in unfurling to the breeze the banner of the stars and left it floating there forever from sea to sea. [Applause.] It is by that right, sir, that I stand here to speak for the colored people of Louisiana, who, after deducting from the census returns the foreigners not entitled to vote, constitute a large majority of the voters in that State. And I not only speak for them, sir, but I speak for 5,000,000 colored people of the South, represented by 800,000 legal voters.

This whole question of the elections in the South, and in Louisiana especially, is so illimitable a subject that I protest against its being made a mere feature in the debate which now occupies the Senate. To me it is a small question whether the persons holding the offices of Sergeant-at-Arms or Secretary of the Senate shall be changed now or at some later time. The question with me is whether we should not welcome into our ranks and identify with us the man [Mr. MAHONE] who represents a new departure, who is, as the Senator from Massachusetts so well said the other day, the *avant-courier* of a new order of things in the South. In him in his person is the embodiment of free suffrage, of honest elections, of a fair count. That whole question being centered in his person here, may well bring up for discussion the mode and methods by which the republican governments of the South have one by one been overthrown. Bring that question up; discuss that question; let the light shine in upon it and show that these governments (with perhaps one or two exceptions that I do not pretend to justify here or elsewhere) were honest in their administration and endeavored to build up a strong and respectable party and one that would bring honor to the South and honor to the republican party of the nation at large. Show that as you can; show it by the record and challenge contradiction; and show that the colored people wherever they have had the opportunity so to do, as in my State, have gradually emerged from the darkness of ignorance, and to-day are carrying the banner of citizenship and civilization full high; show that if they can but have their right to vote recognized and their votes

honestly counted they would send a delegation of members to the other House; and this can be done in several of the Southern States, some of which can be made by a fair election as firmly republican as is the State of Massachusetts. We elected one Representative from my State from a district by more than six thousand majority at the last election, carrying almost every parish in the district.

Mr. President, let me say that I do not hesitate to go into the question of whether Louisiana is a republican State. I assert here to-day, and I ask Senators around me, in traveling upon the cars and in frequenting the thoroughfares of this great nation, to ask the planters whom they may chance to meet from Louisiana, to ask business men, first if they do not believe, as honest, fair-minded men, that the republican party in Louisiana has an honest and fair majority in that State. Ask them, moreover, if, as compared with the present administration of public affairs in the State, the administration when I was governor was not vastly superior in all respects to the present one; ask them these questions and ask them to reply as honest men; ask them finally if there ever has been a time since the State of Louisiana was admitted into the Union when disorder and corruption, dishonesty and misrule, ran rampant as they do to-day in that State. Sir, this is strong language, but it is language that I think you will find I am justified in using if you will question the candid and high-minded citizens, not partisans but business men, whom you may chance to meet.

Before I sit down (for I wish my colleague to have an opportunity to challenge any assertion that I may make) I desire to call the attention of the Senate to what I would not refer to were it not for the remarks that fell from the lips of my colleague. I asked some time since if my colleague desired me to go into the question of the mode and method by which the republican government in Louisiana was overthrown by the election of 1876, and later by the election of 1878. I referred then to the overthrow of the Packard government. It is said that I do not represent a *de facto* or a *de jure* government, and it is in regard to that I desire to say a word.

It may be remembered that a commission went to Louisiana. The origin of that commission is well known. I have naught to say in regard to its influence or its labors, but I do desire to call attention to this, which is not denied in Louisiana, that but for the fact that money contributed by the Louisiana Lottery Company was used to disintegrate the Packard government the Nicholls government would not be in existence to-day. As a portion of the proof, which, if I had time, I could adduce in that regard, I desire to call attention to a passage in the debates of the constitutional convention of 1879, after the overthrow of the Packard government, in which certain delegates averred that fact to be true. Mr. Robertson, for instance, a democratic delegate from the great parish of Saint Landry, and one of the leading democrats of the State, urged that the charter of the Louisiana Lottery Company, then upon the statute-book, should be incorporated into the constitution of Louisiana, and that it be made a perpetual corporation. It was replied that that was an unprecedented thing; that the constitution of no State in the Union contained a charter of any institution, especially of one so questionable as was the Louisiana Lottery Company. Mr. Robertson said in the discussion that—

> He favored it for the reason that he was a democrat and that the present democratic State government was established with the money furnished by the Louisiana Lottery Company.

This was in the debate in the constitutional convention, bear in mind.

Mr. Robertson further said:

> It was sustained at Odd-Fellows' Hall by this money, and it was because of this that the senate of the Nicholls legislature had unanimously postponed consideration of the house bill abolishing the company upon his motion.

Then follows more discussion:

> That the money of the lottery company had sustained the Nicholls government in its hour of need, and the party recognized this service by indefinitely postponing the bill.

Further along he stated:

> That the democratic party was pledged to sustain the Louisiana Lottery, and that its monopolistic character alone had been combated.

He concluded by saying that—

> The Nicholls government owes its very existence to the Louisiana Lottery Company.

Sir, this constitutional convention actually incorporated a clause in the constitution making perpetual the Louisiana Lottery Company. That lottery is working to-day, the crank of which is turned by the man who fired first on Fort Sumter, and the tickets or prizes are plucked and distributed to the gamblers of the nation at large by the hand of the principal confederate leader who distinguished himself in raiding upon the loyal people of the Shenandoah Valley. That institution stands to-day irrepealable, as a part of the organic law of Louisiana; and the debates of the constitutional convention that framed that constitution and submitted it to the people bear undeniable and ineffaceable impress of the fact that this charter was put in the constitution because the Louisiana Lottery Company furnished the money requisite to disintegrate and overthrow the legal Packard government. Is not this a great moral spectacle?

Sir, that is one of the reasons why I do not represent a *de facto* government on this floor. That is the immaculate record left behind for all time by the democratic party of Louisiana; a party which, when they had $300,000 in their treasury placed to the credit of the interest fund, coolly, with the audacity of a highwayman, took it from the treasury, and in the language of the resolution "remitted it to the State" for the benefit of the members of the Legislature, and to pay them their per diem and mileage, and left the creditors of the State to go begging, and they have been in that plight from that day to this.

I have been desultory in my remarks because I could not well avoid it. I have taken a longer time than I intended. I can only justify myself on the ground that, as I stated in the outset, my colleague made an unwarranted and unjustifiable charge that I do not represent the State of Louisiana on this floor.

Mr. JONAS. Mr. President, there is an old and homely saying that "it is an ill bird that defiles its own nest." I do not expect to apply this proverb to my colleague, because it is doubtful whether his nest can be found in the State which he professes to represent. But he has at last sought the opportunity, which he could have had for the last two years, of pouring forth all the bile, all the malice, all the vituperation, and all the filth which has long been imprisoned in his heart against the people whom he says he in part has the honor to represent on this floor.

I am not going at this late hour of the evening and of this discussion to follow him through the evidence which has been procured by his party (majority or minority as it might happen to be) through the various investigating committees which have inquired into the elections held in Louisiana in 1874, in 1876, and in 1878. This evidence has been discussed upon this floor *ad nauseam*. It has been discussed upon the floor of the House. The reports of these committees have been before the people, and they have been ventilated both in this Chamber and elsewhere until every man is not only familiar with them, but disgusted with the consideration of what has been called Louisiana carpet-bag politics.

The honorable Senator has had four years in which to speak. He has had two years in which to answer the speeches which have been made here upon Louisiana politics and Louisiana history, and especially upon that part of its history covered with infamy, the period during which he presided over its destinies, pretending to be, and, through Federal aid, having the power to assert himself to be, the governor of its people.

I say that the garbled extract which he has read here to-day is one of the numerous slanders fulminated against the people of Louisiana by that string of witnesses whom he has long had in his pay and under his control, who testified for him at home, and whom he brought up here, some of whom came here to testify against him, but were prevailed upon to testify in his favor. This same string of witnesses, giving the same evidence, have again and again sought to fasten their calumnies upon the people of Louisiana, and again and again has their false witness been refuted by the testimony of the best and most reputable citizens of Louisiana of both political parties, whose testimony is to be found in the same reports from which he has quoted.

Mr. President, in every election since 1870 (and that election was a base fraud, and was so characterized by the then governor of the State, under whose auspices it was conducted) the democratic party have received a fair majority of the votes of the people of Louisiana. They carried the election in 1872 and elected John McEnery governor and a democratic Legislature, but the will of the people was subverted by the returning board and the instruments of the Senator. The returns actually made in the election were set aside, and he and his Legislature were counted into office without any election returns at all, without any evidence to support their pretended election, and in direct violation of the will of the people.

In 1874 the democrats again carried Louisiana, electing their State treasurer and electing a Legislature. Again was the will of the people subverted. Again did the Senator's returning board set aside the returns of the election as held at the polls and substituted for the votes of the people false and fraudulent returns, electing a republican treasurer and a republican Legislature.

So great was this enormity, maintained and supported as it was by the Army of the United States and by the then President with all the plenitude of his power—so great was this outrage considered that the committee of investigation sent to Louisiana to inquire into that election by a republican House, having on it a republican majority, reported that the return of the election was fraudulent; that the democrats had carried the election, and had elected the Legislature. That report was not only signed by the democratic members of the committee, but it was written by a distinguished gentleman whom I saw on the floor of the Senate only a few days ago, the present governor of Ohio, and it was also signed by the distinguished gentleman who has just been appointed to represent the United States at the court of Austria.

There was a minority report, signed by two gentlemen now Senators on this floor, and by the late Vice-President of the United States; but that minority report so little commended itself to the conscience of at least one of its signers that he lost no time in going back to Louisiana and seeking to repair the evil which had been done (and which he considered he had to some extent countenanced) by procuring a compromise to be made of the Louisiana Legislature, so as to give the democratic party a majority in the house of representatives, as they claimed had been elected.

I am not going into the details of the election of 1876, which was investigated by a Senate committee, which was investigated by a House committee, and which was investigated by commissioners sent down by both parties to participate in the count. I am not going to give a history of the returning board of 1876. I am not going to recount the episode of Eliza Pinkston; I am not going to bring to the witness stand Mrs. Agnes Jenks. I am not going to bring up the ignoble instruments in the fraud which was there attempted to be perpetrated; by which the vote of Louisiana was again to be stolen from her people under the same auspices, and a republican governor and a republican Legislature again installed where the people had given a democratic majority.

The honorable Senator professes to have come to the Senate as the result of that election, and he has remained in his seat, I care not to inquire from what cause. I rose to-day not to discuss this question over again. I said nothing against the Senator or the mode or manner of his election. I rose simply to disclaim for myself and for other Senators on this floor that it was owing to our magnanimity or our constitutional scruples that he occupied his place in this Senate. He was elected by no Legislature at all. Did we not sit here for two years while this matter was under consideration, and has a Senator risen on that side of the Chamber to vindicate his election? Has a Senator risen to contend that the Legislature which elected him was the proper and legitimate Legislature of Louisiana? He was elected, as the world knows, as every Senator sitting on this floor knows, by a mere mob, an unorganized body having no more right to elect and send a Senator here than any assemblage of persons gathered in a county meeting or political caucus.

He is here, and now that he finds himself here in safety, now that the Senate is equally divided, with a possible republican majority, he rises for the first time and waves the bloody shirt and introduces this class of political discussion, which he says he trusts he will never hear of again. He can vilify his people; he can slander the people whom he professes to represent; he can accuse them of assassination, of violence, of bloodshed, of disfranchising the voter at the polls, of making fraudulent returns of the election, but he trusts this will be the last time he will ever hear in this Chamber of such accusations. Does he expect them to meet with no reply?

He tells us, Mr. President, that in these charges which he makes against a brave people that he pretends to represent he is justified and backed by the best people in our community, the planter, the merchant, the tax-payer. It is needless for me to answer this assertion. The people of Louisiana have sent two distinguished gentlemen here claiming his seat. In all the length and breadth of the State there is no man, not even I believe belonging to the republican party, who conscientiously believes that my colleague was ever elected or has any right to a seat on this floor. The man cannot be named, the planter or merchant or capitalist or man of honor or man of character in Louisiana, who considers that the gentleman sits upon this floor as a fair representative of the people or who desires that he shall be maintained in his usurped prerogative.

As I said before, these are old, oft-told tales of slander and calumny. They have been refuted over and over again. I am not going to wade into the dirty depths from which they were produced again to examine and to criticise them. The elections in Louisiana are as free and as fair as they are in any of the States of this Union. The election in 1876, the election in 1878, and the election in 1880, (to which the gentleman did not allude,) where a democratic majority of 30,000 was polled for General Hancock, were as free and fair as any elections that were held in any State in the Union.

I cannot expect the Senator to do it, but gentlemen on the other side must cease to calculate on the color line; they must cease to say that the colored man is necessarily a republican and the white man a democrat. The fact is otherwise. A large proportion of the colored men in Louisiana belong to the democratic party and vote for the democratic candidates with the same alacrity and willingness as I do, and none know it better than the Senator himself. Their eyes were long enough blinded; they were long enough kept in the control of the republican party; they were long enough led by the nose and deceived, but they awoke from their dream. They awoke when, after long and hard fighting at the polls and by constitutional methods, the democratic party at length gained possession of the government of Louisiana, and the colored people found that they were not to be relegated into slavery. They found that they were not to be deprived of the benefits of their emancipation. They found that they were to be paid for their labor. They found that they were still entitled to all political privileges and would be maintained in them. They found that their children were to be educated. They found that their schools and their churches were to be maintained; and they found at last those blessings of liberty which they had sought in vain during the radical and carpet-bag administration of my State.

I say to-day, Mr. President, that there are no more prosperous, no better satisfied, and no happier set of laboring people on the face of the earth than the colored people of the State of Louisiana. They have to a large extent embraced the democratic party. And why should they not? They were reared among the people of the State; they were reared among the white people; they have grown up among them; they know them and understand them well. They may have been led to believe at one time that they got their freedom against the will and protest of the white people of the South, and feared that they might be deprived at some future day of their freedom; but conscious now that they will be maintained in all the rights which have been conferred upon them, they are to a large extent, and perhaps a majority, as much devoted to the success of the democratic party as I am, and vote that ticket at each recurring election, as I do.

Mr. President, I am not going into the discussion of the Louisiana State debt. The honorable Senator wonders that I did not rise in my seat to defend the State of Louisiana. Only to a limited extent is the debt of the State of Louisiana of any concern to the democratic party of the State—only that they constitute the tax-payers and have to pay it. The State of Louisiana went into the war owing comparatively a small debt. I have not the figures before me, and I never can carry them in my head, but I think the *ante-bellum* debt of the State of Louisiana, one of the wealthiest States in the Union, was only $5,000,000. The whole war debt was, of course, repudiated. It was repudiated by the amendment to the Constitution of the United States which prevented us from paying it even if we had desired. Immediately after the war a debt was contracted for levee purposes, to repair the damage which had been done during the war, in the course of which nearly all the levees of the Mississippi River had been destroyed.

This constituted the whole indebtedness of the State of Louisiana at the time when the carpet-bag government was inaugurated. The debt was then, I think, under $10,000,000. Under the carpet-bag auspices, under the beneficent government of Warmoth and Kellogg, that debt was increased to upward of $20,000,000—to about twenty-three million dollars.

For this debt what consideration had the people of Louisiana? Not a railroad was built, not a levee was permanently built, not a public improvement was made. Bonds were issued, and the interest was ground out of the people, and the money was squandered—I care not to inquire by whom it was squandered—by those who issued the bonds and levied the taxes.

The debt, as I said, was about twenty-three million dollars, when during the administration of my colleague, with a republican Legislature, and under his sanction, arbitrarily and without the consent of a creditor, the debt was shaved 40 per cent., and new bonds were issued at sixty cents on the dollar for all the bonded indebtedness of the State of Louisiana, good, bad, and indifferent.

That was the only act of repudiation, if it was an act of repudiation, which has been committed. The administration of my colleague lopped at one fell swoop 40 per cent. of the indebtedness, and told the creditors of the State they could take bonds at 60 per cent. or get none at all. If this had not been done, it is possible and probable that when the democratic party came into power they might have inquired into the origin and validity of this debt. They might have shouldered what they knew was legitimate and valid, and they might have inquired what was the consideration for six, ten, or twelve millions of fraudulent indebtedness. But the funding bill destroyed the identity of the indebtedness; it converted the *ante bellum* debt and the reconstruction debt into similar bonds. It was impossible to distinguish the debt when the bonds had passed out into the market and had lost their identity, and no one could tell which bonds had been issued for the valid debt of the State and which bonds had been issued for the invalid and illegal debt. Therefore, no question has ever been made by the people of Louisiana.

These bonds bore 7 per cent. interest in the plenitude of the munificence of that State government of which my colleague boasts so much. These bonds being in the hands of himself and his friends, he made them bear this interest at a time when the Government of the United States was paying 4 and 4½ per cent. in order to borrow money, and when no State that was settling its indebtedness was issuing bonds to bear more than 4, 5, or 6 per cent.

Under his beneficent rule the people of the State had become poor, broken down, exhausted, and deprived of every resource. He may have left a paltry pittance in the treasury; he left nothing in the hands of the people. In that very book, the report of the Teller committee, it is shown that in one parish, the parish of Natchitoches, the people paid 8¼ per cent. taxes per annum. He may have ground out the money to pay the interest on these bonds, but I say he left nothing in the hands of the people. The people were unable to pay this interest; they were unable to pay the grinding taxes, amounting, municipal, parish, and city, to about 2½ per cent. as an average through the whole State, and in some parishes to 3 and 4 per cent., until they culminated in Natchitoches in 8 per cent.

I was not a member of the constitutional convention of Louisiana, and of their action I do not express any opinion, although it has been indorsed and approved by the people. They never cut down the principal of the debt, immoral and illegal though much of it was, a single copper. My colleague stated that we cut it down somewhat in the principal. Not a copper. Finding that they were unable to investigate it, they shouldered their cross. Finding also that in the impoverished condition of the country, in the reduced values of property, they were unable to pay the interest, they adopted and affirmed the whole debt as it existed according to the funding bill passed by the Legislature under the administration of my colleague, but scaled the interest, providing that for the first few years 2 per cent. interest should be paid, for the next 3 per cent., and for the remainder of the time till maturity 4 per cent. interest, and that new bonds should be

issued in exchange for the old ones bearing these different rates of interest.

That is all my State has done with the debt, exaggerated as it was over 50 per cent. by fraud, bad government, and malfeasance. That is better than has been done by most other communities so despoiled and impoverished; far better probably than the people of Louisiana were able to undertake. It was no measure of repudiation. As I have said here before, the people of Louisiana would have been justified in repudiating a large portion of their debt had they been able to investigate and inquire into it, but the measures taken by my colleague while governor prevented an identification of the debt, and thus prevented it from being scaled. It was put in the market without any earmarks upon it, and we were prevented from doing anything but what we have done—submitting the question to the holders of the bonds whether they will graduate and scale the interest and take that interest which the people of Louisiana will be able to pay.

Mr. President, I repel with scorn what the honorable Senator has said about my election to the Senate. It has never been questioned at home; I challenge him to question it here. I received at the election when I was honored by being chosen a Senator the vote of my opponent, Governor Warmoth, the predecessor of Mr. KELLOGG. Deduct all the votes that he calls doubtful and I still would have been elected, having received the unanimous vote of the democratic party, which constituted over two-thirds of the Legislature. Not a member, however, cast his vote for me but was legally, fairly, and truly elected by the people and so returned, and the validity of their election has been vindicated since by the re-election of democrats in every parish that was then represented by democrats.

The honorable Senator speaks of the future of the republican party in Louisiana. He boasts that they have carried one district at the recent election. That was always a republican district. It gave a large majority for Packard at the time Packard was a candidate for governor. That district elected Mr. Acklen the first time on a contest, and the second time Mr. Acklen was elected because two republican candidates were running, one of whom, it is charged, was brought out by the custom-house for the purpose of defeating the regular nominee.

The Senators on the other side must not be deceived by the empty vaporing of the honorable Senator who does not believe himself a word that he says. Louisiana to-day is democratic on a fair vote, with every vote cast and every vote counted, by at least thirty thousand majority. I say her governor will be democratic, her Legislature will be democratic, her congressional representation will be democratic, and her electoral vote will be democratic as long as the democratic party gives proof that it deserves the support of a free people casting a free ballot and protecting that ballot for every man, white and colored, who may be entitled to cast it.

Mr. President, it will be strange news in Louisiana that the honorable Senator stands up here and avows himself the champion of a free vote and a fair count in the State of Louisiana. Connected as he has been with every fraud upon the ballot-box; connected as he has been with every fraud upon the returns; connected as he has been with every attempt to stifle and destroy suffrage in that State on the part of either white or colored men, his remarks will excite but a broad laugh of contempt and scorn throughout the length and breadth of the State which he says he represents, where he is so highly esteemed, and for whose people, tax-payers, rich and poor, white and colored, he here stands up to-day as the advocate. Heaven save the mark!

Mr. KELLOGG. Mr. President, I shall not occupy the time of the Senate long, but I think it better to occupy the time now in reply to my colleague than to let the occasion go by. His remarks are fresh upon my mind and I can reply briefly.

A spectator in the galleries or upon the floor conversant with Louisiana matters would be astounded at much that my colleague has said. I am surprised myself, although I have been accustomed to his loose and questionable (if I may be permitted to say so) statements upon the floor of the Louisiana Legislature.

My colleague said, as I understood him, that the debt of Louisiana was very small when the war broke out.

Mr. JONAS. Between five and six million dollars, I said.

Mr. KELLOGG. I think my colleague said it was very small. I hold in my hand a tabulated statement of the debt of Louisiana when the war broke out. The *ante bellum* debt amounted to $10,157,882.12. The *post bellum* debt, the debt accumulated after the war under democratic auspices and by the Legislatures of 1865, 1866, and 1867, convened under the provisional government of Andrew Johnson, then President, amounted, up to the time when the republicans took charge of the government, in 1868, to $14,347,051.12.

Mr. DAWES. In addition to the *ante bellum* debt?

Mr. KELLOGG. No, including it. The democratic Legislature of 1866 and 1867, composed exclusively of white men, mostly ex-confederates, a Legislature which voted without one single dissenting voice to table the fourteenth constitutional amendment, although the then President, Andrew Johnson, sent a telegram through the governor beseeching them to adopt it, actually appropriated $14,000,000 over and above the revenues of those years. That is a matter of record.

My colleague says that that debt was greatly increased under Governor Kellogg and Governor Warmoth. I stand here to challenge that statement and say that neither my colleague nor any man living can put his finger upon any law passed during my administration approved by me authorizing the issue of one dollar of bonds or warrants that form a part now or at any time formed a part of the bonded or floating debt of Louisiana. My colleague cannot do it. I will give way if he will. Not a dollar of indebtedness can be pointed out as incurred under my administration. Still he tells you that the debt of the State largely originated under my administration. Why, sir, I reduced the debt; I reduced the taxes; and he knows it. He knows that when I went out of office I left money in the treasury to the credit of the interest fund. After paying the interest to Saturday at three o'clock I went out of office on Monday; and he knows that afterward under democratic rule the interest coupons of the bonds of Louisiana were hawked about the market at a nominal figure and that Louisiana has stood since in the markets of the world branded as a bankrupt and defaulter.

Still my colleague will stand up here representing the democratic party of Louisiana and a portion of the democratic party of this country, and give utterance to such a statement as that. It is something marvelous; something passing belief. Now, if I am wrong, I will give way to my colleague in order that he may correct me.

Mr. JONAS. How much was the bonded debt increased between 1868 and 1876?

Mr. KELLOGG. I will state it.

Mr. JONAS. I want to know.

Mr. KELLOGG. The debt was increased under Governor Warmoth's administration, not under mine, until it very nearly reached the constitutional limit fixed by the State in 1870 limiting the State debt to $25,000,000. The bonded debt alone was about $22,000,000.

When I went into office I found, not as the honorable Senator from Virginia stated yesterday—he probably got it from some print—that the debt was $41,000,000, but I found the actual bonded and floating debt between twenty-three and twenty-four million dollars. The excess that the democratic campaign documents during the last presidential campaign were wont to hold up to the country as the debt of Louisiana was the contingent liability authorized by acts passed largely by the democratic Legislatures of 1866 and 1867, not a dollar of the bonds authorized by these contingent acts ever having been issued, so that the entire debt was really between $23,000,000 and $24,000,000.

I found that to be the condition of things; I found that the State owed $60,000 to the interest fund; I found no money in the Treasury. The chief portion of that debt was incurred in the interest of the democratic party.

Sir, in reply to my colleague in the matter of funding the debt, believing the resources of the State would not justify its payment in full, I did recommend the passage of a bill and of a constitutional amendment, the latter to be submitted to the people at the next general election, authorizing the funding of the then debt, bonded and floating, at sixty cents on the dollar in a forty-year 7 per cent. bond; and the constitutional amendment submitted to the people provided that that bond should be a subsisting contract between each and every holder of these bonds and the State, which the State should in no wise impair, and that the judicial power might be invoked to enforce the payment of the bond, interest and principal, when the same fell due, and providing for the levying and collection of a separate tax of five and one-half mills to pay the interest upon these bonds; also limiting the State debt to the amount of these bonds. These constitutional amendments were adopted at the next general election, and never disputed—adopted by an undisputed majority of the votes of the State. We then said to the creditors throughout this country and in Europe, "Come forward and fund your bonds, because we have a constitutional amendment that will secure their inviolability; the State waives its sovereignty; even the democrats say they will pay it; they declare they will pay the bonds so issued." The chamber of commerce, the cotton exchange, all parties agreed to this.

The bondholders came forward and sent their committees from London and from New York. They came to Louisiana, and I showed them that in good faith we had submitted this funding proposition, and they brought forward their bonds, and when I left the office of governor over ten millions had been funded. The compromise was acquiesced in by the bondholders after an examination of the funding bill and of the constitutional amendment, with the guarantees that surrounded the bonds. They took the new bonds in good faith. I then went to New York before the governing committee of the stock exchange, and, after full examination, they decided that our funding was not an act of repudiation, and they placed those bonds upon the stock exchange of New York, where they had put few bonds of any other Southern State, and those bonds immediately went to seventy-five or eighty cents. That was in the year 1876.

It is needless to go over the history of this, except to say that I went out of office paying the interest on those bonds, but as soon as the democratic party got into office and procured possession of the State government under Nicholls, they immediately passed a resolution through their Legislature affirming and ratifying that issue of bonds. After appointing a committee, the speaker being chairman, and having a report laid before them saying that none but legitimate bonds had been funded by our board, they published that to the world, and the funding board, of which Governor Nicholls was president, stated to the world in a resolution published broadcast through

this country and Europe that they would pay those bonds, principal and interest.

The supreme court of the State, composed exclusively of democrats, rendered an elaborate opinion, affirming the validity, binding effect, and constitutionality of the funding law and the constitutional amendment, and stating that these bonds were the legitimate debt of the State. More than all that, the executive department, the legislative, and the judiciary having ratified the validity of these bonds, Governor Nicholls sent to Europe and elsewhere a statement, signed by himself and the funding board and all the State officers, embodying the opinion of the supreme court that these bonds represented the honest debt of the State, the interest of which would be promptly paid whenever due. The bonds went immediately in New York and abroad to ninety cents and upward on the belief that now the oft-repeated argument would be illustrated and made a practical verity, that the white people, who had refused heretofore to pay taxes, would come forward under their own government cheerfully and pay them.

On the 1st day of July, 1877, the first interest accrued, amounting to between $300,000 and $400,000, and they took the money we had left to the credit of the interest fund, with money they had collected in the mean time, and paid the first installment of interest due in July, 1877; but in January, 1878, the State went to protest, and from that time on they have been defaulters in all the markets of the world. Then the Legislature went to work and hypothecated all the interest that had been accumulated under the funding bill during the last six months of that year, and gravely appropriated it to their own use and then passed a bill authorizing the calling of a constitutional convention.

Mr. McMILLAN. Was that the interest accruing?

Mr. KELLOGG. Yes; the interest tax of five and a half mills provided by the funding bill. When the constitutional convention met, no interest having been paid in the mean time, they went to work gravely, and a committee of democrats proposed to repudiate all but about five million dollars of that debt; but Thomas J. Semmes, a democrat, and others, who represented large commercial and planting interests in the State, succeeded in procuring the adoption of a minority report which left the debt intact, with this proviso in substance, that the first five years the interest should be 2 per cent., and after that 3 or 4 per cent., or something of that kind, graduating it, and providing that no interest should be paid unless the holder of each and every bond came forward and allowed the treasurer to stamp on their bond a new contract. They not only repudiated all the money then to the credit of the interest fund and collected during that year, but they practically scaled the debt down 25 per cent., and scaled the interest down from 7 to 2 and 4 per cent.

Mr. JONAS. Does the Senator say that the ordinance passed by the convention scaled the debt?

Mr. KELLOGG. I will read the ordinance.

Mr. JONAS. That it scaled the debt 25 per cent.?

Mr. KELLOGG. I will read it, and then there will be no question.

Be it ordained, &c., That the interest to be paid on the consolidated bonds of the State of Louisiana—

Bonds that the democratic supreme court, the democratic executive, and the democratic Legislature had ratified and declared valid and binding—

be, and is hereby, fixed at 2 per cent. per annum for five years from the 1st of January, 1880, 3 per cent. per annum for fifteen years, and 4 per cent. per annum thereafter, payable semi-annually; and there shall be levied an annual tax sufficient for the full payment of said interest, not exceeding three mills, the limit of all State tax being hereby fixed at six mills: *Provided*, The holders of consolidated bonds may, at their option, demand in exchange for the bonds held by them bonds of the denomination of $5, $100, $500, $1,000, to be issued at the rate of seventy-five cents on the dollar of bonds held and to be surrendered by such holders, the said new issue to bear interest at the rate of 4 per cent. per annum, payable semi-annually.

Mr. JONAS. There was an option there.

Mr. KELLOGG. An option—a rather severe option; the same option that a highwayman gives to his victim when he puts his pistol to his head and orders him to deliver.

Mr. BLAIR. What was the interest originally?

Mr. KELLOGG. Seven per cent.

ART. 2. The holders of the consolidated bonds may at any time present their bonds to the treasurer of the State, or to an agent to be appointed by the governor—one in the city of New York and the other in the city of London—and the said treasurer—

Now, note this. I see the ex-Secretary of the Treasury before me, and I am sure he will appreciate this kind of financiering—

and the said treasurer or agent, as the case may be, shall indorse or stamp thereon the words, "Interest reduced to 2 per cent. per annum for five years from January 1, 1880, 3 per cent. per annum for fifteen years, and 4 per cent. per annum thereafter:" *Provided*, The holder or holders of said bonds may apply to the treasurer for an exchange of bonds, as provided in the preceding article.

They may exchange, or, in order to get their interest, submit to a defacement of the face of the bonds by a stamp that changed the original terms of the bonds to a lower rate of interest. Now, Mr. President, here is the cap-sheaf of all. What I am about to read is, I think, sufficient to make the legislative body that adopted it a by-word and a hissing among all honest, intelligent men; and I think I do not use too strong language. Bear in mind, now, that they had not paid the interest falling due January 1, 1878, and had collected a large amount to the credit of the interest fund during 1880.

Be it further ordained, That the coupon of said consolidated bonds falling due the 1st of January, 1880, be, and the same is hereby, remitted, and any interest taxes collected to meet said coupon are hereby transferred to meet the expenses of the State government.

They transferred the money in the hands of the treasurer to the credit of the interest fund that belonged to each and every coupon-holder in Amsterdam, London, and New York to their own pockets. They just transferred it to the credit of the general fund to defray the expenses of the State government. What was the result? The bonds went down at once to eighteen or twenty cents, and even more, I believe. Large business houses that I might mention had bought a large amount of these bonds. They purchased them immediately after the Packard government was overthrown. They purchased believing that the democracy would pay their taxes and would pay the interest on these bonds; but when this act of repudiation took place the bonds went down like lead on their hands. A prominent member of the national democratic committee asked me not long since what he should do with his bonds which he purchased at this time. I told him that I thought perhaps the interest reduced to 2 per cent. now due on those bonds might be paid; but if there was a series of crevasses or a failure of crops it might not be paid. He said he knew that well enough, and was going to sell them, "and," said he, "I give it to you as my opinion that a more rascally set of repudiators don't live in the world than the democracy of Louisiana, and you may tell them so for me." [Laughter.]

I ask my colleague what he thinks of Riddleberger and his readjustment and repudiation now?

Mr. TELLER. When was the ordinance adopted?

Mr. KELLOGG. In 1879. I stated in the outset that I thought a spectator in the galleries or on this floor would be astounded at the statements made by my colleague regarding the State debt of Louisiana. If they were not absolutely too ridiculous I would go a little more into his assertions in regard to the State debt; but there is one thing that he stated which has not escaped my attention, and I propose to devote a moment to that. It is that the colored people now, accepting the situation, just hanker after an opportunity to vote the democratic ticket in Louisiana. Well, I think this statement will astonish any man within the sound of my voice who knows the condition of affairs in Louisiana; I know it would the people, irrespective of color and race or party predilections, in Louisiana. In the district in which I live, and I live in Iberia Parish, where the races are about equal and the registered vote is about equal, we got in the neighborhood of 800 majority at the last election. I suppose the colored people all rushed to vote the democratic ticket, and it is the first fair election they have had the last eight or ten years. In Saint Mary's Parish we got a larger majority than we were really entitled to according to the relative proportion of the races. La Fayette Parish, a democratic parish, my colleague will tell you we carried, or very nearly carried.

So of Saint Martin, another democratic parish. So of La Fourche, and so of Terre Bonne. In Assumption, where the races are about equal, we had 300 majority for member of the Legislature in 1876 and some 600 or 700 majority this year. The other parishes averaged nearly this majority at the last election, where the races are just about equal. But there is where we had a fair election. They were grinding their sugar; it was in the month of November. Every man's time was worth a good deal, and the planter could not afford to have any disturbance among his hands. To use a common expression of the Louisiana planters, "they knocked off work on election day and gave the boys a holiday." All went to the polls and voted. We had consequently over six thousand majority in this district. Still we are told the colored people voted the democratic ticket!

But this result did not hold good in every part of the State. In the cotton region it was not so important for the planters to keep the peace, and what was the result? I ask my colleague how many votes did the republican ticket get in the parish of Ouachita?

Mr. JONAS. As many as it was entitled to.

Mr. KELLOGG. It got just one; and in 1872 when I ran against Mr. McEnery, in this parish of Ouachita where he lived and where his brother lived who is now the lieutenant-governor of the State, and where the registration was entirely taken by democratic officials, and where we had not a single representative at one poll in the parish, I obtained nearly 900 majority over McEnery; and there are three colored to one white vote in this parish now.

Mr. JONAS. At the election in Ouachita, my colleague is quoting such figures as the memoranda and scraps received by politicians told him was the vote in Ouachita Parish. The parish of Ouachita gave McEnery a majority, elected a democratic senator, and elected two democratic representatives in 1876, and it has given a democratic majority ever since.

Mr. KELLOGG. I was speaking of 1872, and not of 1876.

Mr. JONAS. I thought you were speaking of 1876.

Mr. KELLOGG. No, sir. In that parish in 1872 we got nearly a thousand majority, and in 1874 we elected members of the Legislature without dispute; and, when we came to 1876, I read an extract from a report of a lieutenant of the Thirteenth Infantry a little while ago, and by such bloody deeds as there described the vote of our people was suppressed.

Right here in passing I want to say, in regard to what my colleague said when he was last on his feet, that the testimony referring to that which I had read at the Clerk's desk was part of the evidence given by slanderers of Louisiana, suborned witnesses, and so forth. I will tell him that if he will go to the files of the War Department he will find as matter of record the report of the colonel of the regiment, the captain and the lieutenant of the company referred to, company C, I think, of the Thirteenth Infantry, which reports were through the colonel sent to the Adjutant-General, and by him to the War Department. He will find that I rely exclusively and entirely upon what was set forth in the reports made by those subalterns through their chiefs to the War Department in regard to the transactions in Ouachita and other parishes.

In the parish of Ouachita in 1874 we elected indisputably two members by 600 or 800 majority; but in 1876, by such frauds as I have described, the vote was changed, and in 1878, when Taylor Beattie, a native of the State and an independent republican or an independent democrat, was running for governor, and Gillespie, one of the largest planters, as my colleague knows, in the parish of Concordia in the old times, an old-time whig, was running for lieutenant-governor, they got some 76 votes only, so great was the terrorism; and at the last election, as I have said, one vote only. Still the colored people make haste to vote the democratic ticket. They voted it unanimously in Ouachita, but down where I live, in the sugar district, where the races are equal and the registered vote is equal, with none or few representatives of the republican party at the polls, we got 700 or 800 majority in several of the sugar parishes.

Mr. President, it is humbug; it is bald, unblushing, unjustifiable effrontery to say that the colored people of Louisiana vote willingly the democratic ticket. What, sir, the people in whose cabins you will find the picture of Abraham Lincoln as their emancipator and of Ulysses S. Grant as their defender, men who in times of political excitement hide those pictures under the floor-boards of their cabins—tell me that those men who have learned from their childhood to regard the democratic party as their natural enemy, who have been hunted in the swamps, who during election times know well if they attempt to assert their right of citizenship conferred on them because of their loyalty to the nation that it will be the signal for an onslaught on them and will cost them if not their lives, at least their liberty and safety! Tell me that a class of men who know nothing of the democratic party except that they know them as their oppressors will go to the polls willingly and vote for the candidates of that party! Oh, no, sir! Human credulity is taxed too much to assume that. Let the colored people of Louisiana vote and 98 per cent. at least will vote for republican candidates. They will go to the polls and vote the republican ticket. Turn to your files and you will find the testimony of one Captain Sinnott, which is illustrative, a noted steamboat captain in New Orleans; my colleague knows him very well. He testifies that at a time of considerable political excitement he hired a warehouse in New Orleans and put therein some two hundred colored stevedores and paid them wages several days before the election, and put tickets in their hands and led them to the polls on the morning of the election, and he testified before a congressional committee that, to his utter astonishment, each and every man took from the other pocket a republican ticket and voted it. [Laughter.] Oh, no, sir, let the colored people not only of that State, but of all other States in the South, vote upon the question of President and Congressmen—they may vary a little in the matter of a constable or a police juror—and they will vote always for the republican.

Now I want the attention of my colleague a moment longer.

Mr. TELLER. I should like to ask my honorable friend if he will allow me to call his attention to a resolution passed by a democratic convention in Tensas, in 1878, which I think illustrates more fully than a long speech will the alacrity with which these men vote the democratic ticket. The testimony showed that in this parish the colored republicans appointed a committee to confer with the democratic committee to see if they could not put up a joint ticket, and that is in a parish that the governor says in his message has ten colored people to one white man; and at their meeting the democrats declined to accept the joint ticket, and passed this resolution:

> A committee was then appointed to wait on the leading colored men and say to them that any effort on their part to get up a ticket in opposition to the one just nominated by them would be regarded as a declaration of war.

Mr. KELLOGG. Mr. President, I am reminded just now that my colleague intimated that I did not reside in Louisiana. I suppose he meant to imply that I was a carpet-bagger, that I belonged to that peculiar class denominated "carpet-baggers." Well, sir, I was not born in Louisiana. I do not know that I am any better for that or any worse. By an accident of birth my lot was cast very much further north; but I may say that my immediate predecessor at the time I took my seat here in July, 1868, was born in France and his colleague was born in the West India Islands. Mr. Slidell was born in New York. I think I may say that there have been but few, perhaps not more than five or six, Senators, natives of Louisiana, here in the last forty years. My colleague himself is a carpet-bagger. He was born in the North, I believe. I remember his father very well as the postmaster of Quincy, Illinois, appointed by President Lincoln. [Laughter.] I do not think there is very much to be said on that score; but it is proper for me to say here that I have large interests in Louisiana, and have had for the last fifteen years. That I have large agricultural interests there is well known.

Mr. President, I think it is useless for me to go on longer in this discussion, but I will take this occasion to say that probably at an early day, if occasion offers, I may have an opportunity and will avail myself of it to go into the question of the manner in which elections have been conducted in Louisiana. I desire, however, before I leave the subject, the attention of the Senator from New York, [Mr. CONKLING,] and I want the attention of Senators on this side and on the other side, to a simple statement that I desire now to make.

Much has been said about the returning boards in Louisiana; a good deal has been said here for years and in the other House and in the public prints and throughout the country regarding the manner in which elections have been conducted in Louisiana by partisan returning boards and the power lodged in the governor. Now, I believe I am correct in stating—and my colleague will correct me if I am not—that immediately after the Nicholls government took charge of the State government of Louisiana, finding a law on the statute-book authorizing the police jurors in the respective parishes to designate the polls and name the commissioners of elections, and finding in a large number, some twenty-odd parishes out of the fifty-seven that constitute the State, a majority, and in some parishes all the police jurors (five in each parish) were elected as republicans, they passed a law among their first acts providing that from and after the passage of the act the governor should be authorized to appoint, in his discretion, not to exceed five police jurors in every parish in the State, so as to give by his appointment a majority or all of the police jurors of the State to his party. At the election of 1878—and that law only ran till the next General Assembly—they elected, under the general election law passed by the Nicholls Legislature contemporaneously with this police-jurors act, police jurors in every parish. Those police jurors were to hold till the next general election; but at the last session of the Legislature in 1880 they provided by the passage of another act that all these offices should be vacant, that the governor should appoint every one of the police jurors in all the parishes of the State, who should in their turn hold their offices until the next general election in 1883; and the election law provides that the police jurors of every parish shall divide the parishes respectively into election precincts and designate the polls in each election precinct, and designate the commissioners of election, whose return is final; and the registration law provides that the assessor appointed by the governor shall register all voters, and that he shall furnish to the sheriff the registration of the parishes, and on the morning of the election the sheriff causes to be printed the names of the legal voters in the wards of the different parishes respectively and hands them to the police commissioners appointed by the police jury, and they hold the election, make the returns, and file one with the clerk of the court and place another in the hands of the returning officer, who returns them to the secretary of State, who makes a promulgation of just what they are, just the votes that A receives, and just the votes that B receives, without crossing a "*t*" or dotting an "*i*."

Thus the governor of the State by a special law appoints in all the country parishes the police jurors, abrogating the election of those who were elected as I have stated. These police jurors designate the polls and designate the commissioners of election. And the governor also appoints the man who registers the vote. In the parish of Orleans the governor appoints the man who registers the vote, and the man who designates the commissioners of election, and at the last election he refused to give the republicans any representation and proceeded to register up to the very day of the election in contravention of the law which provides that ten days before the election the registry books shall be closed.

So in the parish of Orleans, where nearly a third of the vote of the State is cast, the governor appoints the man who registers, the man who designates the commissioners of election, and the persons who make returns of the result of the election to the secretary of State; appoints all the men that have anything to do with the election. We had a returning board in the full light of day sitting in the State-house, lawyers always representing the democratic party and the republican party, an open investigation seen and read of all men. The metropolitan journals always published the morning following the proceedings of the day preceding, and it was always known just what the vote that came from the parish was and the evidence on which the returns were changed, if changed at all; but under the present system of election laws in Louisiana there is a returning board at every poll in the State, made up exclusively of appointees of the democratic governor, and their returns are never open to revision.

It may be said, however, that under this system of holding elections it is not necessary to perpetrate so many acts of open violence as under the old laws; for here they can simply make the result to suit their own wishes. The colored and white republicans may here be allowed to vote, but after the polls are closed the election really begins.

Mr. DAWES. Mr. President, I am disappointed that we have not been able to reach a vote on this resolution this afternoon. I hope we shall all come here to-morrow impressed with the duty of reaching that vote. I move that the Senate adjourn.

Mr. FARLEY. I hope the Senator will withdraw that motion.

Mr. DAWES. I withdraw it for the moment, holding the floor.

Mr. FARLEY. I was about to ask the Senate to go into executive session. If, however, the Senator from Massachusetts insists on his motion to adjourn, I shall waive my proposition. My purpose was to ask the Senate to go into executive session to attend to a few matters that are really of vital importance at this time. I am receiving every day from my State solicitations from democrats and republicans to urge action upon treaties which are now pending and demanding consideration. My colleague and myself are both in that position. I want to say further——

Mr. DAWES. Mr. President, I cannot yield for that purpose. If one-half of the dilatory motions that have been made to-day on the other side had been omitted, and we had proceeded to vote, we should have been through with this matter, and then could have taken up the important business in executive session. I make the motion to adjourn now in the hope that our friends who feel the necessity of attending to the business in executive session will take hold in earnest to-morrow morning, and dispose of this matter. I insist on my motion.

Mr. FARLEY. We have been trying to go into executive session every day, but the Senator from Massachusetts and Senators on that side oppose it.

Mr. DAWES and others. Order!

The PRESIDING OFFICER. Debate is not in order. The Senator from Massachusetts moves that the Senate do now adjourn.

The motion was agreed to; and (at six o'clock p. m.) the Senate adjourned.

WEDNESDAY, *March* 30, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

FUNERAL EXPENSES OF THE LATE SENATOR CARPENTER.

Mr. CAMERON, of Wisconsin, submitted the following resolution; which by unanimous consent was read twice and considered as in Committee of the Whole:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized to pay from the miscellaneous items of the contingent fund of the Senate the necessary funeral expenses and those of transporting the remains of the late Hon. M. H. Carpenter to the State of Wisconsin, as set forth in resolutions of February 24, 1881, upon vouchers approved by the chairman of the committee and audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OFFICERS OF THE SENATE.

Mr. DAWES. I call for the regular order.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the regular order. The Chair lays before the Senate the unfinished business of yesterday's session, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the motion indefinitely, on which motion the yeas and nays have been ordered.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT put the question, and declared that he was in doubt as to the result.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from West Virginia [Mr. DAVIS] for the day.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. CAMERON, of Wisconsin, (when his name was called.) I observe that the Senator from Missouri [Mr. COCKRELL] is not in his seat. I am paired with him on this vote.

Mr. JONES, of Florida, (when his name was called.) I am paired this morning with the Senator from New York, [Mr. CONKLING.] If he were here, I should vote "yea."

Mr. RANSOM, (when his name was called.) I am paired this morning with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. BAYARD. I desire to announce that my colleague [Mr. SAULSBURY] is paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. MORRILL. My colleague [Mr. EDMUNDS] is paired with the Senator from Arkansas, [Mr. GARLAND.]

The result was announced—yeas 25, nays 25; as follows:

YEAS—25.

Bayard,	Fair,	Jackson,	Pendleton,
Beck,	Farley,	Johnston,	Pugh,
Brown,	George,	Jonas,	Slater,
Butler,	Grover,	Lamar,	Voorhees.
Call,	Hampton,	McPherson,	
Camden,	Harris,	Maxey,	
Coke,	Hill of Georgia,	Morgan,	

NAYS—25.

Blair,	Frye,	McDill,	Sawyer,
Burnside,	Hale,	McMillan,	Sewell,
Cameron of Pa.,	Harrison,	Mitchell,	Sherman,
Conger,	Hawley,	Morrill,	Teller.
Dawes,	Hoar,	Platt of Conn.,	
Edgerton,	Ingalls,	Platt of N. Y.,	
Ferry,	Logan,	Rollins,	

ABSENT—26.

Allison,	Edmunds,	Kellogg,	Vance,
Anthony,	Garland,	Mahone,	Van Wyck,
Cameron of Wis.,	Gorman,	Miller,	Vest,
Cockrell,	Groome,	Plumb,	Walker,
Conkling,	Hill of Colorado,	Ransom,	Williams.
Davis of Illinois,	Jones of Florida,	Saulsbury,	
Davis of W. Va.,	Jones of Nevada,	Saunders,	

So the motion was not agreed to.

[A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the pending resolution indefinitely.

Mr. HARRIS. Mr. President, the Senate has refused to proceed to the consideration of executive business upon very many occasions for the last seven days, and generally by a tie vote. That being the business for which this session of the Senate was convened, as the Senate has again this morning by a tie vote refused to proceed to the consideration of that business for which we were convened, and as I have little hope from the indications of the morning of our being able to proceed to the consideration of that business, I move that when the Senate adjourns to-day it be to meet on the first Monday in December next, and on that motion I ask for the yeas and nays.

Mr. DAWES. I hope that motion will not prevail. I feel that we ought to go to the business before the Senate and not adjourn.

The VICE-PRESIDENT. The Senator from Tennessee moves that when the Senate adjourns to-day it be to meet on the first Monday of December next, on which he has demanded the yeas and nays.

Mr. DAWES. I appeal to the Senator in the matter.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I will state once for all that I am paired with the Senator from West Virginia [Mr. DAVIS] until he appears in his seat to-day. I suppose if here he would vote for this motion. I should vote against it.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay." I make this statement for the day.

Mr. CAMDEN, (when the name of Mr. DAVIS, of West Virginia, was called.) I desire to state that my colleague [Mr. DAVIS] is paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from New York, [Mr. CONKLING.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. BECK. I desire to say now, so that I need not announce it any more to-day, that my colleague [Mr. WILLIAMS] is paired with the Senator from Nebraska [Mr. SAUNDERS] upon all questions.

Mr. McMILLAN. I am requested to announce that the Senator from Colorado [Mr. HILL] is paired with the Senator from Arkansas, [Mr. WALKER.] The Senator from Colorado would vote "nay" if he were here, and the Senator from Arkansas, I suppose, would vote "yea."

Mr. KELLOGG. I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were here, I should vote "nay."

The result was announced—yeas 23, nays 28; as follows:

YEAS—23.

Beck,	Coke,	Jackson,	Morgan,
Brown,	Fair,	Johnston,	Pendleton,
Butler,	Grover,	Jonas,	Pugh,
Call,	Hampton,	Lamar,	Slater,
Camden,	Harris,	McPherson,	Voorhees.
Cockrell,	Hill of Georgia,	Maxey,	

NAYS—28.

Blair,	Ferry,	Logan,	Platt of Conn.,
Burnside,	Frye,	McDill,	Platt of N. Y.,
Cameron of Pa.,	Hale,	McMillan,	Rollins,
Cameron of Wis.,	Harrison,	Mahone,	Sawyer,
Conger,	Hawley,	Miller,	Sewell,
Dawes,	Hoar,	Mitchell,	Sherman,
Edgerton,	Ingalls,	Morrill,	Teller.

ABSENT—25.

Allison,	Farley,	Jones of Nevada,	Van Wyck.
Anthony,	Garland,	Kellogg,	Vest,
Bayard,	George,	Plumb,	Walker,
Conkling,	Gorman,	Ransom,	Williams.
Davis of Illinois,	Groome,	Saulsbury,	
Davis of W. Va.,	Hill of Colorado,	Saunders,	
Edmunds,	Jones of Florida,	Vance,	

So the motion was not agreed to.

Mr. COCKRELL. I move to lay the resolution of the Senator from Massachusetts on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PENDLETON. Pending that motion I move that the Senate

proceed to the consideration of executive business, and upon that I ask for the yeas and nays.

The yeas and nays were ordered, and being taken resulted—yeas 26, nays 29; as follows:

YEAS—26.

Bayard,	Coke,	Jackson,	Morgan,
Beck,	Fair,	Johnston,	Pendleton,
Brown,	George,	Jonas,	Pugh,
Butler,	Grover,	Jones of Florida,	Slater,
Call,	Hampton,	Lamar,	Voorhees.
Camden,	Harris,	McPherson,	
Cockrell,	Hill of Georgia,	Maxey,	

NAYS—29.

Blair,	Ferry,	McDill,	Rollins,
Burnside,	Frye,	McMillan,	Sawyer,
Cameron of Pa.,	Hale,	Mahone,	Sewell,
Cameron of Wis.,	Harrison,	Miller,	Sherman,
Conger,	Hawley,	Mitchell,	Teller.
Conkling,	Hoar,	Morrill,	
Dawes,	Ingalls,	Platt of Conn.,	
Edgerton,	Logan,	Platt of N. Y.,	

ABSENT—21.

Allison,	Garland,	Plumb,	Vest,
Anthony,	Gorman,	Ransom,	Walker,
Davis of Illinois,	Groome,	Saulsbury,	Williams.
Davis of W. Va.,	Hill of Colorado,	Saunders,	
Edmunds,	Jones of Nevada.	Vance,	
Farley,	Kellogg,	Van Wyck.	

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Missouri, [Mr. COCKRELL,] that the pending resolution be laid on the table.

Mr. HARRIS. As the Senate is a little thin and the motion of the Senator from Missouri is to lay the resolution on the table, I move that the Senate take a recess for one hour in order to give Senators time to fill the vacant seats on the floor.

Mr. DAWES. Is that motion debatable?

The VICE-PRESIDENT. The motion is not debatable.

Mr. DAWES. I wish the Senator would allow me to say that I am greatly surprised that his anxiety to proceed to the legitimate business of the Senate has oozed out so entirely this morning.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, to take a recess for one hour. [Putting the question.] The Chair is in doubt.

Mr. HILL, of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN, (when the name of Mr. HILL, of Colorado, was called.) The Senator from Colorado [Mr. HILL] is paired with the Senator from Arkansas [Mr. WALKER] upon all these dilatory motions, and I make the announcement of the pair for to-day. The Senator from Colorado would vote "nay" on this motion if he were present.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.] If he were present, I should vote "yea."

The roll-call was completed.

Mr. BAYARD. I desire to announce now, that it may apply to the rest of the votes for to-day, that my colleague [Mr. SAULSBURY] is paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The result was announced—yeas 24, nays 28; as follows:

YEAS—24.

Bayard,	Cockrell,	Hill of Georgia,	Maxey,
Beck,	Coke,	Jackson,	Morgan,
Brown,	Fair,	Johnston,	Pendleton,
Butler,	Grover,	Jonas,	Pugh,
Call,	Hampton,	Lamar,	Slater,
Camden,	Harris,	McPherson,	Voorhees.

NAYS—28.

Blair,	Edgerton,	Ingalls,	Platt of Conn.,
Burnside,	Ferry,	Logan,	Platt of N. Y.,
Cameron of Pa.,	Frye,	McDill,	Rollins,
Cameron of Wis.,	Hale,	McMillan,	Sawyer,
Conger,	Harrison,	Mahone,	Sewell,
Conkling,	Hawley,	Mitchell,	Sherman,
Dawes,	Hoar,	Morrill,	Teller.

ABSENT—24.

Allison,	Garland,	Jones of Nevada,	Saunders,
Anthony,	George,	Kellogg,	Vance,
Davis of Illinois,	Gorman,	Miller,	Van Wyck,
Davis of W. Va.,	Groome,	Plumb,	Vest,
Edmunds,	Hill of Colorado,	Ransom,	Walker,
Farley,	Jones of Florida.	Saulsbury,	Williams.

So the motion for a recess was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Missouri, [Mr. COCKRELL,] that the pending resolution be laid on the table, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GORMAN, (when Mr. GROOME'S name was called.) My colleague [Mr. GROOME] is paired to-day with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. INGALLS, (when Mr. PLUMB'S name was called.) My colleague [Mr. PLUMB] is paired with the Senator from Missouri, [Mr. VEST.]

Mr. RANSOM, (when his name was called.) As I stated a little while ago, I am paired on these questions with the Senator from Nevada, [Mr. JONES.]

The roll-call was concluded.

Mr. ROLLINS. The Senator from Colorado [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.]

The result was announced—yeas 26, nays 28; as follows:

YEAS—26.

Bayard,	Fair,	Hill of Georgia,	Morgan,
Beck,	Farley,	Jackson,	Pendleton,
Brown,	George,	Jonas,	Pugh,
Butler,	Gorman,	Jones of Florida,	Slater,
Call,	Grover,	Lamar,	Voorhees.
Camden,	Hampton,	McPherson,	
Coke,	Harris,	Maxey,	

NAYS—28.

Blair,	Edgerton,	Ingalls,	Morrill,
Burnside,	Ferry,	Logan,	Platt of Conn.,
Cameron of Pa.,	Frye,	McDill,	Platt of N. Y.,
Cameron of Wis.,	Hale,	McMillan,	Rollins,
Conger,	Harrison,	Mahone,	Sawyer,
Conkling,	Hawley,	Miller,	Sewell,
Dawes,	Hoar,	Mitchell,	Sherman.

ABSENT—22.

Allison,	Garland,	Plumb,	Van Wyck,
Anthony,	Groome,	Ransom,	Vest,
Cockrell,	Hill of Colorado,	Saulsbury,	Walker,
Davis of Illinois,	Johnston,	Saunders,	Williams.
Davis of W. Va.,	Jones of Nevada,	Teller,	
Edmunds,	Kellogg,	Vance,	

So the Senate refused to lay the resolution on the table.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the pending resolution indefinitely, on which the yeas and nays have been ordered.

Mr. PENDLETON. Mr. President, if the brave words of the President of the United States in his inaugural address are to be carried out in effective practice during his administration we shall have, I think, in the end no more such scenes as these. The President, in his inaugural, said:

> The civil service can never be placed on a satisfactory basis until it is regulated by law. For the good of the service itself, for the protection of those who are intrusted with the appointing power against the waste of time and obstruction to the public business caused by the inordinate pressure for place, and for the protection of incumbents against intrigue and wrong, I shall, at the proper time, ask Congress to fix the tenure of the minor offices of the several Executive Departments, and prescribe the grounds upon which removals shall be made during the terms for which incumbents have been appointed.

As all who have the pleasure of an acquaintance with the President of the United States know, he is a student of history. He must have known what was the result of the introduction of such a civil service in another country from which we have derived many of our institutions. He has studied closely, I not only do not doubt but I happen to know from the speeches that he has made in the other House of Congress, the results of civil-service reform in England, and no doubt he hoped for even greater and better results here. The historian of that civil-service reform says:

> After the explanations already made, it is hardly necessary to say that members of Parliament have practically ceased to possess patronage. They must, in their election contests, make their appeal for support on the principles of their party and their own worth as men. Offices, places, or promotions in the public service can no more be bartered for votes or peddled for influence. Parliamentary patronage—that prolific and degrading element, for a hundred and fifty years one of the great curses of British politics—is substantially no more, and no one mourns its loss or denies its corruption.
>
> The same influences which have raised Executive appointments above the corruption of parliamentary traffic have in the same spirit made themselves felt within the doors of the two Houses. We might easily go back to the time when the appointment of the subordinate officers and clerks of Parliament was attended with personal contests as desperate, with management as lamentable, with a subordination of worth and experience to partisan interests and ambition as much to be deplored, as any which have ever been witnessed in our legislative bodies. Only a faint remnant of such abuses has survived the later reforms in Great Britain. As a rule these clerks and officers of Parliament go on from session to session in the orderly and satisfactory discharge of their functions, which are in no proper sense political. They are required to pass an examination before the civil service commission, which is sufficiently stringent to secure an order of capacity quite beyond what a mere partisan struggle is competent to supply, to say nothing of the saving of time, temper, and dignity.
>
> In the House of Lords, an officer (the clerk of Parliaments) with a tenure which in practice continues during good behavior selects the persons to be examined for clerkships, and in the House of Commons the selection is made by the librarian, who holds his place by the same tenure. These clerkships, I am assured by high authority, are looked upon by members as without political significance, and the discharge of their duties is not regarded as affected by partisan considerations. The dignity of legislative functions is no longer degraded either by petty wrangles about readers, engrossers, and messengers, or by general contests in the interest of local patronage, rival factions, or ambitious leaders.

In order that the Senate of the United States may not longer present the spectacle so graphically described by the historian, I move that we now proceed to the consideration of executive business.

Mr. DAWES. Will the Senator withdraw the motion for a moment?

Mr. PENDLETON. Certainly.

Mr. DAWES. Mr. President, I wish to respond, feebly as I know I shall be obliged to do, to the sentiments uttered by the Senator from Ohio. He and I labored together upon a committee at the last session of Congress to bring about a long desired result of improvement in the civil service. I desire, if the public have not been attracted to the services of the Senator from Ohio, so valuable and

persistent as they have been, to call public attention to the fact that the Senator has labored "in season and out of season." I hardly recollect a day of the last session on which the Senator did not call the attention of the Senate to the fact that he had bills pending to correct all this evil. I know the Senator pressed those bills. The Senator will give me credit for sincerity in saying I have never known bills pressed so constantly upon the attention of the Senate as the bills which the Senator did himself so much credit as to report to the Senate.

I agree with him and with the President of the United States that the tenure of office must be regulated by law. I do not see how in this executive session we can enact such a law. I am exceedingly anxious, as I have tired the Senate with repeating, that we shall get over this difficulty and proceed to the executive business.

The Senator has read with great force the sound sentiment expressed about the long continuance in office of the officers of the British Parliament. We struggled two years ago to convince the Senator and his associates of the force of that truth. We showed that the officers of this body had been long in service; and the Senators on the other side admitted that they had been faithful in service. We appealed to them then to adopt the sentiments which the Senator has produced to-day; but we appealed in vain. The majority of the Senate chose what we thought was an unwise departure from that sound doctrine which the Senator has presented to-day.

I assure the Senator that just as soon as we can recover from that unwise departure on the part of the then majority in the Senate we shall adhere, with all the persistency that a majority is authorized by the Constitution to adhere, to the very sound doctrines that the Senator has promulgated to-day and keep in office, with the judgment of the country behind us, those faithful public servants who have been long tried and found efficient and faithful. That, I think, is the purpose of the constitutional majority of the Senate to-day. I regret that my friend from Ohio, with whom I am laboring and whom I am following, with unequal step I know, in an effort to reform the civil service of the country, indulges in dilatory motions to prevent our recovering from that unwise departure which threw out of office two years ago able, efficient officers of the Senate, so as to let the Senate come back as quick as possible to the position from which it was thrust unwisely and improperly two years ago and in violation of the doctrine here read. This is my purpose, sir. I do not care who is Secretary of the Senate or who is Sergeant-at-Arms of this honorable body; I care to have the civil service of the country put upon a permanent foundation, so that when we have able and efficient officers in office we shall not turn them out as we did two years ago.

Mr. MAXEY. I understand the Senator from Massachusetts makes the point that the removal of officers of the Senate by the democratic party two years ago was unwise, and his purpose is to do away with that unwise act and restore them. Is that the point?

Mr. DAWES. Yes, sir.

Mr. MAXEY. Then I would ask the Senator, was Sergeant-at-Arms French a capable and faithful officer?

Mr. DAWES. Well, Mr. President——

Mr. MAXEY. I only want an answer to that question. If he was a capable and faithful officer and you wish to do away with this unwise act of his removal, why do you not restore him as you restore the old Secretary?

Mr. DAWES. I will answer that question when we come to it. [Laughter.]

Mr. HILL, of Georgia. We are at it now.

Mr. DAWES. That is not the pending resolution. The pending resolution is that we proceed to the election of these officers, and whenever the resolution comes up to which the Senator makes allusion, if the Senator will move an amendment to that resolution he and I will discuss it.

Mr. MAXEY. That is not the point, Mr. President. The Senator has made his own resolution and he says that he wants to do away with this unwise act.

Mr. DAWES. Yes, sir.

Mr. MAXEY. And in support of that he proposes an entirely new man for Sergeant-at-Arms and keeps out the very man that he says it was unwise to turn out a year ago.

Mr. DAWES. I do not propose any such thing. I propose to proceed to the election of officers of the Senate. The Senator from Texas is a little confused this morning. He does not know what the pending question is. When the question of a Sergeant-at-Arms comes up I shall be happy not only to listen to the Senator, but if the Senator shows me where a better man can be found for the office of Sergeant-at-Arms than the one I propose, he will find me tractable, and he will find me disposed to co-operate with him the moment he satisfies me of that point; but I have a constitutional infirmity of submitting to the will of the majority; I was so brought up and I cannot depart from it easily in my old days. I am anxious that the will of the majority shall prevail in this body, as it has in the country. I thank the Senator from Ohio for his courtesy.

Mr. HILL, of Georgia. Will the Senator allow me to ask a question for information?

Mr. DAWES. The Senator from Ohio is entitled to the floor.

Mr. PENDLETON. I yielded to the Senator from Massachusetts and I will yield to the Senator from Georgia.

Mr. HILL, of Georgia. I am much obliged to the Senator from Ohio. I want to ask the Senator from Massachusetts a question for information. I see what purports to be a letter reading thus:

COMMITTEE-ROOMS, READJUSTER ORGANIZATION,
Richmond, Virginia, October 28, 1880.

Let me assure you, as I do confidently, that our electoral ticket, headed by Cameron and Riddleberger and pledged to Hancock, will carry the State by a plurality of 25,000; that it will beat either the funder or grip-sack tickets by this vote—not less. Rely on this.

WILLIAM MAHONE.

What is the "grip-sack ticket?" That is what I want to know. I want to know what is the grip-sack party.

Mr. DAWES. I answer the Senator in a way in which I have been brought up to answer questions sometimes, and that is this: Is it any objection to Mr. Riddleberger in the mind of the Senator that he supported Hancock?

Mr. HILL, of Georgia. None in the world.

Mr. DAWES. Then why is he troubled about it so?

Mr. HILL, of Georgia. I am not troubled about it.

Mr. DAWES. It does not trouble me.

Mr. HILL, of Georgia. I am asking for information. I ask which is the grip-sack party.

Mr. DAWES. Well, I do not know. [Laughter.] They have down South all sorts of parties running there; I do not know who they are or what they represent. The Senator ought to know. I am astonished that he gets up here and says he is after information about political parties down South, and he asks a man who resides in New England to tell him something about them. The Senator from Georgia ought to know every phase of every political party that has ever come up, for certainly if there is anybody who has tried them all it must be the Senator from Georgia. [Laughter.] I do not know of any party, so far as my limited observation is concerned, that the Senator has not at some time in his public life given in his adhesion to. I remember a letter that the Senator wrote a few days after Garfield was elected, advising everybody to join the Garfield party [laughter] and invoking the public to come up now and join the party that had succeeded. That seems to be the first emotion in the mind of the Senator from Georgia in all his political sailing about this country in the ship of State, [laughter,] to find out which party has succeeded and then to announce his desire to go with that party. I think he said that nobody could tell how much he loved Garfield in that letter, passing the love of woman. [Laughter.]

Mr. HILL, of Georgia. Mr. President, I am very much interested in the speech of my friend from Massachusetts.

Mr. DAWES. I am glad to hear it.

Mr. HILL, of Georgia. Very much. It is one of the most instructive speeches I have listened to in a long time; one of the most hopeful, but still with all the Senator's erudition and wit he did not answer my question. He pleads ignorance, and yet he has——

Mr. DAWES. The Senator does not know when he is answered. That is the trouble.

Mr. HILL, of Georgia. Precisely. The Senator said he did not know himself what the "grip-sack" party was.

Mr. DAWES. I told the truth.

Mr. HILL, of Georgia. Precisely. The Senator is ignorant of an important matter, and yet he is affiliating with and is following as his leader the controller of the Senate, the man who is the author of the phrase "grip-sack party," and now he tells me he does not understand the language of his leader. Can the Senator be so ignorant as that?

Then the Senator is also kind enough to say that I wrote a letter soon after the election inviting everybody to support General Garfield. The Senator is slightly mistaken. I am sorry that my friend from Massachusetts is both an ignorant man and a mistaken man at the same time. I do not think he is either. I think with artful skill he only assumes to be both.

But, Mr. President, we are all on this side appealing to the republicans to come forward and help sustain the present Administration. The President has called us together, informing us that extraordinary reasons required the assembling of this Senate in executive session to confirm nominations, and we are moving and have moved over and over again to go into executive session to confirm the nominations of the President, the republican President. All the democrats have responded to the appeal to confirm these nominations. The gentlemen on the other side refuse to confirm the nominations. They let the Supreme Court remain vacant, they let the Court of Claims remain vacant, the circuit courts of the country remain vacant, the administration of justice standing still, foreign missions unfilled, offices unexecuted, only that they may put in office here a supporter of General Hancock and the author of the "grip-sack" party term.

I am pleased always to enlighten one I esteem so highly as my friend from Massachusetts. I like the Senator from Massachusetts very much; I always did. He is a true man in every way; he dodges a little sometimes, and that is all the trouble I have with him. Get him in a close place and he can come out slicker and better than any man I ever saw. [Laughter.] No doubt about that. Still I esteem him—

With all his faults I love him still.

I asked the Senator the meaning of the term "grip-sack party" used in a letter written, I believe, in October last by the Senator's distinguished leader at present. I see an explanation, a partial

explanation of that term from the same party in Virginia. It seems from a document which has been sent to all the Senators I suppose, and I hope it has reached the Senator from Massachusetts by all means, that there seems to have been a meeting in the city of Norfolk, Virginia, only the other day, March 28, in which certain resolutions were passed indorsing the course of the Senator from Virginia, the republican Senator from Virginia, and the fourth resolution relates to this subject of the grip-sack party. I wish to call the attention of the Senator to that resolution; it will enlighten him. The Senator does not often need enlightenment, but this will enlighten him somewhat. I hope he will take the cue and follow it up until he becomes a very learned man on the subject of party nomenclature. That resolution is in these words:

Resolved, That we, the readjusters, treat with merited contempt the calumnious charge of being repudiators brought against us by the Bourbon democrats and grip-sack republicans, and claim that we are the more honest debt-payers of Virginia, &c.

It speaks of the "grip-sack republicans." Is the Senator from Massachusetts enlightened? Does he now know which the grip-sack party is? Does the Senator belong to the grip-sack party? Is he a grip-sack republican? And yet these gentlemen who are indorsing your candidate for Sergeant-at-Arms, who want you to elect the candidate for Sergeant-at-Arms, say they treat with contempt the charges of the grip-sack republicans. Who are the grip-sack republicans? They are not democrats, that is very sure; but what does this term "grip-sack" mean? I think with this cue my friend from Massachusetts can explain the whole matter.

Mr. DAWES. Mr. President, a single word. The Senator from Georgia says that he loves me still. I can assure him that the republican party like him best when he is not still. [Laughter.] The day after the election last fall there was great inquiry in the democratic party what was the cause of their defeat. I remember out in the Northwest an ardent and ambitious and astonished democrat came out in a newspaper and inquired what was the cause of their defeat; and he was answered because the Senator from Georgia had not been born dumb. [Laughter.] I assure him that it is a gratification to us that he was not born dumb. He has been useful to us, and we like him. I reciprocate his regard; and while he prefers that I should be still, I prefer, in a campaign at least, that he should be anything but still.

He is troubled very much about my ignorance of some of the party appellations down South. It does not trouble me any. His personal regard, his tender regard is all that leads me to regret the fact that I am so indifferent to those little petty phases of party politics that disturb the current of things in the southern country. We are moved on this side, sir, by political forces in which we believe and which the country understands and does not need any explanation of from myself or any attack upon by the Senator from Georgia in order to vindicate them before the public.

I assure the Senator from Georgia that they have not begun with this extra session, and they will not terminate with it. They are forces that underlie the Government itself and will conduct it through all vicissitudes and all storms, or it will fall unless the untrammeled and unterrified and undismayed voice of every voter in this land can tell upon the policy and the law which he is called upon to obey; the Government of this country will be a failure; and it is therefore in a conflict of life and death in this nation that we on this side are engaged, and we are determined to give over this contest when and only when every man in this land entitled to a voice in the laws he is bound to obey and in the election of the officers that are to execute those laws shall have the same effect and force whether he lives in the humble hamlet in the marshes of Louisiana or on the plantations of Mississippi, or whether he lives in luxury and in competence in New York or in any other State.

The genius of this Government is that it is no respecter of persons, that the ballot dropped into the ballot-box in Louisiana shall tell as much in the grand result as the ballot placed in that box in New York or in Oregon. All the electors of this nation have a common interest and a common destiny, and with that destiny it is that we on this side are enlisted, and whoever will come to our banner and stand by our side in this great warfare will be welcome, whether in the times past he has been erring enough to fight against the flag of his country or as yet has not got the scales entirely from his eyes. Even though he may seem partially blinded as yet, the time is to come when his vision shall be clearer by the very contest in which he has engaged, and he will grow stronger and stronger in the fight every hour that it continues. Sir, men grow strong in the conviction of right the longer they are contending against the wrong, and that is my hope. When I hold out my hand for recruits in this great army of ours, I do not stop to inquire where men have in the past been wandering or whatever may have been their errors; all I want to know now is whether to-day and in this hour he is fighting for that great right of American citizenship dear to every man and underlying all other rights in this country.

Mr. HILL, of Georgia. Mr. President, I really, when I asked a good-humored question of my friend from Massachusetts, did not intend to excite him. The Senator has made three attempts to reply to a simple question, and has not replied or alluded to the question itself. He has finally concluded to make a speech of a very dignified and grave character; a speech in which there was not a word that I now remember that I do not fully concur with; but the speech of the Senator has impressed me that I ought to say something now on the subject to which he has brought our attention; not that I intend to be betrayed into a speech or into a discussion to-day. Nothing was further from my intention or thought. I have been waiting patiently for the speech delivered by the Senator from Virginia [Mr. MAHONE] on Monday to appear in the RECORD. I may have misunderstood the remarks of that Senator, and I am exceedingly anxious not to misrepresent him. If I did not misunderstand his speech, he incorporated in it some of the grossest misrepresentations in relation to the Southern States that have ever been uttered in this body. I hope I misunderstood him. I hope, if he did utter such statements, he will carefully revise his speech and correct them; for I have no desire that he should publish a mistake. I had intended to say nothing on that subject until that speech should appear, so that I should be certain that I did not misrepresent the Senator; for I will say that I at least always desire to represent correctly the views of others, and I think that I can claim the credit of never misrepresenting an adversary in debate. I never make a position for an adversary and then answer it. If I cannot answer the position that my adversary himself takes, I will not answer him at all. I think the most unfair, the most improper—I had almost said the most dishonorable—style of debate in the world is to misrepresent your adversary and attribute to him a position he does not occupy and then claim great credit for shrewdness in answering it. Always state fairly and frankly what your adversary says. For that reason, and to do that, I have been waiting patiently for the printed speech, read apparently from printed slips by the Senator from Virginia; for I hope when I come to read that speech in the RECORD I shall find that I have misunderstood it.

But there is one point to which I will call the attention of the Senator from Massachusetts, the attention of the Senate, and the attention of the country, and I shall do it in no equivocal language. I have noticed in nearly all the republican papers for the last two weeks, and I have noticed in divers speeches delivered on that side of the House the attempt to justify this coalition with the Senator from Virginia and his party of what he calls readjusters in that State by the republicans of this Senate by a charge that they lead off in favor of equal rights, of a free ballot and a fair count in the Southern States. No man, I believe, as far as I have observed, has had the face to say that the southern people are opposed to a free ballot and a fair count. They seek to imply that; they seek to have that implied. Whether intended or implied, I stand here to say that it is gratuitous, false, and untrue, and I stand here to say that the charge that the democratic party in the South desire by force, by fraud, by intimidation, or by any means to prevent, to obstruct the full and free enforcement of the new amendments to the Constitution and the equal rights of all citizens without regard to race or color, is utterly untrue.

Now, sir, I ask the attention of the Senate for a moment. Read the language of the speech of the Senator from Virginia; read the language read by the Senator from Massachusetts yesterday, taken from the New York Times, in favor of what he was pleased to call a free ballot and a fair count; and I ask is it any better than the language I am now going to read; is it any plainer; is it any more dignified; is it any more explicit; is it any more manly? Now, sir, I will read an extract from a speech delivered on a memorable occasion in the capital of my own State by one of the most distinguished men of that State, and I ask the attention of the Senate and the country to it. He said——

Mr. TELLER. Who is it?

Mr. HILL, of Georgia. I will tell you in a moment:

The slavery system, while in existence, was incompatible with this view. But we must remember that we are not now living under that system. As already stated, we live in a new era, and the new South must adopt new ideas, must wake up to new energy, and must stand upon the broad platform of equal rights and equal justice to all. We must conform to the Constitution and laws as they now exist; and we must see that every citizen, whatever may be his race, color, or previous condition, has every legal right to which he is entitled. Legal equality must be strictly and impartially enforced; social equality must be left to take care of itself in the South, as it is left in every other land. I am for a free ballot and a fair count, and for the execution of the thirteenth, fourteenth, and fifteenth amendments in honest good faith.

It has been charged that I have probably promised some colored men, in case of General Garfield's election, to try to secure positions for them. I do not know what influence I may have with the new Administration. It will be my purpose to deal justly and liberally with it. While I sacrifice no principle of democracy, I shall make no unnecessary assault upon the Administration. I prefer, as far as principle will admit, to act in harmony with it, and if I find that democrats cannot get the patronage in our State, as the colored race constitutes a large majority of the republican party of the State, I believe they would be entitled to be represented in the distribution of the offices. Some of them are now qualified to fill certain positions, and if the party with which they act is in power, they would seem to be entitled to something. Senator HILL, in 1870, said that he would prefer an honest negro to a dishonest white man. Doubtless there are some white men in Georgia no more qualified for position and no more honest than some of the better class of the colored race. We had just as well make up our minds to meet the issue fairly.

The reconstruction measures must be executed in good faith, and the legal rights of every citizen must be respected and protected without regard to race, color, or previous condition of servitude.

Now mark these words:

I do not wish while I am a candidate to mislead the representatives of the people, and I therefore state my position on this question distinctly and frankly in advance of the election which is to take place to-morrow. I understand this to be exactly the doctrine contained in the democratic platform and in the letter of acceptance of General Hancock. We have made these pledges to the country and should carry them out in strict good faith.

That speech, sir, was delivered in the capital of my State on the night of November 15 preceding the senatorial election on the next day by my colleague, [Mr. BROWN,] and he said to the democratic Legislature there assembled, "I deliver you this speech to-night that you may not be deceived as to my position." What was the result? The next day the election came off and he was elected by a two-thirds vote by an overwhelmingly democratic Legislature. Why? In distinct affirmance of the principles I have read, boldly, bravely, courageously announced.

Now, I wish to know why is it, in the face of these facts, that gentlemen will constantly assume that somebody in the South must move off in favor of a free ballot and a fair count? Is the position of the Senator from Virginia any more distinct on that subject than the position of my colleague, a position which he has always held? Is it any more distinct than the position of the democratic party of the State of Georgia, which on the very next day affirmed their approval of these sentiments by his election by a two-thirds vote? If the Senator from Massachusetts simply wants to co-operate with those in the South who are in favor of a free ballot and a fair count, I ask the gentleman to cut loose from the returning boards in that section and come into the democratic party.

Mr. President, why should it be otherwise? As my colleague said yesterday in a spirit of manly frankness that ought to command the respect of this whole country, the opinions which he formerly entertained on the subject of slavery and secession he does not entertain now. Neither do I; neither do my people; neither do the people of the South, and we have affirmed it in every form. We do not approve the method by which the results of the war were accomplished. That is true; but the results being accomplished we rejoice in them; and whether we did or not, we realize the fact that the results have been accomplished; they are incorporated in the fundamental law of our land, and it is the imperative duty of every good citizen of this country to adhere to them with the strictest good faith and carry them out. And yet the Senate was informed the other day that tissue ballots were fashionable in Georgia. I never before in all my life heard of a tissue ballot in Georgia. The most brazen carpet-bag plunderer in the State never has made that charge against the State of Georgia.

Why, sir, we are interested in having peace; we are interested there in giving these people their rights. Have not the people of Georgia, the good people of Georgia, the men who own the property in Georgia, the men whose interest is in the preservation of its society—have not they interest in dealing justly with all citizens? What do gentlemen mean on that side of the House when they constantly get up here and either affirm or imply that the southern people are opposed to executing these amendments and are opposed to giving the colored people their rights?

I repeat, sir, that the charge is not only unmanly, but grossly untrue. Why, sir, I could stand here and read by the hour extracts not only from the speeches of my colleague, but from all the leading democrats of Georgia affirming the same thing.

Mr. President, let there be no mistake. I have as much confidence in the masses of the northern people of the republican party as I have in the masses of the southern people of the democratic party. I maintain that the masses of the people in this country, North and South, are honest. They are equally interested in good government. The masses of the people do not desire to do injustice to any portion of this country or to any race or color in this country.

This movement to get up a party by a coalition between the republicans and the readjusters, as they are called, of Virginia, if it be based upon the idea that the democracy of the South are unwilling to do justice to the negro, is based upon a false idea. It is based upon a pretext which is nothing but a pretext. The people of the South are just as honest as the people of the North, and the people of the North are just as honest as the people of the South, and I have no respect for a man of either section, or of any party, that gets up here and hypocritically claims for the people of his section superiority over all others.

Who are the men in the South that own property, that are educated, that are interested in peace and good society? Are they not the men who compose chiefly the democratic party? Why should they be in favor of fraud and violence and forcible deprivation of the rights of any portion of the people of the country? Sir, these are slanders that have come from their enemies. They have been sown broadcast over the North. They have come from men who do not want the colored people to have their rights. They have been from the beginning the greatest enemies of the colored people; and if the history of the South for the last ten years proves anything beyond all question, it proves that wherever the democrats have come in possession of the State government, just in proportion to the length of time these governments have been in possession of the democracy, in the same proportion have the colored people increased in prosperity and education. I challenge any gentleman to take the statistics of the Southern States; at one time they were all under the domination of the republicans there, what were called the carpet-bag governments. They held possession of some of those States one year, of some two years, of some three years, of some five years, of some ten years. Now, Senators, take those States, see which got rid of those governments and see which have had their governments placed in possession of the democratic party of that country, and I tell you it is a fact which no man can controvert, it is an invariable fact that in those States whose governments have longest been in the possession of the democratic party the colored people have become most prosperous, freest, most peaceable, and best educated.

Sir, what the colored people of the South need is not your coalescing movement of the character indicated by the Senator's speech. What you want is an abolition of these race distinctions on account of color in your party. You cannot inflict upon the colored people of that country a greater wrong than to organize a movement based distinctively upon the idea of taking care of or doing something for the colored race independent of the white race. You must keep down these color distinctions. That is what we desire to do.

I make these remarks for the reflecting portion of this audience. I am not here to make *ad captandum* statements. The great fact I state is true, and ten thousand slanders cannot make it untrue. The interest of the colored people is identified in the South with the interest of the white people, and I know personally as a fact that wherever the southern State governments have been in the hands of the democratic party for years the colored people are voting the democratic ticket by thousands, because they learn from actual experience that they are better cared for, they receive better government, they receive more education and more privileges of every kind and character under that kind of government than under the other.

Now, I will not deny that perhaps in localities there are troubles, and have been troubles, as there have been everywhere. I can take up the records of Massachusetts and show testimony after testimony that the workingmen there do not get their rights and a free ballot and a fair count; but I am not going to do so, for I would scorn myself to charge those things upon the good people of Massachusetts. I will be guilty of no such thing. We have heard over and over again about other northern States; I have had document after document sent to me from the North giving evidence of what appeared to be the most outrageous injustice to democratic voters in those States. I have never produced it here; I have never produced it to arraign the northern people.

I maintain that the better class of people everywhere in this country are the men who are most interested in good government and most interested in giving every race and every color their full and equal rights, and no man on this floor has taken higher, bolder, truer ground on that subject than my colleague. If you want a pioneer on that subject, he is the man. Many others have done the same thing. The democratic party of my State have solemnly resolved it, and they have carried it out in their legislation.

Sir, I admit that after the war the Southern States were confronted with a great struggle. The colored population was suddenly set free. What was to be their own conduct nobody could tell. Thousands of men North and thousands of men South thought that our society would be utterly destroyed. Set free in their ignorant condition, their condition invited the interference of bad men, who sought to use and control them for their individual political purposes. We had a great struggle with those men to preserve our society, to preserve everything that was valuable to black and white. We are getting through that struggle. Does this movement mean that the struggle to place the southern State governments under the domination of a coalition of the colored people with the worst class of white people, looking to and designing political preferment, is to be revived? Is that ordeal to be repeated? If so, I have confidence that if the northern people can be made to understand it they will repudiate it. But I affirm here again, Mr. President, that if the gentlemen on the other side are sincere and desire truly to see equal justice and equal rights, a free ballot and a fair count, secured to all parties, to all races, and to all colors in this country, they will manifest that sincerity not by such coalitions as they have formed here in the last two weeks, but by a course directly opposite to that which they have pursued.

Mr. CAMERON, of Wisconsin. I feel constrained, Mr. President, to make a contribution to this debate. The contribution which I propose to make is a letter dated "Washington, District of Columbia," on the 6th day of November, 1880. It is addressed to "My Dear Mr. Chittenden," and signed "B. H. HILL." The letter was published in nearly all the leading papers of the country on the day of its date or soon thereafter. I find it in the New York Tribune of November 10, 1880. I send it to the Secretary's desk and ask the Secretary to read the letter.

Mr. HILL, of Georgia. It is a good letter. Let it be read. It is an excellent letter.

Mr. CAMERON, of Wisconsin. It is for that reason I desire it read. If it was not a good letter I would not desire it read here to-day. There is one part of it that I am particularly in favor of, that part in which the writer of the letter advises the democratic party to dissolve. [Laughter.]

The Secretary read as follows:

WASHINGTON, D. C., *November* 6, 1880.

MY DEAR MR. CHITTENDEN: I regret so much to see you were defeated. It was a disagreeable surprise to me. * * * Well, my friend, the most anxious event in our history has become a fact—a solid North against a solid South! No language can express to you the view I take of this event for evil. It can have no logic—if continued—but disruption into several monarchies or the absolute consolidation of all the States into one empire. In either event our constitutional system will fail.

In my opinion the time has come when the one great question for real statesmen to consider is how speedily to break up this sectional solidity and organize parties altogether on other issues. The democratic party is hated at the North, and, therefore, it ought to be disbanded. The republican party is hated at the South.

and, therefore, it ought to be disbanded. Whether this hatred is just or not makes no difference. I would be glad to see a great national Union party organized, for I believe that the Government formed by the Constitution is a nation. True, it is a limited nation; but within the powers delegated to it by the Constitution it is as much a nation as any on the globe. But there are certainly some marked federal features in the Government, and these features were incorporated to enable the States to protect themselves from encroachments on their reserved powers. The Senate is the great federal feature of our system, and was expressly so organized to represent and protect the States as equals.

I really like Garfield. I do sincerely hope he will have a successful administration. He has the ability for the crisis. He must feel keenly the fact that he is elected solely by northern votes. But he has a great opportunity, and he can—if he will—easily and consistently destroy all sectional animosities and solidities, and be chosen for a second term by a majority of States North and South. This opportunity is far greater than the office itself, and if utilized will give him a fame which the office could not give and which no previous President attained. But will he do it? I greatly hope he will; and I greatly fear he will not.

I see a movement to make an issue on the result in New York, with a view to defeat Garfield in the count by Congress. There would be great danger of this but for one fact, and that one fact is, the South will not countenance it. The poor, divided, and abused South, if necessary, will once more save the country from a revolution, and, as before, will get no credit for it. The republican party will take the Presidency peaceably because the South wills it, and at the next election the leaders of that party will tell the people from every stump and pulpit in the North that the South must not be trusted. Nevertheless, we shall avert all revolution, not to win republican praise or to avoid republican abuse—for either is impossible—but solely because it is right, and we are determined to preserve the peace of the country. How long human nature can bear this, I do not know. It is injustice unparalleled, and wrong that ought to cover the North with blushes.

But I did not sit down to write you such a long letter. I only intended to express the deep regret I feel that you were defeated in the late election.

Garfield has no idea how I feel toward him, and how anxiously I wish for his success, and I suppose if he did know, he, like Mr. Hayes, would be afraid it would injure him with his party.

With warmest regards, I am, your friend,

B. H. HILL.

Mr. CAMERON, of Wisconsin. Mr. President, I desire to ask my friend from Georgia—I know he is my friend——

Mr. HILL, of Georgia. Certainly.

Mr. CAMERON, of Wisconsin. Whether or not he still is of the opinion that the democratic party ought to disband?

Mr. HILL, of Georgia. Mr. President, I have not the slightest doubt that my friend from Wisconsin has asked that question sincerely, and I shall answer it, although I think it would have been fairer if the Senator had broadened his question and asked me if I was in favor now as I was when the letter was written of disbanding both the old parties.

Mr. CAMERON, of Wisconsin. I really would not feel disposed to take the advice of the Senator from Georgia in regard to the republican party; but he being a prominent member of the democratic party at present, I should feel like paying a good deal of attention to his advice in regard to that party.

Mr. HILL, of Georgia. That is precisely the trouble with my friend from Wisconsin and with a great many like him: they can see nothing but their one party; that is all.

Mr. CAMERON, of Wisconsin. We are compelled to see the other party very frequently.

Mr. HILL, of Georgia. Precisely, you see but one thing you desire to preserve, and that is your one party; and you will make any combination, any coalition—I had almost said, but I will not, any bargain—to give success to your party, and stop there.

Now, Mr. President, as the Senator has had that letter read, I will take occasion to say, that there is nothing in the world new in it as far as my opinions are concerned. If the Senator will take the trouble to read a speech which I had the honor of making in this Hall in November, 1877, he will find precisely the same sentiments expressed in that letter were expressed in this Hall, and I must say in perhaps better language than they are expressed in the letter.

I am disposed to treat this question fairly. I will say to gentlemen in all kindness that I am of the opinion that the best thing which could happen for this country, looking to its future, its peace, and its prosperity, would be the organization of parties wholly disconnected with the differences of the past.

Mr. HOAR. Why does the honorable Senator from Georgia attack the Senator from Virginia when he takes a step to that end?

Mr. HILL, of Georgia. I have not attacked the Senator from Virginia. I have not attacked the Senator from Virginia for any such reason either. The question of the Senator from Massachusetts contains two gratuitous implications, short as it is. I have not attacked the Senator from Virginia at any time; I do not propose to attack the Senator from Virginia. If the Senator from Virginia has not been attacked by the Senator from Massachusetts in a most cruel and unjust manner, as he will live to see, I think, before he is much older, I am greatly disappointed, greatly deceived.

Sir, there is one fact this country ought to realize, and that is that beginning with the very foundation of our Government, beginning in the very convention that framed the Constitution, there were two parties as to what was the true meaning of that Constitution. Each party was as honest as the other; none was a hypocrite except the man who denied honesty to either. The worst enemy to this country the worst traitor to this country, the only real rebel in this country, is the man, whether he come from the North or the South, who imputes to the people of either section of this country a desire in their hearts to destroy the Government under the Constitution of the country.

The differences that culminated in the late war arose simply upon honest differences of opinion as to what was the true meaning of the Constitution. I have affirmed that often; I affirm it now. The war was fought upon an honest difference of political opinion; and he in the future will not be regarded as either a statesman or a patriot who undertakes because of the results of the war to affix crime upon either section.

The North had a right to maintain her view of the constitutional character of this Government; the South had a right to maintain her view of the constitutional character of this Government. It is unfortunate that they could not agree to settle their differences peaceably. As they did not agree to settle their differences peaceably, they went to war. It was as honest a war as ever was fought. The great actors in it, the men who fought it, the real war men in time of war and not the peace belligerents, were honest. Each side was struggling to maintain what it honestly believed to be its rights under the Constitution; each maintained its opinions with the lives of its supporters.

I do not envy the narrow soul of the man who would think or charge or seek to make any believe that eight million people who were willing to sacrifice their lives, and the lives of their children, and their property, and their all, in the maintenance of their rights were traitors and criminals. This country must rise to the higher plane of conceding the honesty of the great actors on both sides in the late war. I would scorn myself if I could stand here and abuse the northern people because of their view. I have never done it; as long as I respect myself I never will do it. No man is entitled to respect on either side who will abuse the other side as criminals. It was an unfortunate war; it was an unfortunate difference; it was a revolution. When the South could not maintain her position by reason of her physical infirmity she yielded, and she yielded as bravely as she fought. Her honor is pledged to maintain the settlement that resulted, and the people of the South will maintain it. They admit that the result of the war was to change the character of the Government. Whereas before 1860 we lived under a Government of consent, the corner-stone of which was the consent of the people, we believe as the result of the war of 1861 that we live under a Government the corner-stone of which is force. But we accept it; we accept it in good faith, and one thing that reconciles us to the result is the abolition of slavery.

Upon the subject of slavery let me say another thing. I have now some respect for those abolitionists of the North who honestly believed that slavery was wrong and ought to be abolished, and many of whom refused to take oaths to support a constitution that recognized slavery. They were manly and honest. But the truth is that when the war began neither side intended the abolition of slavery. The North did not intend it any more than the South; the republican party did not intend it any more than the democratic party. Mr. Lincoln in high and manly phrase disclaimed such a purpose in his inaugural address; the republican Congress disclaimed it in every form; but, sir, there was a Providence which shaped our ends in spite of the follies of all parties to the contest. That Providence so ordered the war that slavery was abolished as the result; and let it be recorded that there is no portion of this country better satisfied with that result than the southern people.

Mr. HOAR. I am much interested in the Senator's statement, and I should like to ask him, if it is agreeable to him to be interrupted, whether the statement which he makes of gratification at the adoption of the thirteenth amendment abolishing slavery he also makes in regard to the adoption of the fourteenth and fifteenth amendments, which also have been for the advantage of the colored people?

Mr. HILL, of Georgia. I have said emphatically, and I suppose no man wants me to repeat it, unless it be the Senator from Massachusetts, that we accept all the results of the war, including the three amendments. We do not approve of the manner of the adoption of the fourteenth amendment; we do not approve of the manner of the war.

Mr. HOAR. The Senator misunderstands my question. If he will allow me, so that he may understand it, I will make a brief statement. The Senator, I understood to say, not speaking of the particular manner of the adoption but of the substance, that the abolition of slavery in this country was a great good to the country. He does not attribute it to any party, but he says that it was a blessing conferred upon the country by Providence itself, as I understand him, and whatever may have been differences of opinion in the past, a great benefit has accrued to this country by the setting free from bondage of four or five millions of its people. I did not understand him to be discussing the method of the passage of the thirteenth amendment, but the great substantial achievement. Now, what I wish to ask the Senator is whether he also, making no question of the propriety or impropriety of the manner, considers that the conferring upon those four or five million people of the right to vote and of equal citizenship before the law as expounded in the two other great amendments was also a great good to this people and to them, or whether he now considers it an evil?

Mr. HILL, of Georgia. I will answer the Senator's question with a great deal of pleasure and with entire frankness. My opinion is that it would have been better for the people of this country, North and South, and for the colored race, and for the purity of our elections, if some plan could have been amicably devised by the concerted action of the two sections to improve the intellectual condition of

the negro before he was introduced entirely to the suffrage. That is my honest opinion.

Mr. HOAR. That is as to the question of manner.

Mr. HILL, of Georgia. I will answer your question if you will give me an opportunity. If I had been consulted, if I could have had my way, I would have said that whoever is admitted to freedom in this country under our form of Government is necessarily admitted to citizenship, and whoever is admitted to citizenship ought to be admitted to the exercise of the trusts and franchises of citizenship; but the manner of the admission ought to be guarded so that an improper or an indiscreet manner of that admission should not work injury to the country. I am of the opinion now that then it would have been wiser, it would have been better, if the people North and South, throwing aside their passions, had met together and said, "Here are four million freed people; perhaps nearly one million of them are males of voting age; must they have freedom and not citizenship? Must they have citizenship and not suffrage?" We would have all said, "No; they ought to have these things; but suffrage being a trust which every man exercises not only for himself but for every other citizen, the ballot-box ought to be guarded from a too great influx of ignorance into it; and while, therefore, we will protect the colored man in all his rights and mean to give him full citizenship and full suffrage, we propose to do it in such a manner as will do the least harm to himself and the most good to the whole country."

But a different policy was pursued. We were not here. The leaders, North and South, did not lay aside their passions. The North determined to give citizenship and suffrage immediately and unconditionally to the colored race. I say I think a different course would have been wiser; but the other course having been adopted we would not consent to change it. Whatever may have been the evils of the sudden introduction of such a large proportion of uneducated people to the ballot, the evils would be greater to attempt now to interfere with it. That is the view we take South.

We say, therefore, without stopping to criticise the wisdom of the fourteenth and fifteenth amendments, they were adopted; they were adopted by the constitutional authorities of the country that then had possession of the country; they form part of the fundamental law; and it is our duty not to weaken them by carping about their unwisdom, but it is our duty to strengthen them by giving them free and honest enforcement in good faith. We stand there.

It has been suggested to me a dozen times, but I do not care to go into that argument, to inquire why when the dominant majority here were making up the fourteenth and fifteenth amendments, and conferring universal enfranchisement upon the unlettered negro, they did not remember the rule in Massachusetts, and why they did not remember the rule in Rhode Island, that imposes the very restriction of which I speak. By the law of Georgia a colored man can now vote who if he lived in Massachusetts could not vote. Yet the suffrage having been conferred, it being the fundamental law, I repeat we accept it; we stand by it; and we intend to support it in good faith. What I complain of is the constant charges, either expressed or implied, from the other side of the Chamber, that the southern democracy are not satisfied to give the colored race their equal rights under all these amendments. The charge is untrue; it is unmanly and hypocritical whenever and wherever made, I care not who makes it.

As my friend and colleague [Mr. BROWN] suggests, if a hundred thousand of these people living in the South, for whom they express so much sympathy and whom they are so anxious to have vote, were to go to Massachusetts, your laws would not permit them to vote. But, sir, I am not the man to stand up here and throw charges at Massachusetts. Massachusetts has a right to fix her restrictions upon this subject; and I should be a hypocrite to be claiming superior honesty and superior intelligence for my people over Massachusetts; I will not do it. Others may play that petty little game if they wish; I scorn it. It is not only our conviction that the negro ought to have his rights under these amendments; it is our conviction that it is our interest to give him his rights.

Having said this much, let me add that the great trouble with the colored man in the South from the beginning has not been the democratic party, but the republican party, and I do not mean to be offensive when I say it. Gentlemen on that side may not realize it; but the great practical enemy of this country since these rights have been conferred upon the colored man has been the republican party. I do not charge it as your design. Why? President Garfield said in his inaugural that it was still a question in the South as to the right of the colored man to vote. There is no such question there. That is one mistake that the President made. There is no such question made by any democrat. There may be here and there an individual exception; I am not arguing from that; there is not one in ten thousand, not one in a hundred thousand. There are some wild men at the North and some wild men at the South; but he is unworthy of respect who undertakes to impute to a whole population the wild utterances of a few wild men.

The great trouble has been that the republican party have assumed that the real white men of the South would nullify these amendments. The first movement they made in the South was to organize a party upon the colored race and by disfranchising the white race under pretense that they were criminals because they had maintained their opinion, an honest political difference. The whole white people of the South were impressed with the idea that that movement of the republican party was not made in the interest of the colored men nor with a view of benefiting the colored men, but with a purpose of governing the white race through the colored race. You see how offensive that was. There is where you struck the first unfortunate blow. Whether you did it intentionally or not I shall not stop to say, but the effect of your measure was to create the impression in the South that your object was to govern the white race through the colored race for party purposes and to give you party power.

Having disfranchised 250,000 of the very best class of southern voters by your reconstruction acts, including in that 250,000 all those who were experienced in public affairs, as has been often said, men came there to take the offices that would otherwise have been filled by these citizens of the South, and they sought to get those offices by operating through the ignorant negroes and colored men. There was the danger. It was easy to make the colored men believe that their old masters were their enemies. The men who came there to get the offices through the colored men went to work to make the colored men believe that the object of their old masters was to re-enslave them. The real object of the men who took charge of the colored men for the purpose of using them was to get themselves into power, as has been often proven, to plunder both black and white. The southern whites, to preserve their society, to preserve their property, to save themselves from utter ruin, were compelled to unite, and did unite necessarily, against the movement which sought to control that country in the interest of a few bad men through the illiterate and unlettered colored men.

That has been the origin of the great trouble with the settlement since the war. The northern masses do not understand it. We have been battling in the South not for party, not for political power; the great struggle in the South has been for the preservation of our society. There were wise men in the North who saw this thing at an early day, but they were few. The cruel and wicked assassination of Mr. Lincoln, one of the most cruel and wicked acts ever recorded in history, and one of the most unfortunate for the southern people, so inflamed the passions of the northern people that they were not in a condition, as I think, to reason properly on this subject; but over all the passion of that stormy period there was here and there a truly great man of the republican party who rose up to the grandeur of the demands of the situation. One of them, I remember distinctly, was Governor Andrew, of Massachusetts. If the whole republican party after the war had been animated by the broad, manly, and patriotic statesmanship and views of Governor Andrew, of Massachusetts, thousands upon thousands of the evils that have afflicted this whole country since the war would have been avoided. If the republican party had come to the South proclaiming their honest purpose to be, and showing their purpose to be honest by their acts, to protect the negro not against, but in co-operation with, the white people, the republican party would have had possession of every southern State. I have always believed it.

Mr. Morton early took views of the same character. Mr. Sumner before his death, I have the best reason to know, uttered some of the sublimest sentences upon this subject. Mr. Greeley uttered similar sentiments through the Tribune and otherwise; and it ought to be a lesson to every reflecting man of the North that because of Mr. Greeley's manly utterances upon this subject the South came to his support even for the Presidency. What would the southern people have done if the whole republican party had been manned and officered and governed by such statesmen as Governor Andrew, Horace Greeley, and Mr. Morton at that time, among others I could name?

No, gentlemen, unfortunately the republican party was taken possession of, I fear, by men who wanted to use that party for perpetuating its party power; and they thought the best and most effective way to perpetuate that party power was to govern the southern people by force, to keep alive the angry passions of the war, make a solid North against a solid South, and let the people vote as they shot, as was expressed by some of them.

Sir, the people of the South had lost much; they had given up the ideas to which they were born, in which they were reared, and they had given them up bravely and frankly. They had given up property and never asked compensation for it. They had seen their very society imperiled. Everything was confusion and anarchy. But even in that terrible condition they still had a sense of manhood and refused to kiss the hand that further smote them. What could they do? You complain that the South went into the democratic party. Where else could they go?

The Senator from Illinois [Mr. LOGAN] reminded the Senate the other day that I was before the war a whig. So I was, and I am proud of the recollection. I was raised up to worship at the shrine of Henry Clay and Daniel Webster, and would to God we had such men to lead us to-day. Oh, that we had Clay and Webster here to look upon this contemptible little coalition to get the offices of the Senate. [Manifestations of applause in the galleries.] I was a whig. The Senator said that I was a Union man and went to the Georgia convention and voted for secession. It is false, gratuitously false. Senators are mistaken. They did not mean to utter a falsehood. The people who honored me know that I have never betrayed their trust. There has not been a day or hour from that time to this that they have not been willing to renew their confidence by conferring any office in their gift upon me.

But I wish to say one thing right here, and I wish to say it emphatically, that on the test vote, agreed to be the test vote, I did in point of fact not only vote against secession, but, as my colleague knows, made the very last speech that was made against it, and as earnestly as I ever spoke in my life. Nevertheless, I claim no credit for that here. I render no account to that side of the House or to the northern people for my course on secession. The gentlemen of the South who voted for secession were just as honest and just as patriotic as I was. I have just as much respect for them as I have for myself. It was an honest difference of opinion. They thought under the circumstances secession was right and the only remedy. I thought differently. They had as much right to their opinion as I had to mine, and I claim no credit for the difference. I only did what I thought was my duty, and they did fully as much.

Why am I now a democrat, an earnest democrat? Why have I been a democrat since 1867? Because I was a witness to the condition of things about which the gentlemen on the other side knew nothing. I saw the republican party come into my country when it was powerless and helpless, prostrate and poor, deprive our people of the right to the counsels of all their wisest and best men, and seek, as I believed then and believe now, for a mere party purpose, to put the white people of the South under the domination of the unlettered and ignorant negro for the benefit of a few thieving carpet-baggers. I rebelled against it, and I would have been unworthy to be a man if I had not rebelled against it. I would scorn myself if I could remember that I did not rebel against it.

But I had no purpose, as my colleague has said of himself, to oppose the reconstruction policy as a mere question of power or to resist it. I thought then you made a mistake, and I think now you made a mistake; but you drove everything in the South into the democratic party, not for party purpose, not for political power, for we knew that was gone, but the white people of the South were compelled to unite for the purpose of preserving their very society, and we succeeded. Under an amount of obloquy unequaled the southern people have achieved wonders. They struggled in some States shorter, in some States longer periods to get rid of this unfortunate state of things that you brought upon them, until they have all gotten possession of their State governments; and what do we see? A state of prosperity, stability, health, and peace, which has never been exceeded in the history of this country. In my opinion it will not be a decade before the southern people will be stronger and more prosperous in every sense than they ever were in any period of their history.

What have we to dread? Just what seems to be here now inaugurating. The evil that afflicted us in 1867, immediately after the war, we see now attempted to be repeated. What is it? A coalition of the republican party as a party with a dissatisfied minority element in the South who are seeking to combine the republicans and the negroes, not for the good of the colored man, but for the simple purpose of getting control and domination in that country. That is what we believe; and we know as evidence of this fact that all these gentlemen who come forward and profess to be so broad and so liberal, who, in the language of the Senator from Massachusetts, are giving us a new risen sun, and who think they are going to be broad and liberal and elevate the South, come into the republican party abusing their own people, every one of them.

Gentlemen of the republican party, I do not address your party passions; I do not address your sectional hates; I address your intelligence as men when I put to you the question, do you believe that you can ever control any country in antagonism to the intelligence, the property, and the virtue of that country? Do you believe that you are ever to elevate the parties and politics of the South by abusing the better class of people at the South? We have had troubles on the question of suffrage unquestionably. I am not going into them. If I should go into the details of those troubles and explain them fully to you, you would be shocked; but the very men who seek to head what they call a liberal movement into the republican party at the South are the men who have done more to dispute the right of the colored man to vote than any other portion of our people.

Now I say to my friend from Wisconsin [Mr. CAMERON] he will see the meaning of what I am after in that letter to Mr. Chittenden. The democratic party and the republican party were formed upon old issues that existed before the war. They were parties to those issues during the war. The democratic party generally was charged with favoring that theory of the Government which the South had entertained, the republican party with favoring the other theory; and upon those differences they fought. Those differences have been settled. There is not a democrat on this side of the House who will not be willing to take up General Garfield's inaugural and re-echo the words which he uttered when he declared that the Constitution and the laws passed in pursuance thereof are supreme alike over States and over individuals. It is a settled doctrine; it is a fundamental law. Within the Constitution the Federal Government is supreme; we all concede it. Under the Constitution the colored man has an equal right with the white man to vote; we all concede it; we are sworn to support it. We find that the colored man is doing well, better than we expected. It is our duty as well as our desire to help him do better. We shall succeed if we are not interrupted by this marplotting that always comes from without and takes the form of coalition between the republican party and discontented southern men in quest of office and power, who have not and never have the slightest use for the colored man except as they could use him in the game for power as the gambler uses his cards.

I say it would have been far better for the country if the wise men North and South when the questions upon which the war was fought were all settled had met together and said that the parties which were organized and formed upon settled issues ought to die with the issues. That is what I meant in the Chittenden letter. Who will dispute it?

But, on the contrary, the great purpose of the republican party has been to live on those war issues. The only nourishment of the republican party is the passions of the war. Mr. Sumner rose to the grandeur of a patriotic statesman when he said the very emblems of the war ought to be removed from public places. So, sir, the passions of the war ought to be removed from the hearts of the American people, and the issues of the war ought to be removed from the political parties of the country.

As the democratic party was originally formed upon those issues before the war, as the republican party was formed upon those issues, I say that when the issues themselves were settled it would have been the part of wise statesmanship on both sides of the line to have organized parties on living issues and not perpetuate them on dead issues. So I say now; so I have said ever since the war; and so I will always say that it would have been wise and patriotic. How can it be done? If a democrat comes out and suggests that for the very reasons I have given one party ought to disband, a gentleman like my friend from Wisconsin says, "Oh, yes; I agree to that proposition, but we will not disband." Every reason on earth for disbanding one party so far as representing issues is concerned exists for disbanding the other.

It ought to be a gratifying fact to the American people that no portion of the people of this country were ever at heart the enemies of the form and system of government under which we live. No portion of this country is more devoted to our constitutional system than the southern portion; but every movement, every expression, every utterance that comes from the southern portion of this country in favor of a broader field of politics, in favor of freedom from the passions of the war, in favor of a return to peace and the methods of peace and equal justice to all, is slapped in the face by the republican party, which seems to feel that it will die unless it can keep alive the issues and passions of the war.

Mr. HAWLEY. Does the gentleman really believe that? Does he really now, in his own heart, mean that in the full sense of his words?

Mr. HILL, of Georgia. I have not the slightest doubt about it.

Mr. HAWLEY. It is the most astounding declaration I have ever heard.

Mr. HILL, of Georgia. There are a great many astounding things to the Senator from Connecticut. I do not believe the masses of the people of the North mean it; I do not charge it on them; it does not come from the masses of the republican party; but I say now, and I repeat, that every movement that comes from the South in favor of burying the issues of the war, in favor of forgetting the passions of the war, in favor of hiding from view the wrongs of the war, is met by a demand from the republican party that we must evidence our faith by joining the republican party; and you allow no man to be patriotic at the South unless he accompanies his professions of liberal political sentiments with a hegira over to the republican party.

If what I have said is true, if, as you are aware, the republican party was formed on issues settled by the war, and if those issues were formed on honest differences of opinion, both parties forming them on those issues ought to be disbanded. But it is impossible. When I wrote that letter to Mr. Chittenden I was writing to a friend a private communication. I was writing as I felt. I was not proposing the organization of new parties. There is nothing in that letter looking to a proposition to organize new parties. I was only expressing what would be best for the country if the men of both parties were wise and looked only to the good of the country and not to the mere success of party.

I say to my friend from Connecticut—I will not charge him with it, I will allow him to be just as patriotic as he desires to be, and just as wise as anybody can claim for him—but I say to my friend from Connecticut now that the very movement over which you seem to be rejoicing of a coalition between the republican party and the readjusters of Virginia, as they are called, is going to do more to set back the really liberal movement you profess to desire than anything that could occur. You cannot organize a party to control the South that insists upon misrepresenting everything in the South that ought to be respected. No man can take up the stale slanders of the carpet-bag *régime* about intimidation and bulldozing and tissue ballots and frauds and all that sort of calumny and charge it upon the better class of the people of the South and make headway in the organization of a party there. You cannot do it, and every wise man in this country ought to know it.

Gentlemen often talk about Bourbons. Every man who now wants to make favor with the republican party begins to talk about Bourbons. What is a Bourbon? I do not know, I confess. Gentlemen have not defined it. I do not know what they mean by a Bourbon. Do you mean by a Bourbon a man who is in favor of the Constitution as he understands it? Do you mean by a Bourbon a man who will not enter into a stealing coalition? Do you mean by a Bourbon a

man who is in favor of honest government? If you do, I am a Bourbon. If you mean by a Bourbon a man who is in favor of recognizing no results from the war, who is still insisting that there has been no change in the Constitution, who is still insisting that the thirteenth, fourteenth, and fifteenth amendments are void, then no man is a greater anti-Bourbon than myself. I was always an anti-Bourbon in that sense, all my life; I am yet; and I affirm that of the 130,000 democratic voters in the State of Georgia it would be impossible to find one hundred Bourbons of that type. I do not know of over half a dozen in the State myself, and all those half dozen are not co-operating with the democratic party with any earnestness or zeal.

Now, sir, I want to say one thing: You cannot alarm the South by words. I repeat the language of my colleague uttered to our own people, uttered on the night before they were to pass on his merits and election: We realize at the South that we live in a new era; we realize that there has been a war; we realize that that war has had results; we realize that those results have been incorporated in the fundamental law of the land; we realize that they are binding on our people; we realize that among those results is the utter destruction of the theory of secession, the utter abolition of slavery, the enfranchisement of the colored race, its admission to equal privileges, legal and political. We admit all that. If that means the abandonment of Bourbonism, the South, the democratic South abandons, and abandons cheerfully, Bourbonism. But understand, gentleman, while the South may thus abandon Bourbonism, she will not embrace political blacklegism. She is not going to be caught by bargains, by coalitions. She cannot be purchased by the public patronage. She cannot be wooed by slanders; she cannot be won by calumnies. Realize that the southern people have as much interest in good government as the northern people; that they have as much interest in doing justice to all sections of the country as have the northern people; that they have just as much interest in doing justice to all portions of their own population as have the northern people. We need no admonition from you on that subject. If you expect the South to come to you on her knees, you are mistaken. If you expect the southern people to come to you confessing that they are criminals, you are mistaken. A people worthy of association with any honorable people will not require such confessions, and a people worthy to be received into such association will not make any such confession.

[A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. President, I beg pardon of the Senate for having spoken thus long. I know what I say will be taken up by the northern republican papers and misrepresented and perverted. It is impossible for a southern man to be correctly represented to the northern people; we have all discovered that through the republican press. We despair of having our views received even by many Senators on this floor with the same frank and liberal spirit that we announce them in. We have despaired of that. Ah, gentlemen, my candid opinion is that because of your perpetual uncharitableness, because of your perpetual determination to keep alive your party movement upon the assumption that the southern people are all criminals you have made affiliation between the better class of the southern people and the republican party an eternal impossibility. But I have said what I have said in the kindest spirit; I have accused nobody, and I never would accuse anybody. And now while I have been speaking the President has sent in an executive message; and that we may consider that message, I move that the Senate proceed to the consideration of executive business.

Mr. CONKLING. Has the Senator concluded his remarks?

Mr. HILL, of Georgia. It seems so.

The VICE-PRESIDENT. The Senator from Georgia moves that the Senate proceed to the consideration of executive business.

The question being put, it was declared that the noes appeared to prevail.

Mr. HILL, of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague is paired with the Senator from Maryland, [Mr. GROOME.] If my colleague were here, he would vote "nay."

Mr. GROOME, (when his name was called.) I am paired for the day with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. TELLER, (when his name was called.) On this vote I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

The roll-call was concluded.

Mr. PLUMB. My colleague [Mr. INGALLS] is paired with the Senator from Missouri, [Mr. VEST.]

The result was announced—yeas 30, nays 30; as follows:

YEAS—30.

Bayard,	Davis of Illinois,	Harris,	Morgan,
Beck,	Davis of W. Va.,	Hill of Georgia,	Pendleton,
Brown,	Fair,	Jackson,	Pugh,
Butler,	Farley,	Jonas,	Ransom,
Call,	George,	Jones of Florida,	Slater,
Camden,	Gorman,	Lamar,	Voorhees.
Cockrell,	Grover,	McPherson,	
Coke,	Hampton,	Maxey,	

NAYS—30.

Allison,	Edgerton,	Logan,	Platt of N. Y.,
Blair,	Ferry,	McDill,	Plumb,
Burnside,	Frye,	McMillan,	Rollins,
Cameron of Pa.,	Hale,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sewell,
Conger,	Hawley,	Mitchell,	Sherman.
Conkling,	Hoar,	Morrill,	
Dawes,	Jones of Nevada,	Platt of Conn.,	

ABSENT—16.

Anthony,	Hill of Colorado,	Saulsbury,	Van Wyck,
Edmunds,	Ingalls,	Saunders,	Vest,
Garland,	Johnston,	Teller,	Walker,
Groome,	Kellogg,	Vance,	Williams.

So the motion was not agreed to.

Mr. HOAR. Mr. President, I do not believe that the Senate wish to hear an elaborate reply to the speech of the Senator from Georgia [Mr. HILL] at this hour of the day. It is, however, quite likely that it is for the public interest that the debate which he has inaugurated should continue to the end. It is probably well that the relation of the southern democratic party to the State credit and to the credit of the country as indicated by its recent history; that the relation of that party to attacks on the national life; that the relation of that party to the amendments to the Constitution, and that its conduct in endeavoring to stifle or to destroy the exercise of the rights which those amendments assert and confer should be thoroughly stated. If we are, as we hope, entering on a new era, it may be well that these books should once for all be balanced. Evidence upon the files of the Senate, upon the files of the House of Representatives, the current facts of our history, cannot be brushed aside or destroyed by any assertions, however confident or however often reiterated. The Senator from Georgia does not seem to have discovered that a man's reputation either for wisdom or for virtue is not often constructed out of his own certificates; and we have heard the Senator's testimony to his own wisdom, to his own fairness, to his own consistency to a degree I think never equaled by any character in history, and never conceived of with one exception in any character represented in fiction. Possibly the excellent Mr. Pecksniff may come up somewhat to the character which the learned Senator has drawn of himself. But in substance the speech of the honorable Senator from Georgia is the most emphatic confession of the wisdom of the administration of the republican party in this country for the last fifteen years. Every one of the great measures which have separated the two parties during the period that he has gone over in his speech is alluded to by him, if alluded to at all, to confess how thoroughly and utterly he and those who acted with him were mistaken, and how absolutely we who opposed them have been right.

The Senator finds a little fault with the manner, with the time, with the occasion when the republican party, clothed with the authority of this nation, took the great steps which have led to the new era, whose advent he himself professes to welcome. The same bitterness of reproach, the same assumption of superior virtue, the same ferocity of attack on our motives, we have heard from democratic lips ever since we were born, when the present attitude of the republican party was being dealt with, only to be followed by a declaration, however, from the same lips, that they now see we were right, that they now have accepted what we have done as not only necessary, but as a great benefit to the country and to its people, and with a charge that we are making ungrounded attacks upon the character of good men when we impute to them any unwillingness to accept and to agree to as righteous and as just the things we have accomplished. I should like to ask the honorable Senator from Georgia if he can mention a single one of the great issues that have divided these two parties in the past in regard to which he will affirm that he was in the right or in regard to which he will now affirm that we were in the wrong?

The honorable Senator began his political life when the great question of spreading human slavery into the Territories was before the people of this country, and when he and the party that he was associated with demanded as of right, as of constitutional right, liberty to indelibly dedicate forever those vast spaces extending from the Mississippi to the Pacific to the interest of that institution. Were you right or was your defeat one of the greatest blessings that Providence ever conferred upon this country? The invective and the savage ferocity of invective which we hear now from democratic lips was surpassed in those days, as gentlemen who represented democratic southern constituencies in the House before the war remember, probably not with much pleasure of recollection.

The next thing that divided us was the question of overthrowing the Government and establishing a new one at the South, whose corner-stone, in the language of a distinguished Georgian, was to be human slavery. Were you right, my honorable friend from Georgia, as you look back upon it now or was it fortunate, whether the best method was taken or not, that the method that succeeded did succeed?

When the war ended under the administration of Andrew Johnson the democratic whites of the South were suffered to take possession of the State governments of the Gulf States and some of the others. The honorable Senator from Georgia says that the republicans have been from the beginning the enemies of the colored race, and that he and his associates are their friends, and that it was bad and evil

men who would undertake to persuade the colored people that these republican politicians were their friends. Was not every democratic vote in both Houses of Congress cast in opposition to the adoption of the thirteenth amendment abolishing slavery in this country? Every one; and yet dares the Senator from Georgia now rise in his place and deny that that democracy to which he belongs was totally in the wrong, and that the prevailing of the republican party in this country was a blessing conferred upon it by a beneficent Providence?

What then happened? In those States these good white men, who so love the negro, proceeded to pass through their various State Legislatures laws intending to overthrow practically the effect of that amendment, and to reduce the colored people again to slavery. I have some of them here. They were all framed upon one type and upon one pattern. Those that I have here are the laws passed in the State of Louisiana, and similar laws were passed, I think, in the Senator's own State by the white democratic Legislature of that time. One enactment provided that if any person entered upon any plantation, without the permission of the owner, for the purpose of giving political or other information, except such as the master should approve, he should be punished by fine and imprisonment. Another made the habitual association of a negro with a white person a penitentiary offense; and still another provided that—

> Any justice of the peace, on complaint that any person is a vagrant, on summary process, may require such person to give bond for his good behavior and future industry for the period of one year. On failing to give such bond, the justice shall issue his warrant to the sheriff to hire out such person for the term of twelve months, under such regulations as may be made by the municipal authorities: *Provided*, That if the accused be a person who has abandoned his employer before his contract expired, the preference shall be given to such employer of hiring the accused.

Then the statute of 1865, chapter 16, enacted that—

> Any person who shall persuade or entice away, feed, harbor, or secrete any person who leaves his employer without permission, shall be subject to a fine of not more than $500 or imprisonment of not more than twelve months, or both.

Every colored laborer leaving his master without leave, by these friendly laws enacted by the white democracy of the South, was to be an outcast to whom food and shelter were to be denied by all mankind.

Then there is another statute which provides that a person who is without regular employment may be sold as a slave, punished by remanding into practical slavery the crime of being out of work.

Does the Senator from Georgia think that the party who enacted that system after the thirteenth amendment had made these men freemen are quite warranted in giving such lectures as we have listened to this morning, and in saying that it is only evil men who would persuade the negro that the authors of these laws were not his friends?

Then came the next step, the adoption of the fourteenth amendment of the Constitution, which provides that all persons born or naturalized in the United States shall have all the privileges or immunities of citizens thereof; that no State shall make or enforce any law which should abridge them; and that Representatives should be apportioned according to numbers, except that when the right to vote was denied to any class of citizens they should not be counted in the representation. Then came the fifteenth amendment, inhibiting the deprivation by any State of the right to vote in consequence of race or color.

We are speaking now of the policy that determines the relation to this country of five million of its citizens; and does the honorable Senator from Georgia now rise in his place to say that the men who voted for those two amendments were wrong, and the men who resisted them by every instrumentality in their power were right? Does the Senator from Georgia say that the solid democratic vote, with one or two exceptions, from the South given against every measure for the resumption of specie payments or to secure the performance of the national faith to the public creditor, was right? The Senator rises when he says that his party stand upon the platform which he quoted from his colleague, to make a confession of error, of delusion, of wrong, in regard to all the great historic questions which have been before the American people since he has been in public life. When that Senator declares that the great republican policies of the last twenty years are accepted, that no man will desire to change or reverse a single act which had brought them to pass, he rises to make a confession of error, of delusion, of folly which at least ought to spare us such lectures as we have heard from his lips.

Now, Mr. President, does the Senator from Georgia propose to adhere to the statement he has made that the charges that the honest count of the votes and that the honest casting of the vote have been denied to republicans in a very large number of Southern States are unfounded? Does he adhere to his claim that that is a false charge stimulated by political malice? Does the Senator desire to have brought from the archives of this body and of the other House the terrible evidence? Does he know anything of the history of the State of Louisiana or Georgia or Mississippi? Was there ever a massacre at Caddo, or were there over two hundred members of a republican convention slain in cold blood in the streets of New Orleans? Was there ever a massacre at Coushatta? Were men ever murdered at Colfax? Are Twitchell's arms on his shoulders now? Are the Chisolm murderers convicted? Was Dixon shot in the back?

Mr. President, when the Senator rises to charge upon this side of the Chamber or the republican press of the North that this claim is a false one that they made, I should like to hear his opinion in regard to some of the evidence which has been reported to this or the other House of Congress by committees year in and year out year after year.

Mr. President, the Senator's colleague, he said, made a brave and a manly statement when he told the people of Georgia that thereafter there was to be a fair vote—a courageous statement! What courage did it require if these things never had been true? Does the Senator say that the Charleston News and Courier is a paper that fills its columns with slanders of the people of the South? Does he not know that that paper more than once after elections has urged upon the people of South Carolina that this practice of theirs must be changed? Would it require any great courage in the honorable Senator's colleague, if he were a citizen of Kansas or of Ohio, to stand up and declare on the eve of an election that it was his determination and the determination of those who agreed with him to insure to the republican and democratic voters of that State the right to go unmolested to the polls and not to be cheated out of their vote when they had cast it? The very application of the adjectives which the Senator used in regard to the speech from which he has quoted is a confession.

But, as I said, Mr. President, I did not rise to enter fully into this debate at this time. I would like to ask the honorable Senator if he has seen within a few weeks a circular or proclamation issued by the leaders of the white democratic party in the State of Virginia, issued I think since this special session assembled, in which they call upon their people to throw aside every other political issue and forget every other political difference until this contest for white government shall be settled and ended? I will see that the Senate has, before this debate is over, an opportunity to peruse the exact language of that circular.

Now, if the enemies of freedom and of the honest count and of the progress of this Republic, if the men who have planted themselves in resistance to every step which has been taken for the freedom and advancement of the colored race in this country may band together to keep their power, shall not those who differ with them unite to overthrow it? Will the honorable Senator from Georgia say that if a man entertaining and advocating the opinions which he has imputed to Mr. Riddleberger and which his associates have imputed to him were presented by a democratic caucus as a candidate in any southern State they would refuse to give him their support? The Senator, I know, will not say it.

As I said, I rose not to enter into a full reply to the rambling speech of the honorable Senator from Georgia at this time, but simply to give notice that there will be a full and thorough discussion of the issues which he has raised before this debate terminates.

Mr. HILL, of Georgia. Mr. President, I have heard from the Senator from Massachusetts [Mr. HOAR] just exactly such a speech as I expected to hear, and I have too much respect for the Senate, too much respect for myself, and too much respect for ordinary good breeding, although I was raised in a slave country, to characterize that speech as I think it deserves to be characterized. I envy no man his future, his position, his prospects in this life or the next, who can deliberately get up in a council of the country like this and take pleasure in rehearsing charges against his fellow-citizens of either section of this country.

The Senator begins by rehearsing the issues before the war on the subject of slavery in the Territories. Is that manly? Is that fair? Is that patriotic? Do we not all confess that before the war we believed in slavery; that we believed that under the Constitution we had a right to carry slaves to the Territories? Have not those questions all been settled? Are we asking for any such right now? Is anybody claiming such a right now? Would it not be just as manly to make an issue with the framers of the Constitution itself? I think—and I say it deferentially—that one of the great errors made by the framers of the Constitution was in recognizing slavery as property at all. That is my honest judgment; but I should feel a sort of contempt for myself if I were to get up here now and impeach either the patriotism or the wisdom of the framers of the Constitution for having made that recognition in the Constitution.

The trouble with us all is that the people who have lived before and live now were not all as wise as the Senator from Massachusetts thinks he is, and they were not as good and perfect as the Senator from Massachusetts thinks he is. He is the general lecturer on the morals and the manners of other people, not having much of his own of either sort; and he rises in this body habitually and delivers lectures about the sins of other people.

I should have a contempt for myself if I could arraign the framers of the Constitution for committing what I think was an error in recognizing slavery at all. The issues that we had before the war grew out of the state of things then existing. There were as honest, there were as good men as the Senator from Massachusetts, who recognized the right of the southern people to carry slave property into the Territories. The great Webster himself on this floor in his memorable 7th of March speech, and in appeals for the Union such as the Senator will never be able to utter, recognized the compact with the Southern States on the annexation of Texas and the great constitutional obligation to enforce the return of fugitive slaves. If the Senator is to be justified and establish his right to be considered such a good man and such a great man by rehearsing the views of the southern people on the subject of slavery before the war, why could he not go back and rehearse the views of men in the North who

passed personal liberty bills and who disregarded what Mr. Lincoln himself said in his inaugural address was an obligation of his oath, to restore fugitive slaves? The Senator would arraign Mr. Lincoln himself; and if I were to repeat here the language that Mr. Lincoln uttered in his inaugural the Senator would get up and read me a lecture, I have no doubt.

Sir, wise men realize that on those dead issues men differed, honestly differed, as I said, and he only is the hypocrite who claims a right to condemn men as criminals because they maintained their honest convictions as matters then stood. If the gentleman is justified in arraigning the South for our views on the subject of slavery, when those views were formed by our raising, by our education, by the place of our birth, I might retaliate by producing the blue laws of Connecticut, and the laws of Massachusetts for burning witches; I might rehearse the proceedings of the Hartford convention and all that sort of thing. I would not do it. I remember when I was a boy at school reading the history of the burning of witches in New England.

Mr. HOAR. Mr. President, I say to the Senator from Georgia that no such thing ever happened in this world.

Mr. HILL, of Georgia. As the burning of witches?

Mr. HOAR. No, sir. The blue laws of Connecticut were a squib written by one Peters, which was passed off as history and from which the Senator from Georgia gets his information, I dare say; and no witch was ever burned in the State of Massachusetts.

Mr. HILL, of Georgia. Well, Mr. President, we will end that matter by saying that those things were in history and the history was written by northern men. I admit it is dangerous to accept what they say as true. [Laughter.] We did not write the history. Perhaps we were foolish for believing it. But, sir, though I may be the Pecksniff the Senator talks about, I am too much of a man to rise here and seek to create prejudice against any section of my country by taking up their acts in the days that are passed and gone when they thought they were right. I am not of that class of man, nor am I, thank God, his descendant, who stand in the synagogue and thank God "that I am not as other men are." We have all had our faults; our forefathers all made mistakes; I have made mistakes and I confess it, and the only man whose word is unworthy of credence here or elsewhere is he who would rise up and say he never makes mistakes.

I was born in a slave country; I was a slaveholder by the law and not by my will. I believed it was right; I was taught to believe it from my youth and from my infancy. Good men North and South believed it, and I will not characterize with the proper word the man who would undertake to criticise people for believing what they were taught to believe from their very youth. But while I do rejoice that slavery is abolished, while I think it is best for this country, while I believe firmly it is best for the white race South as well as the white race North, while I think the people of all this country ought to rejoice that slavery is abolished, I will say what history will prove to be true, that no class of laborers on this earth were ever as well cared for as the great body of slaves under the state of slavery in the South. I have seen incidents on the plantations as touching and as beautiful as the Senator ever learned in his own home in Massachusetts in reference to the relations between the master and the slave. But these things are gone. Why should they be rehearsed? And yet the Senator goes back to the period before the war and says that we confess our error. We do not confess that we were in error then. We honestly believed what we were then taught. We do rejoice that slavery is abolished, and we believe it is best for the whole country that it has been abolished, without reference to the means by which it was done.

Mr. PLUMB. What was the particular difference of opinion about the constitutional rights of the people of the United States that led to the war, according to the Senator?

Mr. HILL, of Georgia. I am not going into that. Everybody understands that the southern people held as they were taught by New England—the first time it was taught in this country it was taught by New England—that under the Constitution a State had the right to secede from the Union; that it was a part of our constitutional system; that it was not a war upon it, but was consistent with it. I am not going into that argument. I never believed the doctrine myself; but that was the doctrine taught by some of the wisest and best men in this country, and the South acted on it and accepted it as just.

But the Senator from Massachusetts went further. He wants to know if I approved certain acts read from the legislation of Louisiana, and says he thinks the same acts were passed in my State. That was not true.

Mr. HOAR. The same acts were passed, *totidem verbis* almost, in the same six or seven of the Southern States. If the Senator says they were not passed in his State, I will not affirm that they were, although my recollection is that they were. I once would have been able to state with great confidence and shall be able to do it to-morrow; but they were passed in substantially these words, some of them very much more offensive, however, in six or seven Southern States.

Mr. HILL, of Georgia. I shall meet the question, sir, as it ought to be met. I will teach the gentleman how to meet questions even though he charged me with lecturing. I dodge nothing.

In point of fact the State of Georgia passed the first civil-rights law on this continent after the war, even before the civil-rights bill of the United States Congress. But I claim no superior credit for Georgia for that, not a particle. Do not understand me as condemning those States that did pass laws which are now deemed objectionable. I admit this frankly and fully which every honest man in this audience and everywhere else will appreciate, that when the slave population were suddenly emancipated in their ignorant condition, in several of our States, and in all our States really, the most serious consequences to society were anticipated. It was an untried experiment. If you will look into the history of the country you will find that one of the great troubles of wise men North as well as South, before the war, was the danger of the sudden emancipation of the negro population, especially in those States where the negro population largely exceeded the white. The colored race were not to be condemned for being ignorant; it was part of their system of slavery, I admit; I dodge nothing. But when they were all suddenly emancipated, in some portions of the country where there were five colored people to one white person, our people did apprehend the most serious danger to their society. They did feel and fear that this population unaccustomed to the discipline of law, governed all their lives by force, would be unmanageable, would be dangerous; and it was not to injure the colored man, it was not from any malice toward the colored race, but for the protection of the white race and the protection of society from the dangers that we believed would result in too many cases from the large surplus of the colored people, that those stringent laws were passed. Now we would not pass them.

Mr. HOAR. May I ask the Senator whether they were mistaken, in his judgment, looking back at it now?

Mr. HILL, of Georgia. I will answer the Senator very frankly if he will wait. I was going to answer that question. I have not the slightest hesitation in saying we were, and we were glad we were mistaken; we rejoice we were mistaken. I once thought in the House of Representatives when I heard the Senator make a speech that he would be one of the most fitting men on earth for a grand, broad, magnanimous decision as a member of the Electoral Commission, but I was mistaken. I have frequently heard that Senator when he was uttering sentiments which were beautiful and which I thought indicated that the Senator might be governed by principles of action which would be delightful; but I am sorry to say I have been mistaken. The Senator seems to take his chief pleasure in digging up the unfortunate differences that existed under a former *régime* and holding the present generation responsible for them.

Mr. HOAR. Will the honorable Senator allow me a moment?

Mr. HILL, of Georgia. Certainly.

Mr. HOAR. The Senator certainly, I will not say misstates, but utterly misconceives the purport of my remarks. The Senator undertook to make some very severe charges upon this side of the Chamber, in which he charged them with having falsely claimed to be the true friends of the colored man and having falsely claimed that he and his associates were not the true friends of the colored man, and having falsely charged that he and his associates, or at any rate some of his associates among the white democrats of the South did not mean that the colored man should have his vote fairly cast and counted. To the first of those charges I replied by challenging the Senator to take a single one of the great issues which had divided us from him and his associates during the past twenty years, in regard to which he would not now admit that he was totally mistaken and that we were right. I made that challenge to him as a defense of the position which he had attributed to us, and with the view of asking him to consider, if he admitted himself that he had been wrong and we had been right twenty times, whether a little modesty in lecturing us about the twenty-first issue would not be becoming? That is the point.

Mr. HILL, of Georgia. Mr. President, I said in my remarks that the policy which the republican party had unfortunately pursued after the war had resulted in great damage to the southern people and to the negroes, and had made that party, as I explained, in my judgment—not in intention, I distinctly disclaimed that; I distinctly exonerated them from the intention of doing so—but stated that in point of fact the policy of the republican party after the war had been the most unfortunate thing that could possibly happen for the negroes, and made them the enemy of the negro in fact, not in intention. That is all. I admit that there was great reason for differences of opinion after the war.

But I go back to what I was saying. I say the Senator is arraigning us now and impeaching the faith of the democratic party now in accepting the amendments and in giving the colored people equal rights under the law, he is impeaching it by producing and reading in this Hall legislation that was passed immediately after the war, when all was anarchy, when all was confusion, when everything was new, and the southern people felt that their very society was in danger, and in places where the negro population was largely in the ascendant they believed it was necessary to adopt this stringent legislation for the protection of the white people and of society itself. That is all. But I say they were mistaken. So I say were the republicans of the North, and, gentlemen, some of you certainly will be liberal enough to meet me in a spirit of mutual frankness in this matter. I never expected it from the Senator from Massachusetts.

Mr. HOAR. I think I have stated my opinion to the Senator very frankly.

Mr. HILL, of Georgia. I say you made mistakes on your side. The republican party made the gravest mistake. You made a mistake when you disfranchised the leading men of the South, you made a mistake when under your reconstruction policy, as I said before, you inaugurated a policy which made the southern people believe that your object was not to improve the negro but to govern the white people through the negro. I do not chide you for it; I do not say you are criminals for it. I think you made a great mistake, and I think events have proved it. If the Senator wants me to point out where the republican party has committed errors, I have just done it, and I have not confessed that I was wrong in those opinions. I say now that in my opinion, and it is formed deliberately, the unfortunate reconstruction policy of Congress after the war damaged the Southern States as much as actual war did. That is my opinion; but you did not intend it.

Mr. HOAR. Will the Senator state which of those three great measures he alludes to? I dislike to interrupt the Senator, but it may save the necessity of a reply by calling his attention. The Senator admits that at the end of that policy the South is in a position of uncommon prosperity. Now will he not admit that every one of those measures was right? He says our policy was wrong; but take every one of the three amendments, take the putting down of the rebellion, take the dedicating of the Territories to freedom, take every one of the great facts which happened, and will he name one of them as to which he can say we were wrong and he was right at the time?

Mr. HILL, of Georgia. The whole reconstruction policy was a terrible mistake; I have stated so over and over; a mistake for the colored man, a mistake for the white man, a mistake for the South, and a mistake for the North.

Mr. HOAR. If my friend will permit me once more, I will endeavor not to interrupt him further. I understand the policy to be, first, the taking out of your own State governments when you passed those vagrant laws; second, the adoption of the thirteenth amendment abolishing slavery; third, the adoption of the fourteenth amendment; fourth, the adoption of the fifteenth amendment. That is what I understand the reconstruction policy to be. Does the Senator understand it to be something else?

Mr. HILL, of Georgia. I do; and if the Senator will allow me I will proceed without his unnecessary interruptions. The reconstruction policy of which I speak is separate and distinct from the constitutional amendments. The constitutional amendments were one thing; the reconstruction acts of Congress and the policy inaugurated by those acts were wholly different things. The reconstruction acts, as I stated before, disfranchised, not only from the right to hold office but from the right to vote, 250,000 of the best men in the Southern States, the most educated and the most enlightened, those who had most experience in government, and that at a time when our people most needed them. I dare say, I believe at least, the authors of the reconstruction policy thought it was the only thing they could do; but my opinion now is that if that policy had not been adopted, and the republican party had based their movements in the South, if they chose to discriminate at all, by discriminating against what they called the secessionists—had based their movement upon the old Union sentiment and sought to reconstruct the South not by making the people believe the purpose was to govern the whites by the negroes but to co-operate with the whites in the improvement of both races—they would have avoided immense mistakes to both races. But you could not see it then; you were like ourselves. You can see it now, and all honest men can see it now. If you had it to go over, you would do differently. I have not the slightest doubt if the great men who then had charge of affairs and who adopted the policy of reconstruction had it to go over they would do differently; and I believe that if Mr. Lincoln had lived the country would have escaped the whole disgrace of this carpet-bag *régime*.

But the Senator says that I admit that we have all improved, that our States are all prosperous. So I do, but we are prospering not under reconstruction but in spite of it. No Southern State ever began to prosper until it got rid of your reconstruction government. That I affirm. Georgia, it is often said, is now more prosperous than any other Southern State. Why? Because Georgia was the first fortunately to get rid of those governments and get the possession of her State government in the hands of her own people. When did Louisiana begin to improve? When did South Carolina begin to improve? When did Alabama begin to improve? Not a single Southern State ever began to improve until we got rid of the people you fastened upon us by the bayonet.

I am not repeating these things to chide you, gentlemen; I do not impeach your honesty in doing them; I do not know what I should have done if I had been here in your place. I think that we shall all do better for all our people if we exercise a little more charity and talk about the improvement we have made in a proper spirit and not in a recriminating spirit.

The Senator from Massachusetts charges me with lecturing when he is lecturing himself in a much more objectionable manner. You made mistakes; we made mistakes; our fathers made mistakes; the framers of the Constitution made mistakes. He alone is an honest man who admits that he made mistakes, and he alone is a trustworthy man who frankly confesses his mistakes and corrects them, but do not understand me as saying, gentlemen, that the South owes any portion of her prosperity to the reconstruction policy. That would be a great mistake. We differed in my State on the subject of reconstruction. My colleague and myself widely differed on the question of reconstruction. Neither of us intended to resist the Government, but while he admitted that reconstruction was not what he would have proposed himself, yet he thought the best plan for the southern people was to accept it and get possession of their own as soon as possible. His principal object was not to revive prosperity under reconstruction, but to accept it as the shortest means of being in accord with the Federal Government, as he thought, and getting possession of our own. I thought differently. I thought the people of the North had waged the war for the preservation of the Union, and I thought the reconstruction policy was based upon the idea that the war was one of subjugation. Therefore I would not approve it or accept it. But when it became an accomplished fact, as it did at the end of two years, then I agreed to recognize the accomplished fact and accept it as a part of the law of the land and ceased to discuss its wisdom. In that my colleague and I united and agreed.

The State of Georgia was fortunately the first to get rid of the unfortunate state of things produced by your reconstruction policy. But I said in my speech, and I repeat it, and I commend it to intelligent Senators on that side of the House, take the statistics of the Southern States and it will be found that they have prospered in exact proportion to the length of time that they have been free from the governments forced upon us by the reconstruction policy.

Mr. LOGAN. I have listened very patiently here all day to these insinuations. Now I want to say this, and just this. The Senator from Georgia is very prolific in his suggestions about the mistakes of the republican party.

Mr. HILL, of Georgia. I say to the Senator if I am making a misstatement of fact I will give way, but I do not want to yield for a speech now. I want to get through with what I have to say.

Mr. LOGAN. I do not want to make a speech, but I want to call the Senator's attention to one thing. We are told time and again by Senators on that side of the Chamber that the war is past and they do not want it alluded to. I was told so the other day. I have not alluded to it; but every time an opportunity is afforded the Senator or others on that side of the Chamber digs up every question growing out of the war. I want to say once for all that you, sir, and every other man who joined in rebellion against this Government is responsible for every wrong that you complain of.

Mr. HILL, of Georgia. I happen not to be as responsible as the honorable Senator when it comes to that. When he was standing in these Halls advocating a policy in the democratic party that encouraged the South to secede, I was there manfully breasting the storm. That is the difference between him and me. [Applause in the galleries.]

Mr. COCKRELL. Mr. President——

Mr. HILL, of Georgia. I will tell the Senator from Illinois what is a historical fact, that I was met on the stump in Georgia when I was opposing secession by arguments that he and such as he would stand by the South if they did secede.

Mr. LOGAN. No, sir——

Mr. HILL, of Georgia. I do not care to revive that, but you charged me with being responsible.

Mr. LOGAN. I mean to say this to the Senator, that any man who insinuates that I sympathized in the least with secession at that time insinuates that which is false. [Applause in the galleries.]

Mr. HILL, of Georgia. I have no doubt of it. I did not charge it, but I said the Senator was quoted that way, and he was.

Mr. COCKRELL. I hope there will be no cheering in the galleries. It is a violation of the rules of the Senate. If there is any more, I shall certainly insist on the rules of the Senate being enforced by having the galleries cleared.

Mr. HILL, of Georgia. The Senator from Illinois will understand that I do not indorse what was said of him. I do not charge that he was guilty.

The PRESIDING OFFICER, (Mr. MORRILL in the chair.) Will the Senator from Georgia allow the Chair to remind the galleries that neither demonstration of approval nor of disapproval by those in the galleries is permitted, and if repeated the Senator from Missouri gives notice that he will move to have the galleries cleared. The Chair will also take this occasion to say that when a Senator is interrupted by another on the floor, he must first obtain his permission.

Mr. HILL, of Georgia. I thank the Chair for that statement.

Mr. BECK. Will the Senator from Georgia allow me to say a word?

Mr. HILL, of Georgia. I give way to the Senator from Kentucky.

Mr. BECK. I desire to suggest to the Chair, as I do not believe the innocent ought to be punished with the guilty, whether an assistant sergeant-at-arms ought not to be placed at a door of the galleries to remove those only who are guilty of disorder instead of clearing all out of the galleries. If either one or the other has to be done, I hope the Chair will order an assistant of the Sergeant-at-Arms to be stationed there to arrest the persons who are disorderly instead of clearing out those who are not.

The PRESIDING OFFICER. The Sergeant-at-Arms is instructed

to remove all those in the galleries who make any further disturbance.

Mr. BECK. That is what I desire.

Mr. COCKRELL. That is right.

Mr. HILL, of Georgia. I want to say to the Senator from Illinois that when he rose in his place and charged that I and those with whom I was associated were responsible for all the wrong that the Southern States have suffered, I then reminded him of the attitude of himself and myself when this state of things was flagrant. I do not charge that the Senator intended to sympathize with secession—by no means. The Senator will understand me as making no charge against him; I am simply stating the historical fact.

Mr. LOGAN. I desire right here——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. HILL, of Georgia. Certainly.

Mr. LOGAN. I desire once for all to settle this question.

Mr. HILL, of Georgia. There is nothing to settle.

Mr. LOGAN. I do not intend to have insinuations of that kind cast at me when they are false. It has been done often enough. Sitting here in this Chamber is a Senator, one of your colleagues, a democrat, who knows that that insinuation is false; he has a right to know it; and if called on he would state in your presence that any man who insinuates that insinuates a falsehood; for he knew when we served in Congress together that I had no such sympathy. We talked the matter over and he knew exactly what I was going to do and what I proposed to do. I have never called on him; I do not do it now, for I am able to protect myself; but I say that these insinuations about my tendency in that direction have got to stop, for they are not true. That is what I say.

Mr. HILL, of Georgia. I have said that I accept the gentleman's statement that they are not true.

Mr. LOGAN. Well, that is enough, then.

Mr. HILL, of Georgia. But if the Senator expects to stop me from reciting historical facts, he is mistaken.

Mr. LOGAN. I do not expect to stop you.

Mr. HILL, of Georgia. I make no charge against the Senator; I have stated that; and his speech was as unnecessary as it was out of place. He must understand that what I undertake to say I say within parliamentary law, and I shall say it.

Mr. LOGAN. Of course; that is right.

Mr. HILL, of Georgia. The power does not exist that can prevent it, and I say so in all kindness. I have not the least ill-feeling for the Senator.

Mr. LOGAN. Of course not.

Mr. HILL, of Georgia. But he made a remark which did bring vividly to my recollection a state of things that I can never forget.

Mr. LOGAN. If the Senator will allow me, I said, and I repeat that when on our side of the Chamber we had been reminded often that the war was past and gone, that reference to it was not pleasant to certain gentlemen, at the very time these things were said to us, every day the Senator from Georgia and others not mentioned continually on all questions were digging up that which grew out of the war and was its natural and logical result, and making complaints against it. I said that those complaints were made against that which grew out of the war, and if they were to be made against the republican party the Senator and his colleagues were responsible for them, because they engaged in a war against the Government that produced these results; and I repeat it.

Mr. HILL, of Georgia. With all due deference to the Senator from Illinois, he must excuse me from yielding for any more such interruptions. If he will address his remarks to the Senator from Massachusetts they will have some proper application, for I am replying to the speech of the Senator from Massachusetts in which he went back before the war and even dug up the issues about slavery in the Territories.

Mr. LOGAN. I do not know anything about that.

Mr. HILL, of Georgia. And he read to the Senate various acts of the Legislature of Louisiana passed immediately after the war ended. While I am replying to those things the Senator from Illinois stalks into the Chamber and in his lordly manner undertakes to lecture me about going back into old issues. It would be well if the Senator is to correct me that he should remain in the Chamber and hear everything that is said and keep up with the points of the argument.

Mr. LOGAN. I am in the Chamber as much as the Senator.

Mr. HILL, of Georgia. I agree that no allusion should ever be made to the past in a spirit of crimination, in a spirit of condemnation, and that has been my whole appeal to-day. I have made the allusion to show that we all have changed our opinions. It was not to revive any charges against that side or against the northern people. I stated distinctly that the North was as honest as the South in those days and the South as honest as the North. The great thing for the statesmanship of this country to realize is that both parties were honest in their opinions, and neither should be treated as criminals. That is the great mistake that has been made since the war.

When the Senator rises here to charge me with being responsible for the wrongs heaped upon the South it is remarkable. I am not alluding to him particularly. It is true I did hear the honorable Senator's name quoted, I heard the names of other great democrats quoted, before the war, on the stump in Georgia to prove to the people of that region that if they did secede they would have support at the North. It is a historical fact. I am not alluding to it to make a charge against the northern democracy, but it is so, and we did not get this support, and notwithstanding that fact, when the war came the northern democracy rallied valiantly in support of the Union. The Senator from Massachusetts will forget that fact, and simply charge them with their policy before the war, and try to make the whole of them responsible for it now. Let us forget all that. There were thousands of men living up here far more responsible for the war than thousands of men living in the South; but let that pass.

I go back to where I left off when the Senator from Illinois interrupted me, and I say to the Senator from Massachusetts that those laws from which he read were passed at a time when there were serious apprehensions all over the South that restrictions of that character upon the newly-emancipated race in their ignorant condition were absolutely necessary for the protection of society, and they were not passed in a spirit of enmity to the colored people. That is the main fact I want to bring out.

The Senator, not contented with that, revived the Chisolm massacre, and told us about various other atrocities committed in the South. I will make one remark on that subject. I say that when the whole southern white people unfortunately believed that, they may have been mistaken—mark now, I am not speaking in a spirit of crimination; I am speaking in a spirit which I think every man on that side ought to appreciate—I say that when the whole southern white people were made to believe that the republican party as a party in its reconstruction policy was seeking not to elevate the colored race, but simply to govern the white race through the colored race for party purposes, it did engender bitter strife.

Mr. HOAR. Who made them believe that except the leaders of the South?

Mr. HILL, of Georgia. Your carpet-baggers made them believe it; the men who came there under the protection of your bayonets and taught the colored people that their old masters were their enemies and would relegate them to slavery. They were the men who made them believe it. Of course their old masters did not make them believe it; we did not make them believe it; your emissaries made them believe it; the people who represented your party made them believe it; and it did beget an angry state of feeling; and it is out of the state of feeling engendered in that way that all the outrages that the gentleman alludes to were committed. In proof of it I say take my State. We had outrages in Georgia in the early stages of reconstruction; we had them as late as 1872. Of course the passions thus excited had to take some time to subside.

Mr. BECK. General Grant in 1865 said it was the effort of the carpet-baggers to engender the feeling.

Mr. HILL, of Georgia. As my friend advises me, General Grant, who has said many good and true things, said himself it was the efforts of the emissaries that you sent there to create that feeling. You did not send them as emissaries but they became such; they were carpet-baggers who sought to use the negro and others too as a means of getting in power in those States for their own benefit, not for your benefit.

I want to say to the republican party, the greatest mistake you now make is in recognizing such people as worthy to be your leaders in that part of the country. They care nothing for republican principles or the republican party; all they want is to use your policy and take advantage of the vote of the negro for their own selfish ends. You ought to realize that such is their object when you are weighing and considering this question and passing judgment upon the conduct of the southern whites. Take and put yourselves in their place and say how you would act in that case. We have had outrages there; but the great point I want to make is, that in every State, in a reasonable time after the democracy came into possession of the State government, those outrages ceased and there has been perfect peace in that part of the country since. Take my State. There are no outrages there, and what you all say, what your papers say, that we compel them to peace, that we keep them intimidated, is utterly untrue.

Mr. BLAIR. I should like to ask the Senator just this question——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BLAIR. For just one question.

Mr. HILL, of Georgia. I prefer not to yield to the Senator; I have been interrupted so much.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. BLAIR. Will he not permit me to ask him who convinced us, we being honest, that you meant to oppress the negro? The carpet-bagger convinced the negro; who convinced us and who convinced the Congress of the United States, if not the action of the southern whites?

Mr. HILL, of Georgia. Of course I do not know who convinced you, but I have believed that the stories of horrible outrages which the carpet-baggers and their allies got up at the South and scattered through the North for the purpose of keeping the North falsely impressed as to the South succeeded in creating that belief with you. It was a party necessity. They saw that the only way to maintain their power at the South was through the republican party, and the only way to retain the republican party in their support was to con-

vince the republicans of the North that these measures were absolutely necessary, as these outrages existed, and thousands and millions of men at the North, as honest, as worthy, honest Christian people, I have no doubt, have honestly wept bitter tears of indignation over the heart-rending stories of outrages at the South that never occurred on earth.

Mr. BLAIR. Does the Senator mean to say that is what convinced the Thirty-ninth Congress?

Mr. HILL, of Georgia. I do not know what convinced the Thirty-ninth Congress. I am not responsible for the convictions of the Thirty-ninth Congress.

Mr. BLAIR. Does not the Senator know that the legislation of the South convinced the Thirty-ninth Congress?

Mr. HILL, of Georgia. The Senator must excuse me; I do not know what convinced the Thirty-ninth Congress; I am not talking of that; but I say that whatever may have been the agency is not material. I am thoroughly satisfied that one great trouble between the North and South from the beginning has been the fact that they do not understand each other. I do know it to be true that you have had a lot of republicans in the South who have no interest in the republican party except as they could use it for their own selfish ends, and who had no interest in the negroes except as they could use them for their own selfish ends. They kept up in the North a systematic and a perpetual stream of calumnies and slanders upon the best people of the South for the purpose of exciting these prejudices. Do not understand me as denying that outrages did exist in many cases. I am not here to dodge anything. I admit that. In the state of society we had after the war it is marvelous that more outrages did not exist than did occur. I sometimes look back upon it, and I am not astonished that outrages occurred; I am only astonished that society itself was preserved. I think the best thing that can be said in defense of the southern people is that in spite of all the troubles and difficulties and obstacles that have been thrown in their way, it is a marvel that the southern people have been able to preserve their society and at so early a date re-enter upon the road of prosperity and peace.

Mr. HOAR. Mr. President——

Mr. BUTLER. If the Senator from Massachusetts or the Senator from Georgia will pardon me for one moment, I should like to read from a speech delivered by a gentleman upon the subject of the mistakes of the republican party. If I understand the Senator from Massachusetts aright, he says that they have made no mistakes. I should like very much to read from a speech, if the Senator from Georgia will permit me——

Mr. HOAR. I did not say so.

Mr. BUTLER. I should like very much to read it for the especial benefit of the Senator from Massachusetts.

Mr. HILL, of Georgia. Read it.

Mr. HOAR. If I have the floor I will yield to the Senator from South Carolina. I do not know who has the floor.

Mr. HILL, of Georgia. I have the floor; I am not through. I yield to the Senator from South Carolina.

Mr. BUTLER. I should like to read from a speech which I find was delivered May 5, 1876, at what was known as the Belknap impeachment trial, and was delivered by Mr. HOAR, one of the managers on the part of the House of Representatives at that impeachment trial. The language is in these words——

Mr. HOAR. The Senator had better let the Clerk read it; we could hear it better.

Mr. BUTLER. No, sir; I prefer to read it myself for the especial benefit of the Senator from Massachusetts. I think I can read it so that the Senator from Massachusetts can hear me:

> My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of senatorial office; but in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration.

The Senator from Massachusetts knows what five judges those were; I shall not name them.

> I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State in the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President.

I commend that language to the Senator from Massachusetts when he is talking about the immaculate purity of the republican party in this country.

Mr. HILL, of Georgia. I am not making a speech (although I may appear to be sometimes too earnest) with a view of exciting any feeling on this floor of an inimical or unfriendly character. I stand here to confess that we on our side in the South have made mistakes. I stand here to say that you on your side have made mistakes. I stand here to say that the poor South has been the chief sufferer of the mistakes on both sides. I seek to point out those mistakes, not for the purpose of reviving ill-feeling, but simply for the purpose of showing you what I meant when I said in the letter to Mr. Chittenden, to which the Senator from Wisconsin called attention, that it would have been better for the country if both parties formed upon these old issues that were settled and buried, I trust, forever, should have been disbanded and new parties organized upon living principles, upon our new state of things. We do live in a new era; we do have a new Constitution; we do have a country free from side to side and from end to end; we do have an anticipation of prosperity to the country never before dreamed of.

What I commenced complaining of was what I believe to be the initiatory movement on the other side of the Chamber to inaugurate a coalition for political purposes in the South to be carried out by renewing stale calumnies and abuse of the better class of the people in that region, and I protest against it. That is the only way I got into this debate. I agree to the grand language of the President in his inaugural that the questions involved in the war ought to be considered as no longer open for debate. We should remember them only to avoid their mistakes. I affirm here that whatever may have been the mistakes of the past, whatever may have been our teachings in slavery, whatever may have been our apprehensions in the early days of reconstruction, whatever may have been your mistakes in the policy of reconstruction, they are all over; they are all past. We are now upon the point of reviving prosperity and I trust of national reconciliation; and I ask, in the language of the President, that these things be buried. I would have been glad that both parties should have been disbanded and new parties formed, simply because I believe as long as these old parties keep in existence, who live upon dead issues and the passions that those dead issues excite, these evils will continue, but still while these parties continue I cannot afford to affiliate with a party that loses no opportunity, as I know, to malign my people. No, sir.

I had rather be a dog and bay the moon

than a southern man and consort with the maligners of my people. I do not care what you think; I do not care how you talk about the outrages at the South; I know the better class of people are not responsible for them. I know the democrats of that part of the country are as patriotic as you are, as true to the Union as you are, just as much in favor of giving the colored people their equal rights and just as much in favor of a free ballot and a fair count as you are; but we cannot, for the sake of our society, stand by and see these coalitions formed for the purpose of using the colored race, in their ignorant condition, for party purposes, for personal ends, at the peril of the peace of that portion of the country.

Mr. President, I know that I have said too much; I know that I have spoken too earnestly. That is very likely; it is my habit; but I have said what I have said with the very best motives. I said in concluding my remarks before that I did not expect them to be appreciated by certain men on that side; I did not expect them to be appreciated by the press; and now having concluded, I move——

Mr. BECK. Will the Senator from Georgia allow me to say a word before he sits down?

Mr. HILL, of Georgia. Certainly.

Mr. BECK. We have had a long debate here to-day. It has been obvious for a week that at the bottom of all this debate is the apprehension of the republican party to go into executive session because they have a quarrel among themselves which they dare not face, while they are making the country believe that we are filibustering. They brought up Louisiana yesterday, and they have waved the bloody shirt to-day. They are willing to adjourn now. They dare not make a test, because they dare not go into executive session to face the differences they have among themselves. I hope we shall give them another trial, and that before the Senator from Georgia sits down he will move to go into executive session in order to see if they dare venture upon it.

Mr. HILL, of Georgia. I was about to conclude by moving that the Senate adjourn; but at the suggestion of the Senator from Kentucky I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask the Senator to withhold the motion.

Mr. HILL, of Georgia. I have made the motion at the instance of another gentleman and cannot withdraw it.

Mr. HOAR. You do not want to hear the reply.

Mr. HILL, of Georgia. You will have chances to reply, plenty of them.

Mr. CONKLING. I venture to ask permission to put a question to the Senator from Georgia. Does he really mean after the speech he has made, leveled at the Senator from Massachusetts, to insist upon a motion to cut off reply?

Mr. HILL, of Georgia. No, sir; I do not.

Mr. BECK. I do. I think the Senator from Massachusetts will have time to-morrow.

Mr. HILL, of Georgia. Let me say to the Senator from New York that I never seek to cut anybody off from anything.

Mr. CONKLING. So I thought.

Mr. HILL, of Georgia. I am not that style of man; but I want the Senator from New York to understand that I was making a reply to the Senator from Massachusetts, which under the rules ought to end the debate. But I do not care how much the Senator from Massachusetts speaks. As I had the floor, I made the motion at the instance of the Senator from Kentucky, and I simply felt that the question as to whether it should be withdrawn or not was with him and not with me.

Mr. BECK. What there is——

Mr. CONKLING. Will the Senator pardon me one moment? I do not rise in behalf of the Senator from Massachusetts, who is quite abundantly able to take care of himself; I rise in my own behalf to remind the Senator from Georgia that nothing in the Senate is more unusual than for a Senator to make a speech (I do not criticise it at this moment) such as the Senator from Georgia has made, and when the Senator aimed at rises to reply, to submit and insist upon a motion which is not debatable. I do not think either of these Senators on reflection will do that.

Mr. HILL, of Georgia. I have said to the Senator from New York plainly and distinctly that I have no desire on earth myself to cut off the Senator from Massachusetts now or at any time.

Mr. CONKLING. But your motion does cut him off.

Mr. HILL, of Georgia. But I have made the motion not at my own instance, but at the instance of the Senator from Kentucky, who can dispose of it as he pleases.

Mr. CONKLING. Is not the Senator his own keeper?

Mr. HILL, of Georgia. So far as I am concerned, I withdraw it; but I think the Senator from Kentucky has a right to renew it.

Mr. CONKLING. Then the Senator from Massachusetts has the floor.

Mr. HOAR. Mr. President——

Mr. BECK. I made the motion.

The PRESIDING OFFICER. The Senator from Massachusetts now has the floor.

Mr. BECK. But I made the motion.

Mr. CONKLING. The Senator from Kentucky has not the floor.

Mr. HILL, of Georgia. I gave the Senator from Kentucky the floor, and I must confess honestly I regard it as his motion.

Mr. HOAR. The Senator from Georgia has no right to give the Senator from Kentucky the floor.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. CONKLING. The Chair apportions the floor, and not the Senator from Georgia.

Mr. HOAR. Mr. President——

Mr. BECK. Will the Senator allow me to say that I do not desire to cut off any debate——

Mr. HOAR. I have the floor, I think. I do not see why the Senator should try to cut me off by asking me to yield to him. I have the floor, I believe, Mr. President.

Mr. BECK. I have no right to make the motion if the Chair decides against me.

The PRESIDING OFFICER. The Senator from Georgia made the motion and withdrew it; and thereupon the Chair recognized the Senator from Massachusetts.

Mr. HOAR. I will not apply to the Senator from Georgia the famous sentence in which Burke spoke of a parliamentary antagonist, in which he said he had meanly sneaked out of a difficulty into which he had proudly strutted; but I will say that I never heard a more lame attempt to shuffle out of a position into which the Senator advanced with the sounding of trumpets and the firing of guns. He rose in the Senate this morning and entered upon this debate, consuming, I should think, two hours, (but his speech might have seemed long to his hearers when it was not more than one,) by a lecture to the republican party of this country upon two matters—one, that we were about to enter upon a coalition with certain unworthy persons at the South, as he styled them in substance though not in words; and the other, that our reconstruction policy had created great mischief to the South and that especially after the war the emissaries of the republican party had sought to persuade the negroes that we were their friends and that their former masters were their enemies. With every form of amplification and reiteration and severity of adjective the Senator undertook to drive those charges into the republican party. The only diversity which his speech contained was that every other sentence was a testimonial to himself and his own fairness and integrity and wisdom.

I sat in my seat without the slighest intention of taking part in this debate, (which is under the charge of my colleague, so much fitter to govern it than I am,) until I could not stand it any longer, when I rose and proceeded to call the attention of the Senator from Georgia to the fact that the men who were "falsely" charged with being the enemies of the negro had within six or eight years of the time when that reconstruction policy was determined upon endeavored to spread slavery into all the Territories of this country; that they then fought a four year's war the sole purpose of which was the fastening forevermore of the collar around the necks and the gyves around the wrists of this race to whom they were so friendly; and that then they had resisted one by one every one of the three great amendments securing the equality of rights and the liberty and citizenship of this race; in every one of which matters the Senator from Georgia was an earnest partisan of the democratic position. I submit to him that that was a legitimate answer to his speech. I also pointed out that after the thirteenth amendment was adopted and ratified, the leading democratic States of the South passed laws contrived with devilish ingenuity to re-enslave that race which the Constitution of the United States declared free; that they sold them and their wives and their children, giving their old masters the preference, for the crime of being out of work.

When the Senator taunts me and my associates that we sent men down into the South in 1865, 1866, and 1867, who falsely told the negroes that we were their friends and that he was their enemy, is it not a legitimate answer to point to what you were doing at that very time? The Senator seems to think that he can stand up in the face of the American people and persuade men that black is white and that white is black; that the man who votes for whipping men and women and keeping them in slavery forevermore, and re-enslaving them when the Constitution of their country makes them free, and who resists every step to embody in the Constitution of the United States the great rights which belong to all humanity, is the friend of the negro and his freedom, and the men who accomplished these things his enemy. He accompanies it with a little private history, in which he asks us also to believe that the men who cast votes for ordinances of secession are Union men; that men who introduce measures in the confederate congress to shoot at sight northern soldiers if negroes are employed in our service are men who are in favor of friendly, moderate relations between the two sections; that men who defend Andersonville are champions of humanity; and then he undertakes to give to me and to give in advance of his act to the new Senator from Virginia, lectures on personal consistency and political propriety, and to say "Oh, tut, tut, do not go into these old discussions." Does the Senator suppose that the political history of this country is a monopoly of the democratic party, and that when we are taunted and stung and challenged by his setting forth our iniquities we are not at least entitled to a reply?

I met the Senator's lecture, of the severity of which perhaps he was not conscious, of the assumption of which he perhaps was not conscious, by saying to him, which I repeat, that I challenge him to name a single great measure which has affected the condition of the colored race or the policy of reconstruction, in regard to which he dares now refuse to confess that he was all wrong at the time and that we were all right. He says that the laws which I read were passed under the belief of the white democrats that it was dangerous to have this class of negroes, whom they knew all about and we knew nothing about, in freedom as citizens; and that is his excuse. When I asked him, "Well, were you right or were we right?" the answer was, "Oh, I was altogether mistaken." The men who thought that friendship for the negro consisted in sending his children to school, in securing him the ownership of land, in securing him the right to vote, in teaching him that God had given him that right to vote and that no human power could hereafter take it away from him, were his enemies, according to the Senator from Georgia, and the men who sought to bind anew the shackles about his limbs were his friends; you have been mistaken all your life.

The learned Senator shuffles off from the great measures which find their place in statutes and constitutions, and upon which the history of this country is planted. We placed those rights of the negro as a rock of solid granite in the Constitution itself, and I say to the honorable Senator from Georgia and to those who, with him, are trying to hold on to a slowly dying cause, "Whosoever shall fall on this stone shall be broken; but on whomsoever it shall fall, it will grind him to powder;" and parties, both North and South, may properly take heed of the admonition. I say again, the Senator from Georgia shuffles off. "Oh, yes, the thirteenth amendment was all right; the suppression of the rebellion was all right; the keeping slavery out of the Territories was all right; the giving the negro education, and land, and the vote, was all right; the fourteenth and fifteenth amendments were all right; the taking away from the State governments the powers which they were using to pass these wicked laws was all right; but there is some vague notion of a reconstruction policy, not a single measure of which I can quote, not a single act of which I can express, in regard to which you were all wrong." A gentleman who stands up, and a party that stands up, to acknowledge in the face of the American people a series of mistakes upon the greatest question ever submitted to a free people, the question of the rights and the condition of five million people under their constitution and laws, has not fitted himself very well for a lecturer on political sagacity or political consistency.

Mr. HILL, of Georgia. I do not think it is necessary to reply to the Senator from Massachusetts, except to remark, and I want the country to understand it, that I have said nothing whatever such as he has reported me as saying. The Senator has simply rehearsed what he has said perhaps a hundred times, which was never true at any one time he ever said it.

Mr. BECK. I rise for the purpose of renewing the motion to proceed to the consideration of executive business. I will make that motion presently. Before doing so I desire to give what is my deliberate opinion, that the republican party, with all their pretensions of anxiety to elect officers of the Senate, have been postponing matters from day to day for a week with no earnest desire to proceed;

that they are prepared to adjourn now in my opinion; they have been prepared to adjourn at any moment when the ordinary dinner hour arrives; they have encouraged the attack on Louisiana and the raking up of the filth that for ten years we know has existed in the politics of that State; they are again to-day bringing up and waving the bloody shirt over the country as though these questions were now involved, when the fact is that they have resisted the consideration of executive business because of such serious complications among themselves that they have not dared to face the issue that the President has called upon them to meet.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. BECK. I will yield.

Mr. DAWES. I give the Senator my word that I will move myself to go into executive session in ten minutes after you adopt the pending resolution. [Laughter.]

Mr. BECK. The Senator knows very well that the pending resolution cannot be adopted, certainly not so long as the republican party seeks to attach itself to the repudiators of the country. We cannot afford to allow the Senator from Massachusetts to so far disgrace the party he represents as to ally itself with any such organization as that. My great regard for the Senator from Massachusetts has made me defend him for the last three or four days against the possibility that such a thing might be charged to him. I have served under him so long, and have obeyed him so long, and have been scolded by him so often—and he behaved to me better then, at the other end of the Capitol, than he does now—that I confess some admiration for him and some apprehension of his powers.

I desire now that we shall go into executive session and by confirming the nominations that have been sent to us get men to carry on the business of the Government. The Supreme Court has adjourned, I understand, four times within the past ten days for the want of a quorum. There are very many vacancies now in the public service that we should fill at once. Let us pass upon these great questions, and then come back into open session if you desire. There are four treaties pending to which the Senator from California [Mr. FARLEY] has been calling attention over and over again. When you have attended to these things, there is nothing to prevent you from again coming into open session and taking up this question.

Mr. DAWES. Why, Mr. President, the Senator is not conscious of how much time he has consumed himself in these dilatory motions. We could have passed every one of these resolutions four or five days ago if it had not been for him, and had all the nominations confirmed in the Senate. The Senator is not conscious of the delay he is creating himself. I am astonished at him.

Mr. BECK. Mr. President, I have proposed in the feeble efforts I have made to prevent the thing from being done of which I have spoken, to prevent the combination that unfortunately the Senator from Massachusetts, [Mr. DAWES,] because of his great respectability, has been made the organ of the caucus to seek to impose upon the country. I think a gentleman of less standing might have failed long ago. I was about to move to recommit the whole resolution to the caucus, but I will not. I desire to say, however, and I say it in all seriousness, that I believe now and I have believed for a week that there has been no earnest effort on the other side to make a contest as to whether this thing could be done or not. I know they cannot pass this resolution and elect these men. I know the power does not exist in them to do it. The Senator from Massachusetts knows it. The gentlemen on the other side know it. They do not care about it. That is not their object at all, but they are afraid to go into executive session to develop the difference of opinion among themselves, and I am now urging and pressing them to do it.

Mr. DAWES rose.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BECK. Yes, sir.

Mr. DAWES. We intend also the country shall know who prevents it.

Mr. BECK. The country shall know that the republican party are so divided about the policy that ought to be pursued in regard to the great nominations now pending before the Senate that they dare not consider the objects for which the President called the Senate together, and that under the pretense of turning out two or three good officers and putting in repudiators and others they are seeking to make a divergence, and they are supplementing that with discussions on Louisiana and on the bloody shirt and on issues about carpet-baggers and negroes and Freedman's Bureau agents, and other matters that have been buried out of sight long ago, and they are as much concealed as the ostrich thinks he is when his head is under the sand while his great body is exposed in full view.

Mr. DAWES. I wish the Senator would only let us try it.

Mr. BECK. I will, and I move that the Senate proceed to the consideration of executive business, and I call for the yeas and nays on that motion.

Mr. DAWES. The business before the Senate is what the Senator's trouble is——

The PRESIDING OFFICER. The motion is not debatable.

Mr. BECK. I have asked for the yeas and nays on the motion that the Senate proceed to the consideration of executive business.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired to-day with the Senator from Maine, [Mr. HALE,] who was obliged to leave the Chamber.

Mr. GROOME, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] But for that pair, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 28, nays 30; as follows:

YEAS—28.

Bayard,	Davis of W. Va.,	Harris,	McPherson,
Brown,	Fair,	Hill of Georgia,	Maxey,
Butler,	Farley,	Jackson,	Morgan,
Call,	George,	Johnston,	Pendleton,
Camden,	Gorman,	Jonas,	Pugh,
Cockrell,	Grover,	Jones of Florida,	Ransom,
Coke,	Hampton,	Lamar,	Slater.

NAYS—30.

Allison,	Edgerton,	McDill,	Plumb,
Blair,	Ferry,	McMillan,	Rollins,
Burnside,	Frye,	Mahone,	Sawyer,
Cameron of Pa.,	Harrison,	Miller,	Sewell,
Cameron of Wis.,	Hawley,	Mitchell,	Sherman,
Conger,	Hoar,	Morrill,	Teller.
Conkling,	Jones of Nevada,	Platt of Conn.,	
Dawes,	Logan,	Platt of N. Y.,	

ABSENT—18.

Anthony,	Groome,	Saulsbury,	Voorhees,
Beck,	Hale,	Saunders,	Walker,
Davis of Illinois,	Hill of Colorado,	Vance,	Williams.
Edmunds,	Ingalls,	Van Wyck,	
Garland,	Kellogg,	Vest,	

So the motion was not agreed to.

Mr. DAWES. Mr. President, the Senator from Kentucky has evidently made a new discovery, and in order that the Senator from Georgia, who has worn out the old themes and the old methods of opposition to the public business, and others like him, shall have an opportunity of rallying around this new discovery of the Senator from Kentucky and come here to-morrow morning with new vigor to discharge the public business now pending, I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

THURSDAY, *March* 31, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS OF THE SENATE.

Mr. PENDLETON. If there is nothing before the Senate just now, I move that we proceed to the consideration of executive business.

Mr. CAMERON, of Pennsylvania. I hope the Senator will withdraw that motion for a moment.

Mr. DAWES. I call for the regular order.

The VICE-PRESIDENT. Does the Senator from Ohio withdraw the motion?

Mr. PENDLETON. Certainly I withdraw the motion if the Senator from Pennsylvania desires to take the floor.

Mr. DAWES. What is the regular order?

The VICE-PRESIDENT. The regular order is the unfinished business of yesterday, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which the yeas and nays have been ordered.

Mr. DAWES. I hope we shall proceed to dispose of the pending question at this time.

The VICE-PRESIDENT. The Senator from Ohio has withdrawn the motion to proceed to the consideration of executive business, the Chair understands.

Mr. PENDLETON. I withdrew the motion in order to enable the Senator from Pennsylvania to submit his remarks.

Mr. DAWES. I was going to ask the Senator from Ohio if he would not withdraw his motion.

Mr. CAMERON, of Pennsylvania. Mr. President, I venture to intrude for a moment upon the attention of the Senate, and I feel reasonably assured that if I do not add to the information of this honorable body I will not detract from the good spirit which has heretofore marked this debate.

Since I find that my absence was the occasion for so much eloquence I am not sorry that I felt sufficiently unwell to ask the honorable Senator from South Carolina [Mr. BUTLER] to take upon himself the double duty of endurance for a few days.

I am back refreshed, and quite willing to extend the courtesy which I received to any other member of this body who may be in need of it, and I can safely promise that nobody on this side of the Senate will make speeches in prose or poetry at the expense of the absent Senator.

I cannot, however, allow my position, or that of the Senators acting with me, to be misrepresented, although done in the best of humor. After repeated votes had established that a majority of the members of this body desired to change its officers, our opponents announced by their acts as well as by their words that they had decided that a minority of this body was determined to retain the present officers. The issue was too plain to be misunderstood. We said that the majority had a right to decide that question. Our opponents said that the minority had the right to decide it. I said it seemed then to be a question of endurance, and I really do not see what else it can be pretended to be.

The general doctrine that the majority is entitled to rule is not called in question. The right of the majority of the Senate to elect its own officers is not called in question. The minority simply says to the majority, "We will not allow you to exercise your undoubted right, because we will resort to dilatory motions, to long and eloquent speeches, and to poetical quotations, until you are weary of the struggle and allow us to have our own way." My answer was and is, "We cannot afford to abandon the right of a majority to rule because the minority makes it a mere question of endurance, of how long we will endure dilatory motions and dilatory speeches." We must endure them just as long as the minority chooses to inflict them upon us.

The contest, however, in which we are engaged is not simply to secure the officers and employés to party friends, as the Senators on the other side pretend, nor is it solely a struggle of the majority to maintain its right to control the organization of the body. There is something higher than and above all this, something the great importance of which has not escaped the attention of our opponents here. It is the coming political contest in Virginia.

The Senator from Virginia who sits nearest me has terrified the old democratic *régime* of his State by his courageous bearing on this floor. They seem to have entertained a hope that with their maledictions still ringing in his ears he would forget his own purposes and save his democracy by consorting with the enemies of his people. Disappointed in their expectations, they appeal to southern Senators here to so cover him with opprobrium that his followers at home will not dare to share his fortunes. The republicans in this body and elsewhere see clearly that the assaults made upon him here are to punish him for his refusal to obey the orders issued to him. He has committed the unpardonable sin of doing that which his enemies only profess to do. He has made political slavery impossible in Virginia. He has championed the cause of honest elections. He is about to lead in a final struggle in the Old Dominion for obedience to law in elections. He has our sympathies in this good work. We know his good work in his State is giving to all citizens, black and white, equal rights before the law. In the coming State election the struggle will be a bitter one. I believe the right is going to prevail, for the law-abiding citizens of Virginia who were confederates will go into that great contest with the knowledge that our hearts are with them. Our colored friends in that State will be glad to see that we share their confidence in these well-tried friends, and they will continue to give General MAHONE the hearty support he has already earned and received at their hands. All Virginia will see that the great North fraternizes with all ex-confederates in the South who are known by their acts as well as by their words to be in favor of an honest ballot and a fair count.

The election of Colonel Riddleberger to a responsible office in this body will be the best proof that could be given that for all true men who uphold the laws the republican party has confidence, respect, and co-operation. We give our votes to that gentleman as an earnest that we are not sectional and that we have no prejudices on account of old conflicts. Whoever is right at the present time is our friend and we are his. This, and this only, is the "bargain" we have to offer to all our southern friends who will come out from the party of reaction and grow with the nation's growth. All that we ask is that they shall stand with us in favor of securing to each lawful voter the right to cast one free and unintimidated ballot and to have it honestly counted. We know, and our opponents know, that if Virginia takes her stand upon that platform the solid South is a thing of the past. And this is the true meaning of the present struggle.

Mr. HAMPTON. Mr. President, I did not catch what the Senator from Pennsylvania said when he alluded to me, but I have such faith in his good taste that I know he used language only in the same good humor that I did the other day in reference to him. I am very glad to see him back in his seat. I know that he was impelled to leave the Senate by his being unwell; and to show the sincerity of my belief upon that question, I will state that I am perfectly willing to pair with him if his health at any time takes him away from here.

Mr. DAWES. Now I hope that we shall have a vote.

Mr. MAXEY. The Senator from Massachusetts [Mr. DAWES] yesterday morning, with his accustomed ability, presented to the Senate reasons why he had presented the resolution which he offered, and I take it on behalf of the republican caucus. He said first, referring to the Senator from Ohio, [Mr. PENDLETON:]

> The Senator has read with great force the sound sentiment expressed about the long continuance in office of the officers of the British Parliament. We struggled two years ago to convince the Senator and his associates of the force of that truth. We showed that the officers of this body had been long in service; and the Senators on the other side admitted that they had been faithful in service. We appealed to them then to adopt the sentiments which the Senator has produced to-day; but we appealed in vain. The majority of the Senate chose what we thought was an unwise departure from that sound doctrine which the Senator has presented to-day. I assure the Senator that just as soon as we can recover from that unwise departure on the part of the then majority in the Senate we shall adhere, with all the persistency that a majority is authorized by the Constitution to adhere, to the very sound doctrines that the Senator has promulgated to-day and keep in office, with the judgment of the country behind us, those faithful public servants who have been long tried and found efficient and faithful.

Following that are other remarks of the same sort. Struck forcibly with the doctrine of the Senator from Massachusetts that the purpose of the resolution which he had offered was to restore the Secretary of the Senate and Sergeant-at-Arms, the officers who were displaced by the democratic party two years ago and whom he declared to be faithful and efficient, I asked him this question:

> I understand the Senator from Massachusetts makes the point that the removal of officers of the Senate by the democratic party two years ago was unwise, and his purpose is to do away with that unwise act and restore them. Is that the point?
>
> Mr. DAWES. Yes, sir.
>
> Mr. MAXEY. Then I would ask the Senator, was Sergeant-at-Arms French a capable and faithful officer?

I could not see for the life of me, if his purpose was to restore faithful and efficient officers, and if Sergeant-at-Arms French was such an officer, why he should not be proposed to be restored the same as the Secretary of the Senate. Then I said:

> I only want an answer to that question. If he was a capable and faithful officer and you wish to do away with this unwise act of his removal, why do you not restore him as you restore the old Secretary?
>
> Mr. DAWES. I will answer that question when we come to it. [Laughter.]
>
> Mr. HILL, of Georgia. We are at it now.
>
> Mr. DAWES. That is not the pending resolution. The pending resolution is that we proceed to the election of these officers, and whenever the resolution comes up to which the Senator makes allusion, if the Senator will move an amendment to that resolution he and I will discuss it.

After the very polite intimation which I received the other day from the honorable Senator from Illinois [Mr. LOGAN] not to disturb the arrangements which had been made by the republican party, I would be the last to propose an amendment to anything which they saw proper to offer here. Then I said:

> That is not the point, Mr. President. The Senator has made his own resolution and he says that he wants to do away with this unwise act.
>
> Mr. DAWES. Yes, sir.
>
> Mr. MAXEY. And in support of that he proposes an entirely new man for Sergeant-at-Arms and keeps out the very man that he says it was unwise to turn out a year ago.
>
> Mr. DAWES. I do not propose any such thing. I propose to proceed to the election of officers of the Senate. The Senator from Texas is a little confused this morning.

When the Senator from Massachusetts offered this resolution to proceed to the election of Secretary of the Senate and Sergeant-at-Arms he notified the Senate that he would follow that resolution by four others, one of which was to declare Mr. George C. Gorham Secretary of the Senate and another to declare Mr. Riddleberger Sergeant-at-Arms; so that the Senate was notified fully that the first resolution was merely formal, for the purpose of getting at the substantial point, the election of the Secretary of the Senate, the Sergeant-at-Arms, and other officers. As I am reminded by the Senator from Tennessee [Mr. HARRIS] these other resolutions were actually introduced by the Senator from Massachusetts. Hence it is known to everybody that the discussion has proceeded upon the substantial point of removing the able and efficient Secretary of the Senate and the Sergeant-at-Arms now holding office and replacing them by two others. That is the substantial question. The Senator appeared to think I had mistook the pending resolution. I was not at all confused. I knew perfectly well the resolution, and I knew perfectly well the object of that resolution, and always preferring substance to mere form I struck at the very point, which was the removal of these two officers and the election in their stead of Mr. Gorham and Mr. Riddleberger.

Either the Senator from Massachusetts is sincere in the statement which he has made or he is not; either the reasons which he assigned are good or they are not. If it be true that the purpose of the Senator who acts as the organ of the republican caucus is to do away with the work of the democratic party two years ago in the Senate and replace the present incumbents, then I ask, in the name of all reason, why it turns out, as the former Sergeant-at-Arms (Mr. French, who the Senator claims was efficient) had held his office for a long time—four years that I know of—(he held it when the Senator from Massachusetts and myself entered the Senate, and continued to hold it four years after)—why should he not be restored the same as the Secretary? If the Secretary of the Senate, under the theory of the gentleman, is to be replaced, why should not the Sergeant-at-Arms in like manner be replaced? There is something about that that it is difficult to comprehend. If Mr. French was an inefficient officer why not say so? If inefficient he ought not to be replaced. If he was inefficient, which I do not charge, and the Senator is honest in his proposition that a capable and faithful officer should not be removed, I ask if Mr. French was removed on account of inefficiency was he not rightfully removed? And if you have to-day a Sergeant-at-Arms who is capable and efficient, as all admit Mr. Bright to be—unquestionably efficient—then why under the Senator's own theory should the present Sergeant-at-Arms, Mr. Bright, be removed to be replaced by one who was never heard of by many in the Senate before the nomination was made? These things are difficult to comprehend. If the purpose was to put in republicans who had been faithful and true to their trust and their party, I ask how does it happen that this old and tried republican, the Sergeant-at-Arms who was removed

two years ago, a man who has always proved true to his political faith, should be left out, overslaughed, set aside for one who has up to the present good hour been acting in direct antagonism to the republican party, as we understand it on this side?

But there is another point that I have heard much said about, and I desire to mention that. The Senator from Massachusetts, with that degree of solemnity of diction which he can adopt whenever he wants to carry through one of his own purposes, declares that he is in favor of a free ballot, a priceless ballot, and an honest count. During an active life no mortal man can find wherever directly or indirectly I violated or countenanced a violation of that grand doctrine, a free ballot, a priceless ballot, an honest count. The Senator says he is in favor of carrying out the will of the majority. He says, "I have a constitutional infirmity of submitting to the will of the majority; I was so brought up, and I cannot depart from it easily in my old days." I am in favor of the will of the majority. When the times change it does seem that men change with them. In November, 1876, when the democratic party by a majority of 8,000 had carried the State of Louisiana, and by hundreds the State of Florida, the will of the majority was ruthlessly set aside and held for naught by the party with which the Senator from Massachusetts acts. That great majority of 8,000 melted away before returning-board processes, and *on paper* a majority was erected for the republican party in those two States; and by that change, brought about as only republican returning boards know how to bring it about, the entire result of the presidential election was changed, and Mr. Hayes was declared elected. Was the Senator in favor of carrying out the will of the majority then? But to that he might reply, the will of the majority was obtained by crooked methods. We investigated the matter, and upon that investigation we found the result to be as I have stated it.

Mr. President, I believe there was a fair and honest majority in both Louisiana and Florida for Tilden, and there is now all through the length and breadth of this land a belief, whether well or ill founded I do not say, that the majority of the republican party in the Senate was obtained by crooked methods. The verdict of the people is written across the skies. We, exercising that right which belongs to us, want the will of the majority fairly expressed to be the will of the Senate. We are in favor of a free ballot, a priceless ballot, and an honest count. We want a ballot absolutely priceless, a ballot not procured by money or other thing of value, not by patronage or power, but an absolutely free, priceless ballot, and the democratic party is at all times willing and anxious to have its methods scrutinized. Power by crooked methods is not worth the sacrifice of honor and manhood to obtain it. Whether the majority of the Senate was obtained fairly or unfairly I know not. Upon that I express no opinion; but I do say that those who stand by us, a great column of the great American people, believe that the majority was obtained by methods strange and unusual in the Senate of the United States, and they demand that the matter shall be investigated. The democratic party so believe, and falling back upon our rights to have the will of the majority expressed, to have a free ballot, a priceless ballot, and an honest count, we stand here to-day for the purpose of securing that great, inestimable boon for the American people, that this body shall preserve its integrity, that if there be the slightest suspicion even that suspicion shall be removed.

Juvenal tells us that an act which may be the precedent for the commission of crime shocks even its perpetrator; that in the great court of conscience, with all the facts known to the perpetrator of that crime, the verdict will be guilty, and notwithstanding that by the *fallax urna* of a corrupt prætor the guilty may go unwhipped of justice, yet over and above him is suspended in his conscience always a viewless thong, a scourge which day and night, waking or sleeping, threatens to lash him. If the transaction whereby the majority was obtained be just, if it be fair, and I do not say that it was not, yet when that suspicion has been cast upon it, as it has been, because we get it daily through the press and everywhere, then it seems to me there should be here but one purpose, full time for full investigation. If the suspicion is unjust, then there will be full vindication. If just, the fact should be known. For the honor of the Senate I trust that everything is fair. There is no necessity for this proceeding under the pending resolution. There is a necessity that the business of the country should go on, that the purposes for which we met, action upon treaties and action upon nominations, should be carried on. The Supreme Court has to close its session daily, as I am informed, for want of a quorum; and here we stand refusing to act upon the nomination of a justice of that court which has been sent to us. The fifth circuit, wherein I reside, is to-day without a circuit judge. Great offices throughout the length and breadth of the country needing to be filled are kept in abeyance by the refusal of the Senate to act upon the nominations sent by the President. That business is necessary. This business is not necessary. Then the question recurs, if it is not necessary, and this other business is necessary, why this haste to push the pending resolution?

It seems to me that these are questions which will be asked by the American people. All that we ask in this whole matter is a fair, open, and just settlement of this question. If you have the majority which you claim, you will not lose by delaying this proceeding until the first Monday in December. There is no necessity for it at this time. We have an efficient Secretary of the Senate and an efficient Sergeant-at-Arms, and that fact is not disputed. You do not want to undo the work which was done by the democratic party two years ago, for if you did you would restore the same officers. You do not propose to do that. These things attract attention; they will attract attention; and it is not strange that we at least desire to look into this matter.

Mr. President, I have said thus much in reply to the Senator from Massachusetts, because my question yesterday was sincerely asked and the Senator on that occasion declined to answer it. I have this morning given fully the reasons why I asked the question.

[A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. DAWES. Mr. President, I owe an apology to the Senate for so often intruding myself upon it. I hope it will bear me witness that I do not volunteer in the debate, for I had much rather proceed to business than occupy any time of the Senate in talk.

The Senator from Texas [Mr. MAXEY] complains this morning that while I expressed an entire willingness to answer his question when the resolution to which it pertained should be up for consideration, the idea suggested by him that I had better discuss it before it came up for consideration led me to infer that he was a little confused, because I knew the general clearness of the Senator's conception of the propriety of debate would have led him to say "whenever that resolution does come up I propound that question to the Senator from Massachusetts." But he complains this morning that I did not answer his question out of time. I do not like to rest under that imputation; and therefore, though it be not in the proper time, I will answer the question out of my great personal regard to the Senator from Texas. I will tell him plainly why I did not in my resolution propose to restore to his old place the former Sergeant-at-Arms. I would have been very glad to have done it and to have testified by that act, as I do by the first resolution which I offered, my disapprobation of the proceedings of two years ago. So striking and marked were they in the displacement of so faithful a public servant as the former Sergeant-at-Arms of this body that he was called immediately into the public service and is now engaged in such responsible and arduous public duties as render it impossible to take him from them without damage to the public service. And when I came to look about for those men that had been turned adrift by the unwise and anti-civil-service-reform policy (in which I was so sorry to see the champion of civil-service reform on the other side joining) I found it necessary to leave the able and honest Sergeant-at-Arms of this body in the public service where he had been called as a mark of appreciation of his honesty and fidelity by the executive department of this Government. I could not take him thence, and I was under the necessity of putting another name in that place.

I hope my friend understands it.

Mr. MAXEY. I will ask the Senator from Massachusetts whether or not the old Sergeant-at-Arms, Mr. French, was consulted about this, and whether or not he desired to be restored to his old place?

Mr. DAWES. The public good was consulted. None of these parties were consulted by me; I never passed a word with any of them on the subject. I never saw any person in reference to the propriety of inserting the names in the resolutions which I did insert. I thought I could present to the Senate as candidates for these places gentlemen of such integrity and efficiency and public worth and influence as to commend themselves even to the minority on the other side, if it must needs be that the unwise work of two years ago was to be undone. I fondly anticipated that our friends on the other side, if they found it necessary to correct the mistakes of two years ago, would gladly unite with me in putting such efficient and honorable and honest faithful public servants into these places as I proposed.

One word more, Mr. President. The Senator says I announced yesterday as something new, or as it seemed to him something new—for I have never heard him express his opinion upon it so clearly and forcibly as he has to-day—that I was for a free, honest, unintimidated ballot and a fair count, and that I had a constitutional infirmity of submitting to the will of the majority. That is not a new doctrine, I hope. It certainly ought not to be in this body, and I trust my friend has not for the last twenty years lived in such an atmosphere that that idea is new to him.

He wants to know, if I do really entertain such a doctrine as that, what I think of the proceedings in 1876, when he says that the man who was not clothed with the executive authority of this nation received many hundred thousand majority of the popular vote and eight thousand majority of the popular vote in Louisiana?

Sir, if I had believed that in 1876, or if I believed it now, I would have joined with my friend from Texas in denouncing every step which led to the inauguration of the late President of the United States. It is because I believed then and believe now that a majority of the voters of this country did cast their votes for Rutherford B. Hayes that I did then the little that it was for me to do, and that I countenanced and assisted the result and stood by the administration of President Hayes. The difference between me and the Senator from Texas is this: the Senator counts all pieces of paper that are found in a ballot-box as ballots; I count nothing as a ballot that does not have behind it a free, honest, upright voter.

Mr. MAXEY. One word——

Mr. DAWES. Sir, there is a ticket [exhibiting]——

The VICE-PRESIDENT. Will the Senator from Massachusetts yield to the Senator from Texas?

Mr. DAWES. In one moment, when I get through with this idea. There [exhibiting] is a ticket containing a whole list of presidential electors in 1876 which in any northern State would have been so long, [indicating,] four or five times the length of this paper, [holding up a tissue ballot less than an inch and a half long.] Thousands of these tissue ballots were found in a single ballot-box with nothing behind them but the villainous hand that put them there. [Indications of applause.] Sir, I do not count them ballots. It is because there was an attempt to substitute pieces of paper for freemen's votes in ballot-boxes in some States and to fraudulently forge and substitute false returns for true ones in another State and to put the blunderbuss in place of the freeman's flag in other States that I attempted in 1876 to do what lay in my power to stand by what I supposed every honest freeman in this land understands to be the meaning of a ballot. Sir, it is when we undertake to mock the freeman with these pieces of paper; it is when we undertake to compel him to wade through blood to the ballot-box and when we find him as silent when the day of election comes as those are who lie in the bloody graves they filled in 1876, that I feel called upon to remind the Senator from Texas that there is a difference between pieces of paper in the ballot-box and the vote of the freeman that—

> Executes a freeman's will,
> As lightning does the will of God.

Mr. MAXEY. Mr. President, the Senator from Massachusetts says that he is in favor of a free ballot, a priceless ballot, and an honest count, and intimates that that to me is something new. Sir, I heard of that doctrine, practiced upon it, and believed it long years ago, before I ever heard of the Senator from Massachusetts.

He says that those ballots such as he has handed up to the Reporter of the Senate for insertion in the RECORD procured the majority of 8,000 in Louisiana in 1876; that he was in favor of the inauguration of Mr. Hayes because he had been fairly and honestly elected. Mr. President, these little ballots which execute the will of God "as snow-flakes fall upon the sod," to which the Senator has referred, were amply sufficient under his authority to elect Mr. Hayes, and yet these same ballots were not sufficient to elect Mr. Packard governor of Louisiana, although Mr. Packard got more of these little ballots than Mr. Hayes's electors.

Sir, it is difficult for any one, when he attempts to uphold such a high crime as was perpetrated against the liberties of the people in disfranchising two States of this Union and thereby inaugurating as President a man not elected, to be consistent. If, as was declared once by the present distinguished Secretary of State, then a Senator on this floor, Mr. Hayes was elected, Mr. Packard was elected. Mr. Hayes was declared by that wonderful returning board to be elected, but Mr. Packard was not. It is difficult for any one to comprehend how, when you undertake through your returning board to elect a man, you can set aside the ballot which is the free expression of the voter and executes "the will of God," as the Senator expressed it—when you undertake to set aside and hold that for naught, for partisan purposes, it is difficult to maintain and uphold your position. If one was elected President, the other was elected governor. You leave the democratic governor-elect in position; you turn out the President-elect from position. How can this be reconciled? And yet it was the same voters, the same election precincts, the same ballot-boxes, and the same returning board. Sir, it was necessary to elect not by ballots but to set aside and hold for naught ballots and elect by a subservient returning board. We of the democratic party here, because we do believe in a free ballot, a priceless ballot, and a fair count, are met with such an argument as that which has been offered by the Senator from Massachusetts. Mr. President, the argument will not do. As long as time lasts this crime against the ballot in Louisiana and Florida will be held to be the highest crime perpetrated against free government.

Mr. DAWES rose.

Mr. MAXEY. Does the Senator desire to go on?

Mr. DAWES. No; I only wanted to answer the Senator's question. I will do it at any time most agreeable to him.

Mr. MAXEY. I am perfectly ready to hear the Senator now.

Mr. DAWES. The Senator wanted to know of me why it was if the Hayes electors were chosen in Louisiana that Packard was not. I believe that was the question. His idea is that Packard was as much elected as the Hayes electors were. I agree with him; I agree that Packard was just as much elected as the Hayes electors; and I believe that a majority of all the pieces of paper that had a free voter behind them were for him; but no returning board that I ever knew of declared that Packard was not elected. But we heard the other day how the Louisiana Lottery Company upset Packard and put Nicholls in, and in gratitude for that the democracy made it immortal. That is how. If the Senator wants to know how Packard is not governor to-day, let him inquire of his own friends in Louisiana, who declared that because it was the Louisiana Lottery Company to which they owed the existence of the Nicholls government they would ingraft that lottery into the fundamental law of the State to abide as long as democracy in the State.

Mr. MAXEY. Mr. President, the Senator, just as he did yesterday, when it suits his purpose gets off on a side issue all the time. I will reply to him in one word. He puts fully as much faith and I think a great deal more in Eliza Pinkston and her returning board than in the ballots of the people.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the pending resolution be postponed indefinitely.

Mr. BECK. The Senator from Ohio I think made a motion to proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Ohio made such a motion, but withdrew it, and yielded the floor to the Senator from Pennsylvania.

Mr. BECK. I renew it in his name now.

The VICE-PRESIDENT. The Senator from Kentucky moves that the Senate now proceed to the consideration of executive business.

Mr. JONES, of Florida. Mr. President——

Mr. BECK. I did not know any one else desired to speak. I will withdraw the motion, as the Senator from Florida is about to take the floor. I was not aware of it before.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. JONES, of Florida. Mr. President, I feel a little like apologizing to the Senate this morning for undertaking to consume a portion of its very valuable time. I have never risen here without some little sensibility of that kind, knowing that there was a great deal more to do than simply to listen to any observations that I might feel disposed to address to the Senate; and I am not now on my feet, Mr. President, for the purpose of making a speech, but I think it is due to myself and to the State that I partly represent here that I should say a few words in regard to what was said the other day by the junior Senator from Virginia [Mr. MAHONE] touching the question of repudiation in Florida.

I find on looking into his speech this morning for the first time, that my State has been classed among the list of repudiating Commonwealths. This, I know, will be news to the people of my State, for if there is anything upon which they have prided themselves more than another, it has been the fidelity with which they have clung to their public and private honor. The temptation has long existed to repudiation; but recognizing the great fact that we were a young and rising community and that without public credit we could not hope to build up the waste places within our borders, saying nothing of the virtue of the question, our own self-interest has prompted us to maintain our public obligations.

According to the schedule presented by the junior Senator from Virginia, Florida is charged with having repudiated $4,120,911 of public indebtedness. Her public debt is put down as having been in 1860 $4,120,000. This will be certainly news to the people of Florida, for we were without any public debt in 1860. In 1865, when the provisional government was turned over to Governor Reed in the presence of the military authorities of the United States as witnesses, there was a little debt of some four hundred thousand dollars that had been contracted from necessity during the period of Governor Walker's administration. That was all the debt then. The bonded debt after that was increased, and the burdens of the people became very heavy under the administration which followed. The public debt of Florida has risen from a little less than half a million dollars when the republicans took control to something over a million and a half, if my memory serves me, for I have not the exact data before me, and that is the whole of it.

There is a great deal included in that bonded indebtedness which we could have honorably repudiated, but we did not do it, and the interest on the Florida State debt has been promptly and regularly paid since the government went into democratic hands. It is true that after the change of the State government from the democrats to the republicans a new system of improvements was provided for. The republican legislature, inspired by corrupt and bad men, enacted a law under which and by which some four millions of bonds of the State of Florida were put upon the market. It provided that the principal existing railroad system, which it consolidated into one line and made a new corporation of, should issue to the State four millions of its bonds, although its property was already encumbered to the better part of its value, and went on to provide that in exchange for these bonds which this corporate creature was to issue a like number of bonds of the State should be delivered to it, it being presided over by a gentleman who found his way there from North Carolina, but who, as I believe, had no permanent connection with that State, a Mr. Littlefield, who had attained some notoriety in railroad matters. There were issued to the chief of this corporation, this great fraud of a corporation, for it was but little else, $4,000,000 of bonds of the State in lieu of $4,000,000 of bonds to be delivered by the corporation to the State as security against any loss that might possibly accrue. It was provided under the bill that this railroad should be extended throughout the western portion of Florida, and the purpose of the issue of bonds was to complete this work. These bonds were issued in violation of every principle of law and of the constitution; they went into the hands of these adventurers, who took them into a foreign market, sold them for sterling money, and never built one foot of the road. I believe they never meant to build any of it. They got those $4,000,000 of bonds through a republican legislature, carried them to Holland, sold them there, turned over their own bonds to the State, which were comparatively worthless, because the road was already involved for nearly its value, and saddled this indebtedness upon the people of Florida or attempted to do so.

This matter gave rise to very long, protracted litigation. When the government came into democratic hands the people of Florida,

anxious to maintain their public faith, anxious to fulfill every honest obligation that their servants had contracted, rose up as one man and said that this fraudulent debt should not be paid by them. I indorsed their position with respect to it, and I indorse it now. The question went before the courts. The supreme court of the State, which has been as everybody knows a republican tribunal, presided over by republicans, decided that those bonds were null and void, that there was no authority for their issue; and that judgment, in a case that subsequently reached the Supreme Court of the United States, as I understand it, was in all respects affirmed. But anxious to do all that was possible to be done for the relief of the honest, *bona fide* holders into whose hands these fraudulent securities had passed on the other side of the water—and I never think of them unless it is with feelings of sympathy and tenderness when I remember the terrible fraud that was perpetrated upon those honest foreigners who had earned their money by the sweat of their brows, and who by the representations of dishonest men had been induced to invest their little earnings in these so-called Florida securities, with the seal of the State upon them—I say that the State, anxious to do all that was possible to be done for the relief of the innocent holders of these four million bonds, said to them, The State cannot be bound by this iniquity; we hold the securities transferred to us by the railroad corporation, the Littlefield corporation; they are a lien upon the property after all the pre-existing debts are paid, and all that we can do for you will be to transfer the bonds that were taken by the republican administration to the holders of the securities for which they were exchanged. Such an arrangement at that time was made, I think, after the courts had decided that those obligations did not constitute any valid demand upon the people of Florida, and that they were in no way bound to pay them. Not one dollar of the honest indebtedness of that State has been repudiated.

I find in the statement contained in the speech of the junior Senator from Virginia that Florida's obligations in 1842 are put down at a certain number of dollars. Why, sir, Florida was not a State in 1842. Florida was admitted into the Union in March, 1845, and at the time that these figures refer to she was in a territorial condition. This shows the inaccuracy of statement that characterizes a grave paper which is intended to affect the credit and the standing of a southern Commonwealth; for I am free to say that no man on this floor has a higher appreciation of the advantages and benefits of public credit than I have, and when the time comes (which I hope it never may) for decisive action on questions of that kind, I shall be found among the last who are disposed to undervalue it.

Mr. President, after all that the people of my State suffered from mismanagement and misgovernment, I think we have a right to congratulate ourselves over the deliverance from the misrule of the past, and I think that the American people throughout the length and breadth of this land ought to feel an honest pride in the progress that has been made in States of the South like mine, because everything that has been accomplished there in the way of improving our material prosperity has gone to swell the wealth and the importance of our common country.

I say the people of Florida have good reason to feel attached to the democratic policy and the democratic party of that State, because it has been through them and by them that the only practical reform of late years has been secured. The republicans had control of the State for eight and a half years; and what record have they left behind them? How did they husband the resources of that impoverished people? How did they discharge the high duties of government which they assumed under the reconstruction laws? Did they practice economy? Did they distinguish themselves by putting into high place men of known capacity and integrity? Did they lift up the standard of popular government and make it a source of pride and satisfaction to the American people?

However much we may be gratified with these things in other quarters of the Union, nothing of that kind can be claimed for republican rule in the section from which I come. I regret it; I regret it sincerely, because if there is one thing more than another that I would desire to see, it would be both parties in all sections of the country rivaling each other in those qualities and capabilities for government which go to advance our popular system in the estimation of the world; but the things that have happened there have been calculated to give emphasis to the arguments that have long been used against our popular system. Ignorance and incapacity, neglect of the public affairs, disregard of the interests of the people, have marked those governments at every step in their progress.

After the people of my State succeeded in overthrowing this system of so-called republican rule, they entered upon the practical work of reform. They never repudiated a bond. They knew that those bonds represented an indebtedness which ought not be paid, but they said to the people of the country, "we will provide by taxation for interest upon them." They went to work and they increased in efficiency and discipline their public school system, and the report of the superintendent of education in my State for last year, which has been so fairly commented upon by the leading press of the North, goes to show that with our little resources there, having only $31,000,000 of property, not more than one-fifteenth of the taxable wealth of Philadelphia, we educated in the common schools forty-two thousand whites and over forty thousand blacks during the year, and that at a cost to our State of something over $150,000. Sir, everything has been done in the way of reform which has been possible; and to show by a few figures the difference between the management of the two parties in my little State I will refer to a statement which I have before me.

The republican party turned over the State government in 1877; they took possession in 1868; but I will take the last three years of their domination and compare them with the three years of democratic rule.

In 1874 the State tax—that was under republican administration—was $427,603.77; in 1875 the State tax was $408,584.71; in 1876 the State tax was $380,858.69, making a total of $1,217,047.17 for those three years. Now began democratic rule. In 1877 the State tax was $327,098.87; in 1878 the State tax was $284,592.28; in 1879 the State tax was $237,625.14, making a total of $849,316.29 in those three years, showing that in three years of democratic rule and policy we saved to the people of that little Commonwealth $367,730.88. This is the very best commentary that can be put upon our administrations of government, that while we have met every public obligation, discharged every public duty, administered every law, educated the colored people and maintained their schools better than ever before, in three years we saved to the tax-payers of that State over $368,000, which the republicans in the three years before squandered by extravagance. And what, I ask you, Mr. President, do we live for under government except it is to secure protection to life and property at the lowest possible cost, and that party which can bring home protection to society and to man at the smallest cost upon his labor or his income is the party that ought to receive the support of the American people.

Mr. JONAS. Mr. President, I was out of my seat yesterday when the honorable Senator from Massachusetts, [Mr. HOAR,] in his researches into ancient history, introduced and read from certain statutes passed in the State of Louisiana in 1865. The Senator said:

> When the war ended under the administration of Andrew Johnson the democratic whites of the South were suffered to take possession of the State governments of the Gulf States and some of the others.
>
> * * * * * * *
>
> What then happened? In those States these good white men, who so love the negro, proceeded to pass through their various State Legislatures laws intending to overthrow practically the effect of that amendment, and to reduce the colored people again to slavery. I have some of them here.

Mr. President, before reading these laws I wish to state briefly what did occur, at least in my State, immediately after the war ended. We found, those of us who were in the confederate army, when we returned to our homes, that a State government was in existence under the constitution of 1864, which had been framed under the military government of General Banks with the authority of the President, and which had been adopted and ratified by the votes of United States soldiers and a trifling portion of the people in the city of New Orleans and in the military posts immediately around the city. We found in office under that constitution a governor who was a republican and who always had been a Union man. In the proudest days of secession, when it prevailed all over the State of Louisiana, and when it required courage and determination to oppose it or at least not to be of it, this man had been a Union man, and his devotion to the Union had been rewarded by making him governor of the State. We confederate soldiers when we came to our homes, those of us who were not disfranchised and were permitted to vote were called upon to exercise the elective franchise, and to elect and put in office a new State government under the provisions of that constitution, and under the proclamation issued by that governor. Instead of (as the Senator says) attempting to put in power again those who were fresh from the battle-fields and rebellion, we nominated this man for the office of governor who had been nominated also by the republican party of that State, and we elected him over the last governor of the State of Louisiana during secession, who was not only one of the most gallant and popular men that Louisiana ever produced, but was the idol of the soldiers who returned again to citizenship and to cast their votes. I took an active part in supporting the re-election of this gentleman. I admit it now as one of my political sins for which I trust some day to be forgiven. I instance it to show that in Louisiana at least there was no proscriptive feeling on the part of the returned rebels, on the part of the people who were restored to power through the proclamation of protection of President Johnson.

Mr. President, we elected a Legislature, and that Legislature was democratic. We elected a governor, and at first and for a long time this governor and the Legislature were in thorough accord. This, when that Legislature met, be it remembered, was before the adoption of the fourteenth and fifteenth amendments. The colored man had been recently released from slavery; but he had not been made a citizen; he had not been made a voter.

When this Legislature met in November, 1865, some of the colored men in the State of Louisiana had not been emancipated from slavery more than five or six months, because a large portion of the State of Louisiana was under confederate control during the whole war. When the war ended, agriculturists and planters went to work to rebuild their fortunes and to recultivate their waste lands. They called around them and sought to employ their labor, because each class was dependent upon the other, and each had a common interest in the agricultural development of the country.

Among the planters at that time were a large number of northern men who after the war had established their fortunes in Louisiana,

bought or rented plantations, and gone into the cultivation of cotton and sugar. What was the planter to do with this labor, newly emancipated, without citizenship, utterly ignorant of their own rights, utterly ignorant of the rights of employers, utterly unable to provide for themselves, utterly unable to do justice to those who would employ and feed them and pay them for their labor? It was a problem to consider.

These people, even under the constitution of 1864, (framed by republicans,) were not citizens and were not voters. Under the laws of the State they had no right to make contracts. Therefore it became necessary to enact laws which should permit planters to contract for labor and should permit laborers to contract with the employers, to protect the planter in his contract and to protect the laborer in his, and those laws were passed which the Senator alluded to yesterday. They are very short, and I will read them to show that there was nothing in them which proposed to interfere with the manhood or freedom of the recently emancipated slave, or which proposed—it was the last thing in the intention of any man who voted for these laws and helped enact them, as I did, being a member of that Legislature—to interfere with their freedom or their emancipation or any right which they might have, undefined as those rights at that time were. The first law was "to prevent trespassing."

Be it enacted, &c., That whosoever shall enter upon any plantation without the permission of the owner or agent, shall be deemed guilty of a misdemeanor, and shall be liable to be arrested and brought before any court of competent jurisdiction, and upon proof of the fact shall be fined in a sum not exceeding $100, or imprisoned for a term not exceeding one month.

Is this an unusual law? Was it not necessary at a time when a large number of people were unsettled and nomadic in their habits, not knowing their rights; when the country was overrun with tramps and discharged soldiers; when this large body of newly-emancipated laborers were floating about, uncertain where to pitch their habitations or their homes? Was it unwise or improper to pass such a law as this to prevent trespassing on private property?

The next act was "to provide for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding, or secreting laborers, servants, or apprentices." It provided:

That any one who shall persuade or entice away, feed, harbor, or secrete any person who leaves his or her employer, with whom she or he has contracted, or is assigned to live, or any apprentice who is bound as an apprentice, without the permission of his or her employer, said person or persons so offending shall be liable for damages to the employer, and also upon conviction thereof shall be subject to pay a fine of not more than $500 nor less than $10.

This was to prevent the interference with contracts made by employers with this people. It was to prevent one employer seeking to entice away this class of labor from another, depriving that other who might have invested his capital in planting a crop and improving it of the power to continue the cultivation of that crop. It sought at the same time to protect the rights of employers and employés.

The third law was "to punish in certain cases the employers of laborers or apprentices." It was an act for the protection of the laborers or the apprentices:

That hereafter any person who shall employ any laborer or apprentice, who is already under contract for service for any period of time to any other person, and before such time of service shall have elapsed, so as to deprive such first employer of the services of such laborer or apprentice, shall be deemed and held guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than ten nor more than five hundred dollars, &c.

* * * * * * *

That any person who shall discharge from his employment any laborer or apprentice, during the term of service agreed upon between such employer and such laborer or apprentice, or at the expiration of such term of service, shall, upon the request of said laborer or apprentice, give to him or her a written certificate of such discharge, and upon refusal to do so, shall be deemed guilty of misdemeanor, &c.

Mr. President, if these acts were so wrong and if they were passed by a Legislature lately engaged in red-handed rebellion, by whom, let me ask, were they approved, and why should I and the members of that Legislature who voted for the enactment of these laws be condemned as sinners while the governor who signed and approved them, and in accordance with whose recommendation they were passed, shall be exalted and placed in a niche and catalogued as a saint? I find that these acts were approved by J. Madison Wells, governor of the State of Louisiana—J. Madison Wells, a Union man all through the war; J. Madison Wells, a republican; J. Madison Wells, a friend of the colored man; J. Madison Wells, an obscure individual in those days, but who has grown to greater notoriety in these when he has become the President-maker of this country, the president of the returning board that made Mr. Hayes President and gave the republican party control of this Government not only for the past four years, but at the present time; and these laws had no more earnest advocate in that Legislature than the vice-president of that same returning board, Hon. Thomas C. Anderson, who at that time was a senator and a leader in the Legislature.

I do not know where these laws were found or from what code they were derived. I only know what I was told by their author at the time. He said—and the Senator from Massachusetts can inform me whether it is so or not—that they were copies almost *verbatim et literatim* of the Massachusetts statutes in force at that period regulating vagrancy and the employment of laborers and apprentices. It was said that similar statutes existed on every statute-book in the Northern and Western States; and it is only by an unfair criticism made after the lapse of fifteen years, or if made at that time made by those who attempted to inaugurate a war between the races, that these laws can be construed into laws intended to fasten slavery on the colored people.

So much for this, Mr. President. The honorable Senator also, in the course of his remarks, dug up the dead bones of some almost forgotten incidents in the history of reconstruction in Louisiana, and if it pleases him in his hyena-like instincts to gnaw these mouldy bones, if he can find any gristle or marrow in them, I am satisfied that he shall do so so long as his term in the Senate shall last. I have heard them alluded to frequently. They have been replied to and refuted and answered and explained over and over again, and I certainly do not intend either now or at any future period to consume any more of the time of the Senate in discussing those things.

The other day, Mr. President, in his concluding speech, my colleague [Mr. KELLOGG] took occasion to criticise my statement of the Louisiana State debt. I said then that at the end of the war the debt of Louisiana was under $5,000,000. I find by accurate figures that it did not reach $4,200,000. At the session of the Legislature to which I alluded, the Legislature of 1866-'67, an act was passed authorizing the issue of bonds for levee purposes. And here I may say *en passant* that the statement of the gentleman that that Legislature incurred liabilities to the extent of $16,000,000 above the revenue of the State is so absurd that it would dignify it by pronouncing it to be untrue. Those bonds which were issued for levee purposes constituted the whole debt created by that Legislature, and only a portion of those bonds, and a limited portion, were used by the then existing State government. Before the bonds were issued and put upon the market Governor Wells had been removed by military order, and the larger portion of those bonds remained unused and unnegotiated until Governor Warmoth's administration was inauguarated in 1868, and were negotiated by that administration and applied to its purposes, and formed literally and really a part of the debt of reconstruction.

I find that the bonded debt of the State of Louisiana in 1868 was a little upward of eight million dollars. That included the debt before the war—upward of four million dollars; it included so much of those bonds authorized for levee purposes as had been issued, and it included whatever indebtedness was created during the interregnum between the removal of Wells and the installment of the new government in 1868, during which time we had at least two military rulers, who performed all the functions and exercised all the powers of governors of the State, and used what funds they found in the treasury, what funds were derived from taxation, and of course negotiated such bonds as were considered necessary for their purposes.

In 1870, only two brief years afterward, I find that the bonded debt of the State was $17,721,000; that it was increased nearly ten million dollars in two years of radical rule under the first governor elected under reconstruction, and I find that it shortly reached under the same governor the amount of $25,000,000, the limit fixed by the then constitution; and it was this debt which the succeeding administration of my colleague undertook to settle and to reduce by the funding act passed in 1874—a debt of $8,000,000 at the outset when the democratic party went out of power, when, I say further, the people of Louisiana went out of power, and a debt of $25,000,000 in four brief years afterward. And where was that money expended? What evidence is there in Louisiana that the people were benefited by the expenditure of a single dollar of it? What work of public improvement was executed? What railroad was built? Where is there throughout the length and breadth of that State evidence that a dollar of it was appropriated to other purposes than to maintain the vast pomp and power and expense of the government then existing?

I am willing to admit that the debt was but slightly exaggerated, not at all probably so far as bonds were concerned, during the administration of my colleague; but there may have been good reasons for that. During the first two years of his administration his title was so disturbed and doubtful, being contested both at home and in both Houses of Congress, that he would have had little or no credit had he chosen or desired to issue new obligations of the State of Louisiana; and the last two years of his administration it happened that, through the instrumentality of the late Vice-President, by the Wheeler compromise, we had a democratic majority in the lower House of the Legislature, who would have sanctioned no such proceeding, and the governor was powerless to issue new obligations of the State, even if he had desired to do so, as to which I express no opinion.

But, Mr. President, he dealt with a bonded debt of $25,000,000; he dealt with a debt which he says was a valid debt of the State of Louisiana for $25,000,000; and he took that debt and by an act passed by his Legislature reduced it 40 per cent., and told the creditors holding that indebtedness that they could have new bonds at 60 per cent. of the face value thereof, or none at all. Forty per cent. he lopped off and 60 per cent. was given to the creditors. Into this caldron went all the bonds, good and bad, into hotchpotch, as lawyers would say, and they came out new consolidated bonds at sixty cents on the dollar of their original face value; and all so-called legal outstanding warrants issued by his administration and the preceding administration went into that same caldron and were also funded into bonds at 60 per cent. on the dollar. Whether they were good or bad; whether they were issued in pursuance of law or without; whether they were issued for consideration or without; whether the people of Louisiana derived any benefit from them or not, they went before that funding board and were changed into new bonds at sixty cents on the

dollar and 7 per cent. interest. If these were all good bonds and a valid indebtedness, I say no greater act of repudiation was ever committed than this, and even if accepted by the creditor, it was accepted, as he said the other day, on the principle of "stand and deliver;" but if they were not good and valid bonds, and the people of Louisiana challenge the assertion, then an immense amount of illegal and fraudulent indebtedness was so changed and converted that the people of Louisiana were not able to sift the good from the bad, to ascertain for what they were really liable, or to inquire if this indebtedness really existed. In this dilemma by their constitutional convention they adopted an ordinance in which, finding it impossible to investigate this debt, they shouldered it all. Finding at the same time that the people were unable to pay taxes to a sufficient amount to pay 7 per cent. interest on this debt, they were compelled to scale the interest, and ask the creditors holding these bonds under the sanction of the constitutional amendment to do what the Senator asked them to do with the principal, only we asked them to reduce the interest to an amount scarcely less than bonds are being negotiated at now day by day, while he, under the same circumstances, with the same compulsion, asked them to knock off 40 per cent. of the principal. I say, Mr. President, that the people of Louisiana have assumed burdens equal and sufficient to that which is carried by any people in this country. There is no State North or West which can be brought into comparison. If they are ground down by a burdensome debt, and if they feel the obligation resting upon them to pay it, which obligation I admit, it is because they have received consideration for those debts, or those debts were contracted by governments chosen by their own people, and they were contracted for public works; the benefits of this indebtedness are all around them, and it would ill become them to quarrel with the payment of that for which they honestly contracted and for which they have received full and valuable consideration.

There is no such case in Louisiana. The money for which these bonds were issued was squandered away. The people never derived any benefit from their sale. They grew poorer and poorer day by day, but the taxes were ground from them to pay the interest on these bonds. They never felt any moral obligation, because they did not empower their agents to issue these bonds. They never felt them to be a legal obligation, because they received no consideration for their issue. Therefore the people of Louisiana cannot be charged with repudiation, but, on the contrary, have done more than any people in this country in the way of shouldering a burdensome debt which they had little or nothing to do with creating.

The honorable Senator alluded the other day also to the election of 1878 and to my election as Senator. In the election of 1878 the republican party had no organization in the State of Louisiana. They had no ticket in the field in that election that he complains of as having been fraudulent and carried by force and violence. The republicans had no ticket. There was a national State ticket; there was a democratic State ticket, and in some few parishes the republicans ran a parish ticket, and ran candidates for the Legislature. In the city of New Orleans, where we both live, they ran none. They had no candidates for Congress; they supported two men calling themselves nationals, running as greenback candidates, who, with the exception of their greenback principles, were democrats then and are democrats now. They supported a candidate for State treasurer who called himself a national greenback candidate. The republicans had no candidate for State office, and they elected but few members of the legislature. In the Legislature which elected me I received 99 votes, including the vote of my opponent, and he received 29 votes, making it 99 to 29. There were two vacancies, one caused by the death of a democrat and one by the absence of a democrat; so that really the Legislature stood 101 democrats to 29 republicans. Deducting all the doubtful men and doubtful parishes which he speaks about, the democratic majority would still have been nearly three to one.

My colleague says that in the parish of Caddo I was voted for by three democratic representatives who were never elected. This is on a par with many of his other statements. The parish of Caddo had a republican senator, who voted against me, and was only entitled to two representatives, who of course voted for me. But the election that he speaks of in the parish of Caddo was investigated by a grand jury. It was investigated by a petit jury of the city of New Orleans before a tribunal of the Government's own seeking, the United States court. The election commissioners were brought on for trial; they were, I will not say prosecuted, but persecuted, to the extreme extent of the law, and were acquitted by the jury, who found them not guilty. On that jury there was not a single democrat. So much for that, Mr. President.

Now I wish to speak in relation to another matter introduced by my colleague in his speech the other day and repeated on the floor to-day by the senior Senator from Massachusetts, the charge that the lottery company caused the downfall of the Packard government and that the lottery company was rewarded for those glorious services by being made perpetual under the constitution framed by the convention and submitted to the people. Before going into the question of what the lottery company did or did not do I want to state for the information of my colleague and the Senator from Massachusetts that the statement that that constitution made the lottery company perpetual is altogether untrue. A simple examination of the constitution, which laid open before my colleague and from which he read, would have shown him that fact.

The Louisiana Lottery Company is one of the funguses which grew out of the carpet-bag government of 1868. It was chartered by the first republican Legislature of 1868. It was granted complete and absolute monopoly, and it was granted a term of thirty years. All that the constitutional convention did was to propose that this company might have a contract, as she had asserted in the courts with judgment in her favor. All that the constitutional convention did was to recognize the existing right of the Louisiana Lottery Company to draw lotteries until 1895, and it absolutely prohibited it or any other lottery company from any existence in Louisiana thereafter, and any Legislature from chartering or incorporating such a company. At the same time it did away with the exclusive privilege of the lottery company during that period. I read from the constitution of Louisiana:

> The General Assembly shall have authority to grant lottery charters or privileges: *Provided*, Each charter or privilege shall pay not less than $40,000 per annum in money into the treasury of the State: *And provided further*, That all charters shall cease and expire on the 1st of January, 1895, from which time all lotteries are prohibited in the State.
>
> The $40,000 per annum now provided by law to be paid by the Louisiana State Lottery Company, according to the provisions of its charter, granted in the year 1868, shall belong to the Charity Hospital of New Orleans, and the charter of said company is recognized as a contract binding on the State for the period therein specified, except its monopoly clause, which is hereby abrogated, and all laws contrary to the provisions of this article are hereby declared null and void: *Provided*, Said company shall file a written renunciation of all its monopoly features in the office of the secretary of State within sixty days after the ratification of this constitution.

The charge that this company had anything to do by the use of its political influence with the downfall of the Packard government or the maintenance of the Nicholls government is so absurd as not to deserve consideration here. It is founded on the idle talk of a member of the constitutional convention appealing for the passage of this ordinance. The lottery company, chartered as it was under radical rule, possessing as it did probably a large number of republicans among its stockholders and perhaps a republican representation among its directors, was not apt to have taken such a position even if it had had such power. But the lottery company did no more, if it did as much, than probably many other bankers and corporations, and wealthy men in the city of New Orleans, who sympathized with the Nicholls government and who advanced and loaned their money to maintain that government until it should be able to maintain itself. That government maintained itself because it represented the people of Louisiana, because it represented the tax-payers of Louisiana, because it represented the majority of the voters of Louisiana, because it represented its merchants, its planters, its bankers, its landholders, its mechanics, its professional men, its men of education, its men of property, and a large proportion of its labor, both black and white.

In conclusion, the honorable gentleman the other day having eulogized the condition of Louisiana under his beneficent administration, I wish to read but a few words from a report made to Congress describing the working of that government as found by a congressional committee. The report I read from is the report of the Hoar committee made by its chairman, Hon. GEORGE F. HOAR, to the Forty-third Congress. The report says:

> The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature in abolishing existing courts and judges and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws centralizing in the governor every form of political control, including the suspension of the elections; by continuing the returning board with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force maintained at the expense of the city of New Orleans into an armed brigade of State militia, subject to the command of the governor——

Mr. HOAR. Does the Senator from Louisiana state to the Senate that that is contained in my report?

Mr. JONAS. Yes, sir; I state this——

Mr. HOAR. I think he has read far enough for me to be warranted in absolutely denying it.

Mr. JONAS. I state what I said before, that it is in the report of the Hoar committee, submitted to Congress by Hon. GEORGE F. HOAR, its chairman.

Mr. HOAR. Will the Senator allow me to make a statement in one sentence?

Mr. JONAS. Yes, sir.

Mr. HOAR. The minority of the committee sent down to Louisiana in the first instance submitted a report drawn up by Mr. Clarkson N. Potter, an eminent democrat. When that minority returned, I, as chairman of the committee, submitted the report to the House as the report of those gentlemen.

Mr. JONAS. That is what I said you did.

Mr. HOAR. I understand. Subsequently I submitted my own views and those of Mr. Wheeler and Mr. FRYE in a separate report. Does the Senator from Louisiana think it quite honest to leave what he has said as a statement of the fact, and when he knows those circumstances; that he should say to the Senate, "This is a report submitted by Mr. HOAR to the House," and stop there? That would tend to make anybody who did not know the fact except from his

statement believe it was my report. The Senator from Louisiana knew perfectly well that it was not.

Mr. JONAS. I am not disposed to accept any lesson as to honesty from the honorable Senator from Massachusetts.

Mr. HOAR. I did not undertake——

Mr. JONAS. If he had bided his time in patience I should have given to the Senate the whole history. What I said is true, that it was the report of the Hoar committee. What I said is true, that it was submitted to the House under the signature of Hon. GEORGE F. HOAR. Would it be necessary for me to say to Senators on either side of the Chamber that the honorable Senator from Massachusetts never coincided with the conclusions of this report? Does a Senator here imagine that he has the magnanimity to be generous, much less to do justice, to the people of a Southern State? It needed no explanation from me, but I intended to make it.

Mr. HOAR. If the Senator chooses to leave it there, I have no objection.

Mr. JONAS. The report from which I was reading continues:

By the creation in some places of monopolies in markets, gas-making, waterworks, and ferries, cleaning vaults, removing filth, and doing work as wharfingers; by the abolition of courts with election judges and the substitution of other courts with judges appointed by Kellogg in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks issued during the years 1870 to 1872; by laws declaring that no person in arrears for taxes after default published shall bring any suit in any court of the State, or allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have seemed to vest, in the language of Governor Kellogg's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

This report, submitted as I stated, is signed by the names of Charles Foster, now governor of Ohio, William Walter Phelps, Clarkson N. Potter, and Samuel S. Marshall of Illinois, two republicans and two democrats. A minority report was made and signed by the honorable Senator from Massachusetts, by Mr. FRYE, now a Senator on this floor, and by the late Vice-President—a minority report which, as I said, so little commended itself to the minority of the committee that Mr. Wheeler lost no time in going to the South to assist himself in destroying the conclusion to which he had arrived in his report.

Mr. KELLOGG. Mr. President, I did not intend to again occupy the attention of the Senate regarding the question of the debt of the State of Louisiana, nor would I now except that I think it necessary before the occasion passes away to again, as I did a day or two since, set aright the statements of my colleague, not only in regard to the debt of Louisiana but in relation to other matters.

The Senate, as did you yourself, sir, heard my colleague day before yesterday contradict a statement made by me regarding the amount of the debt of Louisiana when the war broke out, that is to say, in 1861. This morning my colleague comes into the Senate and, referring to the statement I then made, says again that he finds after investigation that the debt of Louisiana, in 1861, was less than $5,000,000.

Mr. JONAS. Will the Senator excuse me?

Mr. KELLOGG. Certainly.

Mr. JONAS. I stated in my speech the other day what I have said to-day, (I stated it from memory then,) that the debt was something less than $5,000,000 at that time.

Mr. KELLOGG. I think that is what I said.

Mr. JONAS. You said that I stated that it was scarcely anything, not $5,000,000. I stated the other day that it was near $5,000,000.

Mr. KELLOGG. The RECORD will show. My remarks then made and the colloquy that occurred between myself and my colleague are published. I am now addressing myself to what my colleague has said to-day. The other day my colleague said that the *ante-bellum* debt was very small. Subsequently, in some remarks that I had occasion to make in reply to him, I said, referring to his remarks, that he had said the debt was small, and then I proceeded to state that it amounted in 1861 to something like ten million dollars. My colleague then replied that it was about five million dollars. I met that with a counter-statement that it was $10,000,000. To-day after investigation, as he says himself, one day having elapsed, he comes into the Senate and deliberately tells the Senate that his statement made day before yesterday was correct.

Mr. President, a matter of public debt is a matter of record not easily to be disputed; and it requires a remarkable amount of assurance, it seems to me, for any man after deliberation to come into the Senate and speak in regard to a controverted question of that kind without bringing forward some documentary evidence to substantiate what he may say. Some men are best answered by silence and by withholding the words that leap impulsively to the lips; but I cannot afford to let this and other statements of my colleague go unchallenged; therefore to-day once again I place upon record my statement in regard to the condition of the public debt of Louisiana.

In 1872, as is well known, I ran for governor in Louisiana. Colonel McEnery ran against me. James Graham, an old citizen of Louisiana, well known throughout the State, ran upon the McEnery ticket as the candidate of the democratic party for State auditor. He had previously been auditor, and was well and intimately acquainted with the financial condition of the State. On the 1st day of June, 1871, he made a report in regard to the public debt of Louisiana. I read from his statement, being the conclusion of several pages of a report setting forth *in extenso* the items of the public debt and the dates of the acts of the Legislature under which the bonds or certificates of indebtedness or warrants representing the debt were issued:

Public debt of the State of Louisiana on December 31, 1861, $10,157,882.12.

I call the attention of my colleague to my statement here of day before yesterday, which appears in the RECORD of yesterday.

Public debt of the State of Louisiana on the inauguration of the State administration of 1868, $14,347,051.02.

Again I call the attention of my colleague to my statement in yesterday's RECORD.

Mr. JONAS. How much of that debt was a bonded debt?

Mr. KELLOGG. It is set forth——

Mr. JONAS. It is about eight million dollars.

Mr. KELLOGG. If my colleague will send me a statement that I furnished him a short time ago for his information, I can state it.

Mr. JONAS. The Reporter has it for the moment. I read the amount; it is something over $8,000,000. We are talking of the bonded debt, not of the fugitive and floating debt.

Mr. KELLOGG. Why, Mr. President, my colleague said a short time since that the entire debt was less than five millions. I see the ex-Secretary of the Treasury before me. I wonder what would he think if I were to state what the public debt of the United States was and confine my statement to one class of interest-bearing bonds and exclude entirely certificates of indebtedness and valid warrants or other evidence of indebtedness authorized by acts of Congress.

But I continue to read from the report of the auditor:

Public debt of the State of Louisiana on inauguration of present administration, 1868, $14,347,051.02.

Public debt of the State of Louisiana on November 30, 1870, $23,427,952.29.

Now, mark! here follows the certificate of the auditor:

I hereby certify that I have examined and compared the foregoing statements of the debts and liabilities of the State for the years 1861, 1868, and 1870, to June 1, 1871, and found them correct in every particular.

JAMES GRAHAM, *Auditor.*

Now, sir, unless my colleague rises to his feet and denounces this statement as a fabrication, as not authentic—a statement made by a State auditor, a man who was subsequently a candidate upon the democratic ticket of 1872 for the same position—I am compelled to say that no member of this Senate can place any reliance upon what he may say, howsoever emphatic his assertion may be regarding the public debt of Louisiana.

Mr. JONAS. Mr. President——

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) Does the Senator from Louisiana yield to his colleague?

Mr. KELLOGG. Oh, certainly.

Mr. JONAS. I desire to say that I place no more reliance upon the statement of Mr. James Graham, then auditor of the State, than I do upon any document or statement emanating from the then government of the State. Mr. James Graham was auditor of the Warmoth government. Mr. James Graham was not a candidate on a democratic ticket. He was a candidate on a fusion ticket, so called, in which I took very little stock. I did not vote for Mr. James Graham, and I do not recognize his statements here any more than I recognize any other executive or legislative reports of that time. I say the figures show, the very statement my colleague holds in his hand shows, that the bonded debt, a legitimate debt of the State of Louisiana (she owed no other) in 1861, was under $5,000,000, and that in order to make the amount of $10,000,000 he includes the contingent liability of the State for the property banks, which has never been included as a part of the debt of the State, and which will never have to be paid by the State, because the banks are able to pay it, and which has never been included in any plan of funding or of settlement of the State debt.

Mr. KELLOGG. I can only say that my colleague is entirely mistaken in all his statements. I assert that the State debt was acknowledged on all sides to be as Graham certified it. A few moments since I sent to the Library for Gayarre's History of Louisiana up to and including the year 1861. I need only say that Gayarre is one of the most accomplished as he is one of the most respectable gentlemen in Louisiana. His reputation for learning and research is great, and he stands unimpeached and unimpeachable. He states that the debt of Louisiana when the war broke out was about ten million dollars. All contemporaneous history bearing upon this matter corroborates this statement, and I have never heard it denied until I heard it denied by my colleague on this floor.

A tabulated statement of that debt was made by a committee that I appointed after I became governor, a committee consisting, with two or three exceptions, of democrats, representing the largest business interests of New Orleans. At their head was John Phelps, then president of the cotton exchange, a conspicuous democrat. This committee over their joint signatures certified to the correctness of this statement. Will my colleague say that John Phelps and Moses Greenwood (who was also on that committee) are not reputable men, as he has said in regard to Mr. Graham? Why did his party place Mr. Graham as their candidate upon the democratic ticket of 1872? Why, in all the addresses sent broadcast throughout the State, did they say, "Here is a man who has been faithful to his trust in every position?" It was conceded that Graham was the very best man in point of ability, reputation, and standing upon the entire democratic ticket. Does my colleague now say that he would not regard as

authentic or trustworthy any statement made by him in regard to the public debt?

Mr. JONAS. I did not go so far as that.

Mr. KELLOGG. This will be news in Louisiana, startling news, indeed. But, sir, I do not think it necessary to follow my colleague in all his statements in review of what I said the other day. He did, however, if I recollect aright, say that I had stated that three representatives voted for him who were elected from Caddo Parish. I then proceeded to show that the three members alluded to were improperly elected in that parish. I did then state that "there were three members and one senator from Caddo." I knew, of course, that one senator held over. He was a republican, a black man. Later I said:

The three democratic members from Caddo Parish, who in the Legislature that elected my colleague voted for him, were chosen from a parish having about 4,000 colored voters and about 1,600 white.

Mr. JONAS. Will my colleague permit me to interrupt him?

Mr. KELLOGG. Oh, yes.

Mr. JONAS. How is it you did not know that the parish of Caddo had only two representatives and that only two voted for me?

Mr. KELLOGG. The parish of Caddo had three representatives when I was governor.

Mr. JONAS. It had only two. The action of the Legislature of 1878 fixed it at two.

Mr. KELLOGG. I am about to state to my colleague, if he will be patient, that at the time I was governor, and until the Nicholls government passed a new apportionment act in 1878, there were three members from the parish of Caddo, and my statement was that the democratic members from Caddo Parish were in the Legislature that elected my colleague and voted for him; that they were chosen from a parish having about four thousand colored and about sixteen hundred white votes. Supposing that the same apportionment existed, I stated that there were three members who voted for him when I should have stated that there were two. My colleague was present and could easily have then corrected me. The point I made was that the members of the Legislature chosen from Caddo Parish, returned as democratic, who voted for my colleague, were returned in contravention of law and in violation of the statute of the State from a parish that numbered 4,000 black voters against 1,600 white voters; a parish that was and is republican; a parish that in 1876, even, gave a large majority for Hayes, undisputed and upon the face of the returns, returning a senator then and three members of the lower house. The gist of my argument was that these members who voted for my colleague represented a parish that was republican, and I went on then to show that in order to control the votes absolutely and take them out from under the supervision of the United States officers, although the law of the State specifically provided that there should be but one ballot-box at each poll, the authorities put two boxes at each poll, and compelled the voters who voted for State officers and members of the Legislature to deposit their ballots in one box and those who voted for Federal officers to put their ballots in another box.

The Senate will understand, and I think the country will understand, that what I was aiming to show was the manner in which my colleague was elected. The only answer he now makes is that as a matter of fact there were two members of the lower house elected from Caddo Parish, when I asserted, supposing the representation was the same as in previous years or having in my mind the old apportionment, that there were three. Upon that he gravely rises in the Senate of the United States and says that all the statements I have made ought to be challenged, forgetting, as he always does—forgetting, as the party he represents always does—the great, stalking, majestic fact behind that the right of suffrage has been trampled under foot; that the right of 4,000 freemen to vote were denied in Caddo Parish and two members were sent to represent a minority of the voters of that parish whose commissions were written in fraud and in blood. The facts of that election were disclosed by the investigation headed by the Senator from Colorado, [Mr. TELLER.] I would he were in his seat to-day that he might, as I know he desires, testify to the facts that investigation disclosed and state to the Senate the number of men who were murdered in that parish and at the election of the Legislature in 1878 which chose my colleague, the men who were whipped and driven into the swamps, the ballot-boxes that were rifled, the returns or results that were changed by the local returning boards, by the officers at the polls who were all appointed by the governor or by his appointees, men who counted the votes, and reached a result that to every fair-minded man was known to be an outrage upon all fairness and in disregard of all law. Now, if I have made my colleague understand the point I was making the other day upon Caddo, I pass from that to something else.

Mr. JONAS. I ask permission to interrupt my colleague.

Mr. KELLOGG. Certainly.

Mr. JONAS. I only want to state that so far as the parish of Caddo is concerned, I believe the election of 1876 was the single, solitary time when the republicans carried that parish. Caddo Parish gave a democratic majority in 1868; it gave a democratic majority in 1874; it gave a democratic majority in 1878; it gave a democratic majority in 1880, and was represented by democrats elected at all these elections. Eighteen hundred and seventy-six was the solitary exception, when it gave a republican majority.

Mr. KELLOGG. Mr. President, in 1868—I have not the record before me, but I am confident that the republicans carried that parish; they certainly did in 1870 in the election of members of the Legislature; and in 1872 it is well known that the supervisors, appointed by the then governor at the behest of the democratic campaign committee, counted me out; that is to say, false returns were made. We showed that fully afterward. In 1874, when the same thing was repeated, I made the proof so positive that Clarkson N. Potter, William Walter Phelps, and S. S. Marshall, a congressional committee, two of whom were democrats, made a statement over their signatures that the republicans were entitled to the three members of the lower house and one senator from Caddo, and they were admitted to the Legislature and served their entire terms. Caddo Parish contains the second city in the State, the city of Shreveport.

And now, sir, let me in passing place this upon your records. I am credibly informed, and I now charge, that the ways and methods of the democratic party of Caddo have wiped out in the last eighteen months every vestige of a school in that parish. We left $10,000 when the Packard government was overthrown and when I went out of office to the credit of the school fund, and every dollar was frittered away. We left twenty-odd schools. They are gone. During the war the awful ravages made by the chariot of Mars in Louisiana where the war raged fiercest left no greater or more complete devastation than the democracy of Caddo have left in regard to the school system in that parish during the last year and a half.

Now, let my colleague rise and defend the administration of the democracy of Louisiana, and especially of Caddo Parish, in reference to the great and much-vaunted system of public schools in the South, about which I heard so much yesterday from the Senator from Georgia that I felt like rising to my feet and giving him this item except that I thought the Senator from Georgia liked me so little that he would not have hailed my interruption with satisfaction. I might say the same of other parishes in the State; but I will content myself with this as an illustration of the enlightenment, the civilization, and the great desire, so often expressed, that the freedmen should be educated, in order that they may become good citizens, that they may properly wield the inestimable gift of free suffrage. I was told by a judge of the district court, now in this city, last night that one of the police jury of that parish had told him that they did not intend to collect the school tax; that they did not believe in educating the freedmen anyway.

Having now, as I hope, in some measure at least, re-established the correctness of some of the statements which were called in question by my colleague, I will proceed to reply to some two or three other statements made by him controverting remarks of mine made the other day in regard to the public debt of Louisiana. I speak of course only from recollection. If I heard my colleague aright, he stated that on examination he had found my statement that there were over sixteen millions appropriated by the democratic Legislatures of 1865, 1866, and 1867 so utterly preposterous that it was not worthy of contradiction. I suppose the point he made that I had misstated the number of members of Caddo he thought was quite sufficient to set at rest this statement in regard to this great appropriation if he but denied it. Sir, I hold in my hand a statement containing the appropriations made in detail during all these years. This statement was taken from the records of the auditor of the State:

List of appropriations made at the extra session of December, 1865.

Legislative expenses	$100,000
Levee bonds	1,000,000

There are other items which I will not read, but the sum total is $1,177,546.17.

Special appropriations made by the Legislature in 1866, giving the number of the acts where made.

Legislative expenses	$75,000
Governor authorized to issue certificates of indebtedness	2,010,000
Governor to issue bonds for warrants of treasury	1,505,000

I will not vex the ears of the Senate by reading the other items of appropriation which are set forth specifically, but the grand total was $5,300,399.75.

Special appropriations made in 1867, giving the number of the act where found.

These cover an entire page of items of appropriations referring to thirty or forty acts and the number of each act, amounting to $10,651,608.90.

Recapitulation.

Amount of appropriations in 1865	$1,177,546 17
Amount of appropriations in 1866	5,300,399 75
Amount of appropriations in 1867	10,651,608 90
Total	17,129,554 82

Making a million in excess of that which I stated the other day.

Mr. President, it is impossible for me to go on in detail much further in regard to the statements made by my colleague. There is one important matter, however, one that I wish to be more specific in regard to and relating to the debt of Louisiana. I went over this ground the other day with some particularity; and although what I have to say may be substantially a repetition of much that I then said, in view of what my colleague has said to-day I feel justified in again referring to it. The debt of Louisiana when I became governor amounted in round numbers to $24,000,000. We passed a funding bill, authorizing the funding of that debt at sixty cents on the dollar,

and contemporaneously with that act we submitted certain constitutional amendments which were adopted by the people of the State, making the debt created by these bonds a binding, valid, and constitutional debt, "which the State could in no wise impair." We proceeded to submit that adjustment to the bondholders or creditors of the State, and they accepted the provisions of the funding act to such an extent that when I went out of office some $11,000,000 of the new funded bonds had been issued, representing dollar for dollar the old debt that I found when I went into office and 40 per cent. besides.

In the mean time I had carried the question of the legality of the issue of some $5,000,000 of that $24,000,000 to the supreme court of the State, which court decided that the bonds were issued in contravention of law and that the State was not bound to provide for their payment. This decision was afterward, I believe, concurred in by the United States Supreme Court. Deduct those bonds from the $24,000,000, and the reduction by the funding, and it leaves the debt as it was when I went out of office, about eleven million dollars in round numbers. The Nicholls government funded the residue of outstanding bonds, increasing this debt about a million, thus making the debt as funded, in round numbers, $12,000,000.

The Nicholls government, after the overthrow of the Packard government, agreed by joint resolution of the Legislature that this debt should be regarded as the valid and binding debt of the State. The supreme court of the State, Chief-Justice Manning presiding, composed exclusively of democrats appointed by Mr. Nicholls, passed upon the question as to the legality of those bonds. They also passed upon the question of the constitutionality of the funding bill, which was directly put at issue by the attorney-general of the State. This was done chiefly to satisfy any existing doubts in the minds of creditors at home and abroad as to the validity of that debt. The supreme court unanimously decided that the funding bill of 1874 was valid, that the constitutional amendments were legally adopted by a majority of the people of the State, that the funding act was constitutional, that the constitutional amendments were binding, and that the funded debt represented the legal and binding debt of the State of Louisiana. Whereupon the Legislature, the supreme court, the funding board with the governor at the head of the funding board, and the fiscal agent of the State, published a statement to the world, accompanying it with a certified copy of the decision of the supreme court affirming the validity of the debt, and the act of the Nicholls legislature affirming the validity of the debt and pledging the people of the State to pay it. They published all this in New York, in Amsterdam, in London, and in all the great marts of the world, and they accompanied it with a further statement that the people of the State hereafter would come forward—although heretofore derelict, as they were admitted to have been—and, without distinction of party, pay up the delinquent taxes, and thereafter pay all taxes assessed against them, thus securing the certainty of the payment of the interest on these bonds. Upon that declaration one house or two in this city, if I am correctly informed, and I know it to be the fact that four or five large houses in New York immediately invested largely in Louisiana bonds. They were largely invested in by foreign capitalists, and even trustees, executors, tutors, and tutrixes in the city of New Orleans, and some savings-banks invested in these bonds, relying upon the often-repeated and solemn averments of the Nicholls government, that they represented the valid and binding debt of the State, and would be paid, principal and interest, as they fell due. No bonds were regarded as more certain to be paid among those who had faith in the Nicholls government and in the sincerity of its solemn pledges.

The bonds went up above 90 per cent., and they were slowly creeping up to par when, like a thunder-clap out of a clear sky, came the announcement in the fall of 1877 that there was a deficiency in the interest fund and that the State would not be able on the 1st of January, 1878, to pay the interest on the public debt. They had paid the interest in July, 1877, thus increasing the confidence that capitalists might have in purchasing the bonds, but how did they pay it? They paid it partially out of money I left behind, money that was collected the last half of the last year of my administration. I had paid the interest up to the last day I was in office, paying all but about thirty thousand dollars of over three hundred thousand dollars then due as interest on the funded debt January 1, 1877. They borrowed a portion of the rest from their fiscal agent, as his accounts afterward showed, and they made up the deficiency in order to reach the amount of interest due on July 1, 1877, out of what they did collect under the 5¼ mills tax provided by the funding bill, which was to be set apart forever for the payment of interest accruing on these bonds.

But mark, sir, as the 1st of January, 1878, approached it began to be said all through commercial circles that the taxes were not being paid and that the interest due in January, 1878, would not be paid, and the bonds began of course to go down. I happened to be in the city of New Orleans a few days before the 1st of January, 1878, that is to say, on Christmas, and some of the people most interested in the payment of the bonds, not bondholders, called on my old fiscal agent, Joseph H. Oglesby, president of the Louisiana National Bank, the most responsible bank in New Orleans, backed by Winslow, Lanier & Co., of New York, who were my fiscal agents, a firm known all over the country, a firm who came to the aid of the war governor of Indiana during the war when the democracy of Indiana refused to furnish the money to equip the militia and send them to the front to maintain the Constitution and the integrity of the flag—these men came to the old fiscal agent and asked him to come to the relief of the State. He said, "If you will turn over everything to me, and if you will find bankers enough in the city to sign an obligation for one-half of the necessary amount to pay the interest on the public debt, I will redeem the State from bankruptcy." So poor was the State credit that this could not be done. What was the result? Every commercial man in New Orleans will remember it. The interest was not paid and the State went to protest, and from that day to this Louisiana has stood, in all the marts of the world, placarded as a defaulter and a bankrupt. The Legislature met on the first Monday of January and took into consideration the condition of the public debt. They said something must be done, and so they commenced devising ways and means of getting rid of this debt; and finding no better way, they appropriated what money was collected to the credit of the interest fund for the payment of the coupons that fell due on the 1st of January, 1878, to the payment of the expenses of the State government, including their own pay; and upon the principle, I suppose, that one good—or rather bad—act deserves another, they immediately proceeded to pass a law authorizing the election of delegates to a constitutional convention to frame a new constitution for the State. They were going to get rid of the constitution of 1868, framed by the republicans, anyway. It was a good constitution, but they were determined to get rid of it. It is enough to say that that law passed.

The following summer the constitutional convention elected under this bill met. What did it do? After much wrangling and much discussion and submitting of reports, one of which I hold in my hand, signed by Thomas J. Semmes, who was senator from the State of Louisiana in the confederate congress at Richmond, and other democrats representing large commercial and business interests like himself, these men said to the convention, "Gentlemen, you cannot in honor repudiate that debt. This debt is less than it was when the war closed or when the republicans took charge of the government, and with what consistency can you repudiate a debt that, when the funding is complete, will be $1,500,000 less than the State owed, according to our own admission, when in 1868 the republicans took charge of the government, and for which we have received ninety-nine cents, or nearly par, on the dollar, and put the proceeds into our levees and public works?"

A Mr. Kidd, from Jackson Parish, was chairman of the committee that made the report recommending repudiation; he was in the Legislature when I was governor. He was a man of no considerable property; a good fellow, a man who was "hail fellow, well met," but representing little property and representing a parish whose delinquent tax was nearly 80 per cent. I wish I had the statistics before me; but I believe I am correct in saying that all the assessable property of the whole of his parish would scarcely buy a block of buildings in Washington. Repudiation was the order of the day; and my colleague, who stands with holy horror and protests in this Senate against our taking Riddleberger for Sergeant-at-Arms, represents a party who are in the habit of saying that the State ought not to pay anything; that public credit is a nuisance. They belong to a class of men who in North Louisiana indulge in the great luxury of sitting on the verandahs and smoking clay or cob pipes while they look out upon the dilapidation on every hand, while they enjoy the inestimable satisfaction of cursing Yankees and damning their more thrifty neighbors who with northern capital are making in some portions of the State the desert to blossom like the rose and the waste places to be made glad. Sir, such men may well stand aghast at what they call the readjustment sentiment represented by Riddleberger and his advocates.

But to come back to the constitutional convention. The convention finally concluded to compromise in deference to the tremendous sentiment that was evoked in New Orleans and elsewhere in regard to open repudiation, and agreed to submit to a popular vote the ordinance which I read the other day. I will not now trouble the Senate with it, save one clause, and that clause at the risk of repetition I will again call the attention of the Senate to. Article 3 is:

Be it further ordained, That the coupon of said consolidated bonds falling due the 1st of January, 1880, be, and the same is hereby, remitted, and any interest taxes collected to meet said coupon are hereby transferred to meet the expenses of the State government.

Mr. DAWES. What do they mean by "remitted"—given up?

Mr. KELLOGG. Appropriated, taken away, taken from the treasury of the State, where they were set apart to the credit of the sinking fund under the act of 1874, and which were due to creditors who were clamoring at the treasury door——

Mr. DAWES. But what do they mean by remitting coupons?

Mr. KELLOGG. I confess it is peculiar language.

Mr. DAWES. Then a man who gives a note and repudiates it remits the interest on the note?

Mr. KELLOGG. Yes, sir, if he is a democrat. [Laughter.] I mean a Bourbon democrat, for there are a great many democrats who denounced and set their faces against this proceeding from the first, and do to this hour.

Mr. DAWES. The men who made the notes remitted the interest on them!

Mr. KELLOGG. A large proportion of the citizens of New Orleans at the present moment utterly repudiate it. I have stated that a law

had been passed hypothecating the interest due before that. They did not pay it. Now comes one law taking the coupons due on the 1st of January, 1880, taking the money due upon those coupons from the hands of the treasurer and remitting or hypothecating it.

My colleague talked about an option the other day; I will show you another option the convention gave to the voters of the State. They submitted the ordinance to a separate vote, and at the same time submitted the new constitution. It was provided that if a majority of votes were cast for the ordinance relative to the State debt, it should be incorporated in the constitution and made a part thereof. The constitution was carried by a majority vote, the ordinance being carried by a majority vote, as they returned it, and of course became a part of the constitution of the State. Now, in order to silence opposition to the debt ordinance, what do you suppose they did? They actually incorporated a clause in the constitution providing—I will not read it, but I will state it—that in case the debt ordinance was adopted the State tax provided to be levied should be sufficient, as they estimated it to cover the interest provided for by the debt ordinance; but in case the voters of the State refused to indorse and ratify the debt ordinance, then and in that case the taxes of the entire State for all purposes should be limited to five mills, which would absolutely exclude any possibility from that time on of the payment of interest even at the rate proposed by the debt ordinance of 2 per cent.

Mr. DAWES. What difference did that make?

Mr. KELLOGG. The difference between the rate of taxation they provided for in the event of the adoption of the ordinance—I think it was six or seven mills; my colleague perhaps will know—and the five mills they limited it to in case the ordinance was not adopted. Thus they said in effect to those who threatened to oppose the debt ordinance, Defeat that ordinance and total repudiation stares you in the face, because such act will limit the State tax provided by the new constitution for all State purposes to such a rate that you cannot possibly procure by the collection of the tax sufficient to pay the interest even at the rate we propose to allow you.

So, then, whatever my friend whom I respect so highly, the Senator from Florida, may say regarding the immaculate record of the democratic party of his State, or the shortcomings and misdoings of the republican party in the matter of repudiation, for which, as the honorable Senator from South Carolina says, the democratic party of that State is not chargeable, whatever others may say in regard to the democratic party in their States upon the question of repudiation, I say that the entire debt of the State of Louisiana when the funding that was admitted to be legally binding and constitutional was completed was a million and a half less than it was when the republican party took charge of the government in 1868, and a million and a half less than the democratic party had received from their creditors at home and abroad in honest money, and put into the levees, or are supposed to have put into levees and other public works of the State. I submit that this was as rascally an act of repudiation as ever disgraced any country under the sun.

Mr. President, we have heard a good deal about the lottery company and about these other companies, corporations, &c., in Louisiana, and how the republican party is responsible for that.

My colleague read from a document signed, he says, by Clarkson N. Potter, chairman of some committee, and by Mr. Phelps, and others. I will not go into that. The Senator from Massachusetts [Mr. HOAR] if he thinks there is occasion for it will some time enlighten the Senate as to how that report came to be made. Quoting from that and accompanying it with certain statements, my colleague says the republican party is chargeable for the charter of incorporation of the lottery company, chargeable with the lottery company, because under my predecessor the lottery company, made up of democrats almost exclusively, went into the lobbies of the Louisiana Legislature and procured a charter apparently harmless in its nature, like the Maryland charter and like the Kentucky charter passed by the Bourbon democracy in their palmy days. Under that charter the Louisiana Lottery Company organized, and later, when the Nicholls government came in, they said, "We will proceed immediately to confiscate the rights of the lottery company," and they passed a bill repealing the lottery charter through the house and it was sent to the senate, a small body of only thirty-six members. Mr. Robertson, of Saint Landry, one of the leading lights of the democratic party at the present time—then one of the principal members of the State democratic committee—had charge of the bill. A committee went to the lottery company and said, "Mr. Lottery Company, come down;" and it is an open secret that their committee waited upon the president and officers of the lottery company. The result was that the senate agreed to indefinitely postpone the house bill repealing the lottery charter. This was about the time the commission was coming down appointed by President Hayes.

I read to you a portion of the debates in the constitutional convention the other day, when Mr. Robertson said, "You have got to incorporate this Louisiana lottery charter in the constitution because the lottery company demands it; we agreed to do it, and you know it, because we postponed in the senate on my motion the house bill for the repeal of the lottery company's charter. It is so nominated in the bond that they should be incorporated in the constitution because but for the money they furnished to the Nicholls government in its hour of need the Packard government would be standing to-day." This is in the debates as published in the New Orleans Democrat, the official organ of the democratic administration in the State of Louisiana. My colleague, I presume, does not intend to deny it. I take it with all his denials he does not deny this. He will not, I am quite sure, turn his back upon the credit his party is entitled to in originating the sublime idea of overthrowing the government of a sovereign State and injecting in its place an illegitimate government representing only a minority of the people of that State, and of which my colleague is the legitimate offspring to-day. They incorporated that charter in the constitution, and here my colleague makes much of my stating that it was an irrepealable, perpetual charter; he does not deny that it was incorporated, but he says it was not perpetual. He admits it was irrepealable because it was made part of the constitution, and as one of the officers remarked to me a few weeks since in this city, and he has made the remark often, "We are out of the clutches of those fellows now; they can't touch us." My colleague admits they cannot touch them, because it is irrevocable and irrepealable as a part of the constitution. That was the gist of all my statement in that regard the other day. I admit he is probably correct in saying that when the term prescribed by the original charter during which the monopoly was to run—namely, until about 1900—expires, they will cease to be an institution recognized by the constitution; then their rights may end, but they will run for nearly twenty years, and for nearly twenty years the earnings of the servant men and the servant women of New Orleans will be invested in those bits of paper that are said to contain prizes to be ground through the lottery company, the machine-crank of which is turned by Beauregard and the prizes distributed by Jubal Early.

The repudiation of the public debt is a standing monument of infamy marking one distinctive and prominent act of the democratic administration of Louisiana which should stand, as it does, side by side with its twin sister, this monopoly the lottery company incorporated in the constitution, and these two monuments of democratic rule are a sublime embodiment and personification of the moral tone, enlightenment, and civilization of that party!

Sir, I pass from this dry and uninteresting matter of State finance to another question, namely, the question of the condition of the colored men and the record of the democratic party in regard to them in Louisiana. I would not again refer to this subject had not my colleague consumed a considerable portion of the time he occupied in endeavoring to show that because J. Madison Wells approved certain acts of the Legislature of 1865 and 1866 those acts were not to be condemned; that the simple approval by J. Madison Wells of those vagrant acts was a mantle that should be thrown over all the sins and iniquities that might slumber beneath those acts.

J. Madison Wells was appointed provisional governor directly after the war by President Johnson and previous to the passage of the reconstruction acts by Congress. I speak from recollection only, not having examined the record, as this matter has sprung up suddenly. I think, however, it was about two months after the assassination of President Lincoln. Andrew Johnson subsequently, it will be remembered, in his policy conflicted with Congress, Congress having asserted that the government of Louisiana and other governments of the South should not be left exclusively in the hands of the white people or those who had been identified with the confederate cause, and in contradistinction to that policy Andrew Johnson claimed that those States should be rehabilitated, that they should remain in the hands of and be administered by the white people of those States. Governor Wells was a large planter. He was an old-line whig, sharing at that time the prejudices shared by most of the white people, regardless of party, concerning the colored man and his status. A large delegation of citizens from New Orleans, representing the business interests, and from the country representing the planting interests, came to Washington and importuned the then President, Johnson, to appoint or recognize J. Madison Wells provisional governor of Louisiana.

Mr. JONAS. My colleague will remember that Governor Wells was elected lieutenant-governor under the constitution of 1864, and when Governor Hahn was elected to the Senate Governor Wells became governor, and was recognized as governor under the constitution of 1864 and so acted until he called a new election under that constitution.

Mr. KELLOGG. My colleague was in the Legislature and he will recollect it; but what I stated I think is correct. I had forgotten that Governor Wells was elected lieutenant-governor. I believe he was; but the question was whether President Johnson in appointing a provisional governor would designate Wells as provisional governor, or appoint, as he did in other States, private citizens.

Governor Wells was recognized as provisional governor by President Johnson. That is the point I am making, and it is made more effective and distinct when I state also, as I was about to do, that afterward, and while Wells was provisional governor, the democratic party of the State took him up and made him their candidate for governor of the State, and he was elected as a democratic governor by the white people of the State.

My colleague endeavored to avoid the force of the statement that the Legislature of 1865 and 1866 was composed almost exclusively of ex-confederates who passed those laws. He says those laws, though passed by the Legislature, were passed under the auspices of J. Madison Wells, and were approved by him. I reply that while J. Madi-

son Wells was governor his lieutenant-governor was Albert Voorhies, who was the embodiment of the Bourbonistic or last-ditch element, in later-day parlance, of the democratic party. He was in the lieutenant-governor's chair, and the Legislature was composed almost exclusively of ex-confederate officers, as I have said. If I mistake not, every member in both houses was an ex-confederate. When Andrew Johnson sent a telegram to Governor Wells, asking him to lay a special message before the Legislature at the time the fourteenth amendment was submitted for their consideration, which message begged and implored them in the interest of his new policy, and to more successfully antagonize the rising element in the two Houses of Congress and all over the North against his scheme of reconstruction, to adopt it, that Legislature marched up in solid phalanx and with scarce a dissenting vote in both houses tabled the fourteenth amendment, and thus refused to ratify it. Directly after they passed the vagrant laws that for atrocity shocked the moral sense of the civilized world. They went to Governor Wells and said, "Sir, approve these vagrant acts or we will suspend you from office under a clause of the constitution which requires only a majority vote of the lower house to suspend you from your functions as governor, and we will put Albert Voorhies, who, standing behind you, represents the last-ditch Bourbon element of this State, and he will make haste to affix his signature." Thus Governor Wells had the alternative of approving or being suspended.

Sir, I recall an incident under my administration as governor which I will digress to relate. Under the Wheeler adjustment that my colleague referred to, the last two years of my administration, the Bourbons had the lower house; as he said, the house was democratic. The Senator from Massachusetts will well recollect all that. One inducement for us to enter into that adjustment was that in order to get possession of one house the democratic members signed a protocol, with three or four exceptions agreeing that they would not seek to impeach me if I would consent to the terms of this adjustment which, as I have said, gave them the lower house. We finally submitted terms of arbitration to Clarkson N. Potter, William Walter Phelps, Mr. HOAR, William A. Wheeler, WILLIAM P. FRYE, and S. S. Marshall, who I think constituted the committee. They unanimously agreed that we should admit certain members in the house, and I may state in passing, since that parish has been called in question to-day, that they gave us the three members from Caddo. So we gave them the house, having ourselves control of the senate.

Now, what did that Legislature do? They ran along according to the terms of their protocol, which distinctly pledged them not to attempt to impeach me. One or two days before the close of their legislative term, which ended in March, 1876, a few months before the election of 1876, they passed an election law through the house and sent it to the senate which repealed all the safeguards to an honest election in the State, wiping out all the power the governor or other constituted officers had, and when the senate refused to pass it, the democratic house met in caucus and sent a committee to me, whose spokesman said, "Sir, I regret to inform you that if you do not cause your senate to pass that election law," which, as I have said, practically put the election machinery of the State into the hands of the democrats, taking it away from the republican State government, "it is our solemn determination to suspend you," under the same or a similar clause of the constitution under which they threatened to suspend Governor Wells if he did not approve those vagrant acts. I said to them that I did not propose to urge the senate to pass any such bill, and I could not pledge myself to approve it if passed. Well, sir, they went back, and in about four hours they had a resolution through the house suspending me. I will not go into that matter further, except to say that the senate acquitted me immediately. The president of the clearing-house of New Orleans, the leading men, the Picayune, the Times, the great commercial organs, all denounced this proceeding to suspend me, and, to make a long story short, it ended at twelve o'clock the second night after. At the close of the constitutional term of the session the gas in the State-house was turned off, and the democrats went home and I remained governor. There was nearly the same condition of things as when Governor Wells was compelled to approve the vagrant acts.

Having thus shown how these vagrant acts came on the statute-book, I desire for a moment to refer to some of their provisions.

According to the vagrant act, as it was called, which perhaps as a matter of infamous legislation exceeded the famous vagrant laws of Mississippi or any other State of the South, it was provided that all agricultural laborers should be compelled to make labor contracts during the first ten days of January for the next year. The contract once made the laborer was not to be allowed to leave his place of employment during the year except on conditions not likely to happen and easily prevented. The master was allowed to make deduction of the servant's wages. That is the language——

Mr. JONAS. I would ask the Senator if he is reading the act?

Mr. KELLOGG. No, sir; but I have the act at hand.

Mr. JONAS. What is he reading?

Mr. KELLOGG. I am reading a statement regarding these acts and summarizing them. I want to be specific as to their provisions. I again repeat that the masters were allowed to make deductions of the servant's wages for "injuries"—I quote now from the act—"done to animals and agricultural implements committed to his care," thus making the negroes responsible for wear and tear. Deductions were to be made for "bad or negligent work," the master being the judge. For every act of "disobedience" a fine of $1 was imposed on the offender; disobedience being a technical term made to include, besides "neglect of duty" and "leaving home without permission," such fearful offenses as "impudence," or "swearing," or "indecent language in the presence of the employer, his family, or agent," or "quarreling or fighting with one another." The master or his agent might assail every ear with profaneness aimed at the negro men and outrage every sentiment of decency in the foul language addressed to the negro women; but if one of the helpless creatures, goaded to resistance and crazed under tyranny, should answer back with impudence, or should relieve his mind with an oath, or retort indecency upon indecency, he did so at the cost to himself of $1 for every outburst. The "agent" referred to in the statute is the well-known overseer of the cotton region, and the care with which the law-makers of Louisiana provided that his delicate ears and sensitive nerves should not be offended with an oath or an indecent word from a negro will be appreciated by all who have heard the crack of the whip on a southern plantation. If their masters or their agents or overseers, if the Bourbon democracy—I speak of that as contradistinguished from the great conservative sentiment of the democratic party in Louisiana, which my colleague does not represent—were subjected to the requirements of that law, and were compelled for every blasphemy, or oath, or impudence, or blackguardism addressed to colored men and to others, to pay a dollar, they could easily pay all the public debts they have repudiated. [Laughter.]

It is impossible to quote all the hideous provisions of those statutes under whose operation the negro would have relapsed, gradually but surely, into actual and admitted slavery. I believe there are in the more remote and inaccessible portions of Louisiana colored men who scarcely now realize that under the ægis of the Constitution and by the terms of the proclamation of emancipation framed by Abraham Lincoln they are freemen in the image of their Maker, God, but who think that the Government of the nation has neglected them, that the government of the State—for that is a palpable, visible fact—has passed away, and that they are remitted again to a kind of servitude much the same as before the war, at least so far as their political freedom is concerned.

Sir, I cannot afford to occupy your time much longer, nor do I think it necessary.

As to the proposition so often reiterated by my colleague, that the colored people occupy a condition of comparative comfort, are satisfied with the order of things, are content under democratic rule, and will aid by their suffrages to continue and perpetuate democratic rule in Louisiana, I enter my earnest protest. I enter it, sir, in view of the fact that before the war they were slaves, and that they were emancipated by the war, and in full view of the fact that one of the first acts performed by the democratic Legislature of Louisiana after the war was to encumber the statute-book with the vagrant acts, portions of which I have read, and which continued on the statute-book until wiped out by a republican Legislature.

I protest against such a statement, because as soon as Congress, under the reconstruction measures, gave the colored people the right of suffrage, during the memorable presidential campaign of 1868, they were shot down like sheep by the hundred in several parishes, shot down because they had been true to the Union and the Constitution, because the ballot, that badge of citizenship, was found in their hands.

I protest against such a proposition in the name of the one hundred and fifty men who were shot down in July, 1866, in the streets of New Orleans, for their political opinions; the three hundred that were shot down in Saint Landry Parish, and over two hundred in Bossier Parish, in 1868, for the same reason; in the name of the one hundred and more who were killed and mutilated at Colfax in 1873; of the murdered white leaders butchered in the infamous Coushatta massacre; of the many slain in order to effectually suppress the republican vote in Ouachita, East Feliciana, Caddo, Tensas, and other parishes, just before the elections of 1876 and 1878; and of vast numbers of others murdered for their opinion's sake, as the pages of history conclusively show.

When I ran for governor in 1872, a well-known, able, and respected white lawyer named Crawford was elected on the same ticket as district judge. He was an independent and was voted for by both parties. Another able lawyer named Harris was elected on the democratic ticket as district attorney. A good many of the colored people and the white republicans voted for him. After the unfortunate difference that occurred between the McEnery government and my own, in an endeavor to put down acts of lawlessness perpetrated upon colored men and upon white republicans, I appealed in an earnest letter addressed to all the judges and district attorneys in the State that they aid me in enforcing the law and suppressing crime. In response to that appeal there were two or three democratic district attorneys in the State that publicly declared their determination to comply with my request. One notably was Harris. Judge Crawford called a special term of court, and, aided by district attorney Harris, proceeded to vigorously enforce the laws. Bills were found by the grand jury against several persons in Caldwell Parish and writs were issued for their arrest, and the court adjourned. As the judge and the district attorney were on their way to their homes from court after these proceedings they were waylaid and both shot dead by masked men. I

offered a reward for the apprehension of the murderers. It was impossible for me to secure their arrest or punishment. Some of those believed to be the murderers of Crawford were hunted by his brother, a man of great determination and iron nerve; they fled to Texas, and it is said he has hunted those men for years. That double murder left two widows and nine orphan children to mourn for those whose faces they would never more see, and the sound of whose voices they would never again hear, and it carried terror into the hearts of the thousands of colored voters in all that region of country.

"Ah, but," it will be said, "why did you not enforce the law?" I did not enforce the law because there was an *imperium in imperio*, a power greater than I that stood behind my government and paralyzed the visible State government and State authority. When the honorable Senator from Georgia said yesterday those outrages ceased wherever the democrats got charge of the government, it was a confession of what every intelligent man in candor must admit, that these crimes were committed for the purpose and to the end that they might overthrow the republican governments and establish the democracy in power.

The honorable Senator from Minnesota [Mr. MCMILLAN] will bear me out in one matter that calls itself to my recollection. When the Nicholls government was established and the Packard government overthrown, one of the first acts of the Legislature under the Nicholls *regimé* was to pass a resolution of amnesty, saying that all republicans, white and black, who had found refuge in the parish of Orleans could go home. Believing in the good faith of this resolution, after some hesitation, some of them went home, notably one D. A. Weber, a supervisor at the election of 1876 for the parish of West Feliciana, a parish containing 300 white voters and about 2,500 or 3,000 colored voters. He was a native of that parish, and in 1872 supported Greeley for President and McEnery for governor. A few days after he arrived at home he became satisfied that his life was not safe, and determined to leave the parish. Knowing the senior Senator from Minnesota, [Mr. MCMILLAN,] who had been down there on a committee sent by the Senate to investigate into the matters connected with the election of 1876, he wrote him a letter stating that "notwithstanding he had returned under the declaration of amnesty made by the Nicholls government he felt certain that he was not safe, and (he wrote) "I am going back to New Orleans for safety, leaving my wife and children here, and will take them there as soon as I can; I may be dead before this letter reaches you." On the morning that the mail-carrier in this city delivered that letter to the Senator from Minnesota the Associated Press dispatches in the morning papers announced that the day before this man, Weber, had been shot dead in the streets of Bayou Sara by concealed assassins in the court-house firing from the court-house window, leaving his widow and helpless orphans clothed in the habiliments of mourning. Mr. President, I need only add that in this case as in several others of more recent date no effort was made to arrest and convict the perpetrators of these crimes.

But, sir, I have said enough. Recurring to what I was saying when I digressed to relate these two incidents, I again protest against the proposition that the colored people of Louisiana will cheerfully vote the democratic ticket. I protest because of the record that I have referred to of all these massacres, of all these crimes committed in the name of democracy, and because to-day that name carries terror to the heart of every freedman in Louisiana, who shudders whenever the record of that party is brought to his recollection. To say that these men will cheerfully vote the democratic ticket is to utter a statement that is contradicted in letters of blood written all over the history of Louisiana. It is stating that which thousands of shallow graves upon the banks of the Red River and the Ouachita and in the swamps of Louisiana, wherein repose the bones of the loyal colored and white republican dead, slain for their opinion's sake, will here and for all time refute.

In conclusion I commend to the Bourbon democracy of Louisiana that scriptural injunction which is at once a malediction and a prophecy: "When He maketh inquisition for blood he forgetteth not the cry of the humble." Sir, did I not say to this Senate what I have said, I feel that I would be reproached by the thousands of victims who sleep the sleep of death, who fell slain by the relentless hate, the undying, awful, and deathless hostility of the Bourbon democracy of Louisiana. [Applause.]

Mr. JONAS. I intend to occupy but a moment, and no part of that time in answering the tirade of the Senator from Louisiana.

The Senator in the early part of his remarks said that in the parish of Caddo, in Louisiana, there are now no public schools and no education for the colored people, and he challenged contradiction of his statement. It happens that last spring that matter was investigated by the committee of which the Senator from Indiana [Mr. VOORHEES] was the chairman, the committee appointed to inquire into the causes of the exodus. I find before me testimony on that point which I beg leave to read to the Senator and to the Senate. First, I will read from the testimony of Mr. J. H. Shepherd, who says that he is the superintendent of public schools in Shreveport and of the public schools for the parish of Caddo; and thus testifies:

Q. Is there any discrimination between the whites and the blacks in the schools in Caddo Parish?

A. None at all, sir.

Q. Is the school money used in the same proportion for the one as for the other?

A. Yes, sir; precisely. I wish to state that when I became inspector of the schools I found the public schools confined almost entirely to Shreveport. I will only state what I know to be a matter of fact. I went there in 1874, and began teaching a private white school. I taught in three or four localities in the parish; I became very well acquainted over the entire parish of Caddo. I taught for a while on the border of the State, on the line of Arkansas. During the years 1874, 1875, and 1876 I took occasion to go over the parish considerably. I knew of but one public colored school in the parish in 1874. After I was subpœnaed to come here, in order to refresh my memory in regard to the public-school system in Caddo County, I had a memorandum made out from the records of the old school board, from that preceding the one now in existence. I notice that no schools were kept in the country parts of Caddo Parish, for either white or black, for more than three months in the year. The salaries paid teachers were very high; they were paying salaries the of $80 a month to teachers. When I took charge of the schools I adopted the same system of examination which prevails in the State of New York. On the records I notice among the names of the teachers that of one McClelland, who was examined by me. I held an annual examination at the commencement of each year. I devoted one day to the examination of colored teachers, and one day to whites. In 1877 I found that the colored teachers were not up to the standard of the whites; and the questions I put to those teachers were of a nature more easily answered than those I put to the whites. I do not think that any of them scarcely could pass the examination, easy as it was. Among the applicants was this man McClelland, who had been receiving $80 a month for teaching school at Morningsport. On examination I found that he could not set down a sum in simple subtraction. There were others who could not write a correct sentence in grammar, nor, in fact, hardly read at all. I changed all this as fast as I could. During 1877–'78 I secured some excellent teachers. I have one of them now, a young miss who came from Oberlin, Ohio, who passed as good an examination as any white teacher I had there. I have placed her in charge of one of our schools. Another was raised there in Shreveport; she was the daughter of a black man named Hickman; I think her father sent her to New Orleans; I am not positive about that. Throughout the country the standard was raised. I had some excellent teachers this year, but, owing to the failure of funds, I was compelled to close the schools. I think we closed the schools about the 1st of March, after five months' session. I have heard considerable here in regard to the failure of the schools. There has been no failure of the schools since the administration of the present board of directors. When the school funds were turned over to us, we found in the treasury about fourteen thousand dollars. We found that the treasurer, Mr. Antoine, who is the present lieutenant-governor, had deposited some of it in the Freedman's Bank; and it went where the other funds deposited in that bank did—if anybody knows where that is. We have not been able to recover all of it, though the attorney has threatened suit; some portion of it has been returned. So far as discrimination is concerned, I have never made any, nor seen any made, at all. I have given the people of that parish better teachers than they ever had before; and have improved the standard of education, under great difficulties. At first my efforts in this direction were received with disapprobation, but now all express themselves very well satisfied. They did not at first like my bringing in teachers from abroad, which it was necessary to do in order to have good ones.

I also find on page 180 of the same document the testimony of L. E. Dodez, who says that he is a northern man by birth, a republican, a citizen of Ohio, near Wooster, Wayne County, living temporarily in Shreveport:

Q. You spoke of being connected with the sale of the Singer sewing-machine as agent; have you traveled much over the country and talked with colored people or in any way ascertained their school advantages?

A. School advantages? Oh, yes; as far as school is concerned we find schools throughout the country; there are, that is—I speak for our State; we are only eighteen miles from the Texas line, and I have traveled a good deal in the bordering counties of Texas. In our State we have schools there for white and blacks, separate, and they enjoy school advantages the same as we do.

Q. How have they fared in school privileges under Mr. Sheppard here, who, I believe, succeeded, I forget now who?

A. Well, sir, as far as I know, they have fared the same as we did. Their school closed at the same time the white school closed; they closed before we left there. And as far as competency of teachers, I know some of the teachers there who are employed, and as a general thing there is a very good class of colored teachers.

On page 79 Mr. Currie, the mayor of Shreveport, testified as follows:

Q. How about the schools down there? Are there any schools for the colored people?

A. In the city of Shreveport there are three colored schools and three public schools, every one of them public schools. But the means for keeping up the schools are very limited. Up to 1876 the State was in the hands of the republicans; and if there are any complaints to be made in reference to school matters they must fall upon them rather than upon the democrats, for the reason that the annual expenses amounted to a little over four millions of dollars, and the appropriation for the school fund was stolen, the most of it. There was hardly a treasurer in the State that was not charged with being in default.

This evidence shows that in the parish of Caddo there is not only a good public-school system, but there is the same number of schools for colored people that there is for the whites, and the same facilities are afforded for the education of colored children as of the white children of that parish.

I have but a word more to say, and that in correction of manifest errors, not of the arguments or deductions of fact made by my colleague. The acts to which he refers and to which I referred were approved by Governor Wells in 1865, before all those circumstances which he has detailed which he says influenced Governor Wells, before there was any disagreement between the Legislature and Governor Wells, but, on the contrary, while Governor Wells was in full accord with the Louisiana Legislature. Those acts, to my certain knowledge, met his personal approbation. Not only was there no effort made to compel him to sign the acts, but there was the most perfect harmony prevailing between him and the Legislature, and that harmony continued to exist for certainly over a year.

I do not care to enter into a discussion of one of the alleged assassinations of which my colleague has spoken. I wish simply to correct some of his facts. He has mentioned the case of the judge and district attorney in a certain district. This judge he called Caldwell. His name was Crawford. The first error the Senator made was in describing the limits and character of the judicial district over which Judge Crawford presided. It did not include the parish of Tensas,

the parish of Concordia, nor the large republican parishes. It was a district composed of the parishes of Caldwell, Catahoula, Richland, and Franklin, a democratic district, in which Judge Crawford had been largely defeated before the people, a fact that he admitted until he was returned by the returning board and commissioned. The district attorney was a prominent democratic politician. Judge Crawford and the district attorney were traveling together in the same buggy to hold court, and although it was a violent act of assassination, which not only was never approved by any one but met with the disapproval of the whole section in which both those officers were deservedly popular, it was never ascribed to political causes, nor was it the result of any political prosecution instituted before either of these officers or in the courts over which one presided and and in which the other was the district attorney.

Mr. DAWES. I hope we shall now have a vote on the resolution and proceed with the regular business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] to postpone indefinitely the resolution of the Senator from Massachusetts, [Mr. DAWES.]

Mr. BROWN. Mr. President——

Mr. DAWES. I ask the Senator from Ohio if he would not as soon take the test vote upon the passage of the resolution?

Mr. PENDLETON. I do not want to occupy so much time on the resolution. I propose to go into executive session.

Mr. DAWES. I did not know but that the Senator would be willing to save time by taking a test vote on the passage of the resolution.

Mr. BROWN. Have I the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. BROWN. The judge of the fifth judicial circuit of the United States was recently promoted to the position of judge of the Supreme Court of the United States, which left a vacancy in the position of judge of that circuit. That vacancy has not been filled yet. There was a nomination made, as you doubtless recollect, by the President before the end of the Forty-sixth Congress.

Mr. DAWES. When you had the power to confirm him.

Mr. BROWN. We should have had it if you had not prevented us by filibustering. We could not do it on that account. We should have done it but for that.

Mr. DAWES. You had ten majority.

Mr. BROWN. I mean to say we should have acted upon the nomination; I do not know whether we would have confirmed the nominee.

Mr. DAWES. Excuse my interruption.

Mr. BROWN. No interruption at all. Since this session has commenced the President has nominated another gentleman for that position. There is still a vacancy there. Under the law the session of that court at this time ought to be held in Atlanta, my own home. There is no judge to hold the court. The district judge is in bad health and is away from home. The district judge of another State is there to hold the district court, but the business of the circuit court is suffering for want of a judge. As a nomination is before us now for that position, and the public business is suffering there for the want of a judicial appointment, as there is some very important litigation there which ought to be attended to, and the people are very anxious to have the place filled by some proper person, it seems to me it would be much more important at present to attend to that duty than it is just now to attend to the other duty, as Senators on the other side think it is, of electing certain officers of the Senate. I therefore move that the Senate proceed to the consideration of executive business, and upon that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAYARD, (when his name was called.) I am paired for the present with the Senator from Maine, [Mr. HALE.]

Mr. CAMDEN, (when the name of Mr. DAVIS, of West Virginia, was called.) I desire to say that my colleague [Mr. DAVIS, of West Virginia] is paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. LAMAR, (when Mr. GEORGE'S name was called.) My colleague [Mr. GEORGE] is detained by sickness, and is paired with the Senator from Minnesota, [Mr. MCMILLAN.]

Mr. GROOME, (when Mr. GORMAN'S name was called.) My colleague [Mr. GORMAN] is paired for the day with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from Mississippi [Mr. GEORGE] unless my vote is necessary to constitute a quorum. If he were here I should vote "nay."

Mr. INGALLS, (when Mr. PLUMB'S name was called.) My colleague [Mr. PLUMB] is paired with the Senater from Missouri, [Mr. VEST.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] I should vote "yea," if he were here.

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Nebraska [Mr. VAN WYCK] for the present.

Mr. SAUNDERS, (when his name was called.) I am paired on this question with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK. Assuming that there may be other votes to-day by a call of the yeas and nays, I desire to announce once for all that my colleague [Mr. WILLIAMS] is still detained from the Senate by sickness and is paired with the Senator from Nebraska, [Mr. SAUNDERS.] I shall not announce the pair again to-day.

Mr. MAXEY. A day or two ago the Senator from Colorado [Mr. TELLER] spoke of his expecting to go away, and asked me in the event of his going to pair with him. I told him I should certainly do so with pleasure. I find he is not here, and I do not hear any pair of his announced. Therefore, I shall decline to vote. I should vote "yea" and he would vote "nay," if he were present.

Mr. ALLISON. I am paired during this day with the Senator from West Virginia, [Mr. DAVIS.]

Mr. MCMILLAN. The Senator from Colorado [Mr. HILL] is paired with the Senator from Arkansas, [Mr. WALKER.] The Senator from Colorado would vote "nay," if he were present.

Mr. BROWN, (after having voted in the affirmative.) I desire to withdraw my vote. I did not know that the Senator from Colorado [Mr. TELLER] had gone away. I am paired with him. I thought he was in the Hall, but as he is away I wish to withdraw my vote.

Mr. MAXEY. As that pair had not been announced, I declined to vote; but as the Senator from Georgia is paired with the Senator from Colorado, I vote "yea."

Mr. BURNSIDE. I desire to announce that my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. CAMERON, of Wisconsin. I desire to announce that the Senator from Virginia [Mr. JOHNSTON] is paired with the present occupant of the chair, [Mr. ROLLINS.]

The result was announced—yeas 23, nays 25; as follows:

YEAS—23.

Beck,	Farley,	Jackson,	Morgan,
Butler,	Groome,	Jonas,	Pendleton,
Call,	Grover,	Jones of Florida,	Pugh,
Camden,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Voorhees.
Coke,	Hill of Georgia,	Maxey,	

NAYS—25.

Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Sawyer,
Cameron of Pa.,	Frye,	Mahone,	Sewell,
Cameron of Wis.,	Harrison,	Miller,	Sherman.
Conger,	Hawley,	Mitchell,	
Conkling,	Hoar,	Morrill,	
Dawes,	Ingalls,	Platt of Conn.,	

ABSENT—28.

Allison,	Fair,	Jones of Nevada,	Saunders,
Anthony,	Garland,	Kellogg,	Teller,
Bayard,	George,	McMillan,	Vance,
Brown,	Gorman,	Plumb,	Van Wyck,
Davis of Illinois,	Hale,	Ransom,	Vest,
Davis of W. Va.,	Hill of Colorado,	Rollins,	Walker,
Edmunds,	Johnston,	Saulsbury,	Williams.

So the motion was not agreed to.

Mr. DAWES. Now nothing hinders our proceeding to take a vote upon the resolution.

Mr. HARRIS. Except that I move that the Senate do now adjourn.

Mr. DAWES. I regret to hear such a motion offered.

Mr. HARRIS. I suppose so, but still I make it without regard to the regret of the Senator from Massachusetts.

The PRESIDING OFFICER. A motion to adjourn is not debatable.

Mr. DAWES. Will the Senator indulge me a moment?

Mr. HARRIS. No, not just now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate adjourn. [Putting the question.] The noes appear to prevail.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired for the day with the Senator from West Virginia, [Mr. DAVIS.]

Mr. BAYARD, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

Mr. BROWN, (when his name was called.) I will state once for all for the rest of the day, that I am paired with the Senator from Colorado, [Mr. TELLER.]

Mr. GROOME, (when Mr. GORMAN'S name was called.) I announce for the rest of the day that my colleague [Mr. GORMAN] is paired with the Senator from Rhode Island, [Mr. ANTHONY.] If my colleague were present, and not paired, he would vote "yea."

Mr. RANSOM, (when his name was called.) As I stated before, I am paired on the votes to-day with the Senator from Nevada, [Mr. JONES.] I should vote "yea" if he were here.

Mr. ROLLINS, (when his name was called.) The present occupant of the chair is paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. MCMILLAN. I am paired with the Senator from Mississippi [Mr. GEORGE] unless my vote is necessary to constitute a quorum. The Senator from Colorado [Mr. HILL] is paired with the Senator from Arkansas, [Mr. WALKER.] This announcement I make for the day.

Mr. KELLOGG. I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay."

The result was announced—yeas 24, nays 26; as follows:

YEAS—24.

Beck,	Farley,	Jackson,	Maxey,
Butler,	Groome,	Johnston,	Morgan,
Call,	Grover,	Jonas,	Pendleton,
Camden,	Hampton,	Jones of Florida,	Pugh,
Cockrell,	Harris,	Lamar,	Slater,
Coke,	Hill of Georgia,	McPherson,	Voorhees.

NAYS—26.

Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sewell,
Conger,	Hawley,	Mitchell,	Sherman.
Conkling,	Hoar,	Morrill,	
Dawes,	Ingalls,	Platt of Conn.,	

ABSENT—26.

Allison,	Fair,	Kellogg,	Vance,
Anthony,	Garland,	McMillan,	Van Wyck,
Bayard,	George,	Plumb,	Vest,
Brown,	Gorman,	Ransom,	Walker,
Davis of Illinois,	Hale,	Saulsbury,	Williams.
Davis of W. Va.,	Hill of Colorado,	Saunders,	
Edmunds,	Jones of Nevada,	Teller,	

So the Senate refused to adjourn.

Mr. BECK. I believe it was Mr. Benton who said once that the finest figure of speech in the English language was "ding-dong." I agree with him. I desire to tell the Senate again that the President called us together with this recital:

> Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the 4th of March next, to receive and act upon such communications as may be made to it on the part of the Executive.

I wish to add that, whereas the republican party (I will not say the majority, for they have no majority, there is an equal division of the Senate; that is the proper way to put it) have determined to pay no sort of respect to any communications that the President has already sent to us, unless he has other communications to make beyond those that have now come, we are prepared to adjourn without day. If the proposition which I now desire to make is carried, I shall move the appointment of a committee to wait upon the President and advise him that the communications heretofore sent are not such as commend themselves to his party friends, and unless he desires to send us something else we are ready to go home. I move that when the Senate adjourns to-day it be to meet on the first Monday in December next, and upon that I call for the yeas and nays.

Mr. DAWES. I hope that motion will not prevail.

Mr. HARRIS. The motion is not debatable, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky, that when the Senate adjourns to-day it be to meet on the first Monday in December, on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. DAWES. I move to substitute "to-morrow at twelve o'clock."

The PRESIDING OFFICER. It is moved to amend by substituting that the Senate "adjourn until to-morrow at twelve o'clock."

Mr. DAWES. I withdraw the amendment. I do not think it is in the line of public business, and I withdraw it upon further consideration. I could not vote for it myself.

The PRESIDING OFFICER. The amendment is withdrawn, and the question is on the motion of the Senator from Kentucky, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BAYARD, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

The roll-call having been concluded, the result was announced—yeas 21, nays 26; as follows:

YEAS—21.

Beck,	Grover,	Jonas,	Pugh,
Butler,	Hampton,	Jones of Florida,	Slater,
Call,	Harris,	Lamar,	Voorhees.
Cockrell,	Hill of Georgia,	Maxey,	
Coke,	Jackson,	Morgan,	
Groome,	Johnston,	Pendleton,	

NAYS—26.

Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sewell,
Conger,	Hawley,	Mitchell,	Sherman.
Conkling,	Hoar,	Morrill,	
Dawes,	Ingalls,	Platt of Conn.,	

ABSENT—29.

Allison,	Fair,	Kellogg,	Vance,
Anthony,	Farley,	McMillan,	Van Wyck,
Bayard,	Garland,	McPherson,	Vest,
Brown,	George,	Plumb,	Walker,
Camden,	Gorman,	Ransom,	Williams.
Davis of Illinois,	Hale,	Saulsbury,	
Davis of W. Va.,	Hill of Colorado,	Saunders,	
Edmunds,	Jones of Nevada,	Teller,	

So the motion was not agreed to.

Mr. HARRIS. I desire to call the attention of my friend from Massachusetts and such other Senators on the other side as have not examined the question to the fact that there are now seventy important nominations from the President that have been for more than one week in the hands of the committees of this body, which committees have had no opportunity to report within the week——

Mr. HOAR. I call the Senator from Tennessee to order.

Mr. HARRIS. The Senator will please state the ground on which he calls the Senator from Tennessee to order.

Mr. HOAR. That is a question between me and the Chair, and not the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. My point of order, Mr. President, is, that the Senator from Tennessee is undertaking to state, in violation of the rules of the Senate, the condition of business in executive session, and he is clearly out of order.

Mr. DAWES. I come to the relief of the Senator from Tennessee. He is giving the reasons why he is going to repent of the course he has been pursuing for the last two weeks in delaying business.

Mr. HOAR. If there is any possibility of the Senator's repentance, I will withdraw the point of order.

Mr. HARRIS. I did not understand the last remark of the Senator from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I said that if there was any possibility of the Senator repenting, as my colleague suggested, I would withdraw the point of order, that he may repent.

Mr. HARRIS. I do not think the Senator from Massachusetts, who was last up, need withdraw his point of order on that ground. If the Chair holds that the Senator from Tennessee was disclosing——

The PRESIDING OFFICER. The Chair understands that the point of order is withdrawn.

Mr. DAWES. Conditionally.

Mr. HARRIS. I want to call the attention of the Senators to the fact that there lie on the table of the Senate fifty-five important nominations, which have lain there for nearly a week, and some of them more than a week, that have not been referred to the appropriate committees. In addition——

Mr. DAWES. I am compelled, if the Senator will allow me, to inquire——

The PRESIDING OFFICER. Does the Senator from Tennessee yield?

Mr. HARRIS. Of course I yield.

Mr. DAWES. For what purpose has the Senator got inside of the sealed communications sent by the President to the Senate?

Mr. HARRIS. The Senator from Massachusetts may see them every day if he wishes.

Mr. COCKRELL. And they are published in the papers.

Mr. HARRIS. They are also published in the papers of this city every day.

Mr. FERRY. I rise to a point of order. The Senator from Tennessee is clearly out of order. He has no right to disclose any business that occurs in executive session.

Mr. HARRIS. Unfortunately, we have not been able to get into executive session for a week, and I am disclosing no fact that has occurred in executive session.

Mr. DAWES. The Senator——

Mr. FERRY. I have the floor, I think.

Mr. HARRIS. I thought I had the floor.

Mr. FERRY. I raise the point of order that the Senator from Tennessee is out of order in disclosing any business pertaining to the executive sessions of the Senate; and I further state that the Senator cannot speak of his knowledge of such business unless it is a disclosure of the executive business, and he has no right in open session to refer to business that pertains to executive session.

Mr. HARRIS. I desire to ask the Senator from Michigan if the fact of nominations having been made to the Senate is an executive secret? If so——

Mr. FERRY. I answer the Senator from Tennessee that I am not responsible for what appears in the public press; I am only insisting here that a member of the Senate has no right, according to the rules, to disclose in open session any business that pertains to executive session. I have raised the point of order, Mr. President, and I hope the Chair will rule upon it.

Mr. HARRIS. The Senator from Michigan will disclose executive secrets quite as soon as the Senator from Tennessee will ever disclose them; but I say the fact that a nomination has been sent to the Senate is not an executive secret. The Senator from Michigan mistakes the rule and the law of the case when he asserts that it is.

Mr. FERRY. I further state that the Senator from Tennessee has no right to say that the Senator from Michigan will disclose matters pertaining to executive session in violation of the rules of the Senate any more than the Senator from Tennessee.

Mr. HARRIS. The Senator from Tennessee did not say so.

Mr. FERRY. I have the floor.

Mr. HARRIS. I am not sure that you have, unless you have it with my permission.

Mr. FERRY. The Senator from Tennessee has already stated business pertaining to executive session which he has no right to state, according to the rules of the Senate.

Mr. HARRIS. I deny the fact stated by the Senator from Mich-

igan; it is untrue. I have stated no fact pertaining to executive session.

Mr. FERRY. I have raised the point of order and I ask the ruling of the Chair.

The PRESIDING OFFICER. If Senators will suspend their remarks the Chair will endeavor to decide the point of order.

Mr. HARRIS. I take my seat simply that the Chair may decide the point of order, but I am entitled to the floor.

The PRESIDING OFFICER. The Chair will ask to have the seventy-third rule read.

The Chief Clerk read as follows:

All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

Mr. HARRIS. Now I ask for the ruling of the Chair on the point of order.

Mr. FERRY. Mr. President——

Mr. VOORHEES. Before the Chair makes his ruling, I wish to state——

Mr. FERRY. Before the Chair rules upon the question, I wish to say that the Senator from Tennessee has stated there are certain nominations before the executive session of the Senate which have not been referred and others which have been referred. In making this statement he has disclosed business of the Senate in executive session which he has no right to disclose under the rules and practice of the Senate.

Mr. HARRIS. I desire to correct the statement of fact made by the Senator from Michigan. I stated, Mr. President, that there was lying upon your table a number of nominations. We have not been in executive session——

Mr. DAWES. The Senator said that some nominations had been referred and others had not been referred.

The PRESIDING OFFICER. If Senators will suspend for a moment, the Chair will state his views upon the question of order. In the opinion of the Chair the early portion of the remarks of the Senator from Tennessee were not in order. When the Senator from Massachusetts [Mr. HOAR] rose to a point of order, in the opinion of the Chair the remarks of the Senator from Tennessee up to that time were not in order; but the remarks recently submitted to which attention was called by the Senator from Michigan [Mr. FERRY] are in order, as they merely refer to the nominations which have been sent in and are upon the table.

Mr. DAWES. That is, half of them were out of order and the other half were not.

The PRESIDING OFFICER. The portion of the Senator's remarks referring to executive business, in the early part of his remarks, in the opinion of the Chair were not in order.

Mr. DAWES and Mr. FERRY addressed the Chair.

Mr. HARRIS. Then I desire to know whether the Senator from Tennessee is entitled to occupy the floor? That is the practical point.

The PRESIDING OFFICER. The Chair will state further that the Senator from Massachusetts withdrew his point of order. Up to that time the Chair thinks the Senator from Tennessee was not in order.

Mr. HARRIS. If the Chair decides that the Senator from Tennessee is entitled to the floor, I raise no question upon the opinion expressed.

The PRESIDING OFFICER. The Chair decides that the remarks of the Senator from Tennessee as a whole are not in order.

Mr. HARRIS. Does the Chair decide that the Senator from Tennessee is not in order in occupying the floor?

The PRESIDING OFFICER. The Chair decides that the Senator from Tennessee is entitled to the floor, and he will proceed in order.

Mr. SAULSBURY. Mr. President, I desire, with the permission of the Senator from Tennessee, to call the attention of the Chair to its ruling. The Chair expressly states that the point of order raised by the Senator from Massachusetts was withdrawn. If it was withdrawn it is not subject to the jurisdiction of the Chair to pass upon it at all, and therefore the ruling of the Chair is extrajudicial. He had no right even to say that on that point the Senator from Tennessee was out of order.

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. HARRIS. There is no decision of the Chair that can be appealed from unless the other side appeal from the decision of the Chair that I am entitled to the floor.

Mr. FERRY. If the Senator will allow me, I think the Senator from Delaware has transcended his right on the courtesy of the Senate in criticising the decision of the Chair. His proper method of changing the ruling of the Chair is by an appeal to the Senate.

Mr. SAULSBURY. I called the attention of the Chair to his own ruling.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. HARRIS. I believe the seventy-third rule that was read a while ago announces in explicit terms that the confirmation of nominations is not an executive secret, as is the case with regard to the fact that nominations have been made. There have been a number of confirmations made by the Senate, at least nine important nominations. Before they can take effect it is important that we should have an executive session; it is impossible for them to take effect until we have an executive session. Now, in view of the large number of pending nominations that have not been acted upon, and of the nine important nominations that have been acted upon and confirmed but that cannot take effect until we have another executive session, I appeal to the Senators on the other side to go into executive session in order that this large number of places absolutely vacant until the Senate acts upon these nominations shall be filled. I ask the Senate to go into executive session in order that we may act upon them and let offices that are actually vacant be filled in order that the public business may be performed. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. It is moved by the Senator from Tennessee that the Senate now proceed to the consideration of executive business. [Putting the question.] The noes appear to prevail.

Mr. BECK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 24, nays 26; as follows:

YEAS—24.

Beck,	Fair,	Jackson,	Maxey,
Butler,	Farley,	Johnston,	Morgan,
Call,	Groome,	Jonas,	Pendleton,
Cockrell,	Grover,	Jones of Florida,	Pugh,
Coke,	Hampton,	Lamar,	Slater,
Davis of Illinois,	Harris,	McPherson,	Voorhees.

NAYS—26.

Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sewell,
Conger,	Hawley,	Mitchell,	Sherman.
Conkling,	Hoar,	Morrill,	
Dawes,	Ingalls,	Platt of Conn.,	

ABSENT—26.

Allison,	Garland,	Kellogg,	Vance,
Anthony,	George,	McMillan,	Van Wyck,
Bayard,	Gorman,	Plumb,	Vest,
Brown,	Hale,	Ransom,	Walker,
Camden,	Hill of Colorado,	Saulsbury,	Williams.
Davis of W. Va.,	Hill of Georgia,	Saunders,	
Edmunds,	Jones of Nevada,	Teller,	

So the motion was not agreed to.

Mr. BECK. Mr. President, on Monday last the Senator from Virginia [Mr. MAHONE] made a speech which he has favored us with in this morning's RECORD, although it was apparently read from printed slips then. Why its publication was delayed until this morning I am not prepared to say; but in it he said this:

Mr. President, I must beg the indulgence of this Senate for a few minutes longer, to do justice by one for the introduction of whose name here I am responsible.

I thought the Senator from Massachusetts [Mr. DAWES] was responsible for it from the way he talked the other day.

It is reported generally that some Senators of the democratic party are ready and willing to abandon opposition to the further organization of this Senate if the name of Mr. Riddleberger shall be withdrawn. If that be true I ask Senators to confess the fact and let it go to the country, that they are ready and willing to yield the organization of the Senate if only their revenge can be satisfied in the defeat of one of Virginia's own honorable and honored sons, in the person of Captain Riddleberger. They can yield a complete republican organization, but cannot accept this Virginia readjuster. I note with astonishment the reasons assigned, but discern very clearly the real and underlying ones. Say they, he is of the repudiating party. If so, Mr. President, I, too, am of that party.

And again the Senator from Virginia said:

Mr. President, it is the coming contest in Virginia which makes this opposition to Mr. Riddleberger. His enemies and those of his party know his power, his influence, and his courage.

Now I suggest to the Senator from Massachusetts whether he had not better take time till morning rather than keep this Senate in session all the while and refuse to confirm nominations as numerous, as important as the Senator from Tennessee has indicated, and see if they cannot raise a little purse among themselves to pay Mr. Riddleberger the amount that he would get between now and December to go into that Virginia election; and thinking it would be cheaper for them to do that than to protract this struggle, I move that the Senate adjourn to give them an opportunity of doing it, and I call for the yeas and nays on that motion.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate adjourn.

Mr. BECK. And I want the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. LOGAN. I desire to ask the Senator a question, but I will do it after the roll-call.

The Secretary proceeded to call the roll.

Mr. JOHNSTON, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. McMILLAN, (when his name was called.) I am paired as already stated.

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.]

The roll-call having been concluded, the result was announced—yeas 23, nays 25; as follows:

YEAS—23.

Beck,	Fair,	Jackson,	Morgan,
Butler,	Farley,	Jonas,	Pendleton,
Call,	Grover,	Jones of Florida,	Pugh,
Camden,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Voorhees.
Coke,	Hill of Georgia,	Maxey,	

NAYS—25.

Blair,	Edgerton,	Logan,	Rollins,
Burnside,	Ferry,	McDill,	Sawyer,
Cameron of Pa.,	Frye,	Mahone,	Sewell,
Cameron of Wis.,	Harrison,	Miller,	Sherman.
Conger,	Hawley,	Mitchell,	
Conkling,	Hoar,	Platt of Conn.,	
Dawes,	Ingalls,	Platt of N. Y.,	

ABSENT—28.

Allison,	Garland,	Jones of Nevada,	Saunders,
Anthony,	George,	Kellogg,	Teller,
Bayard,	Gorman,	McMillan,	Vance,
Brown,	Groome,	Morrill,	Van Wyck,
Davis of Illinois,	Hale,	Plumb,	Vest,
Davis of W. Va.,	Hill of Colorado,	Ransom,	Walker,
Edmunds,	Johnston,	Saulsbury,	Williams.

So the Senate refused to adjourn.

Mr. LOGAN. Mr. President, I rose to ask the Senator from Kentucky a question merely for my own information, but the yeas and nays were called on his motion, and I did not have the opportunity to do it then. I desire to do it now. He has taunted this side of the House very frequently, and read statements about our coalition with the readjusters. I should like that Senator, if it is not too much trouble to him—if it is, of course I shall not expect it—to state what his position was in Kentucky in 1866 in this regard, that if the Government of the United States failed to pay the people of Kentucky for the loss of their slaves he then would take a certain position on paying the national debt.

Mr. BECK. I will ask the Senator from Illinois if he has any evidence that I ever took any position at all on that subject. If he has, I shall be glad to see it.

Mr. LOGAN. I will only say to the Senator that I remember having read the statement of a certain gentleman in Kentucky, who was a lawyer before a committee——

Mr. BECK. How do you spell that word, l-i-a-r? What was it you said he was?

Mr. DAWES. It is the profession to which the Senator from Kentucky belongs.

Mr. LOGAN. I do not know how he spells his own profession; he can spell that to suit himself. I merely say that I remember reading at one time that the Senator from Kentucky had said that if the debt due to the people who lost their slaves in Kentucky was repudiated by the Government, he thought the popular position for a man in that State would be to be in favor of repudiating the national debt, and he thought he would take that position. I do not know whether that was true or not; but I remember having read that.

Mr. BECK. Now I think when the Senator read that he read something not much truer than some statements that were made as to certain affidavits made by people quite close to him, as to the Senator from Illinois and his position at the beginning of the war. Perhaps they can be obtained as well. I decline to answer anything unless some statement is made showing that I ever made any such remark. I say it is a lie.

Mr. LOGAN. Well, I suppose the Senator means that the gentleman who made that statement against him lied.

Mr. BECK. No; I mean to say that many things get in the papers which are not true, and the Senator from Illinois had occasion to say yesterday, in response to the Senator from Georgia, that some things in regard to himself had circulated which were not true.

Mr. LOGAN. Certainly.

Mr. BECK. Now, what I mean to say is this: What I did ten years ago or twenty years ago has no more relation to this question than the events that occurred before the flood.

Mr. LOGAN. Of course; I understand that.

Mr. BECK. We are called in executive session to determine certain things. I am talking kindly to convert the Senator from Massachusetts, [Mr. DAWES,] if I can, and the Senator from Illinois, [Mr. LOGAN.] The Senator from Illinois and myself have both been lied about, I expect, and we are very fortunate that we have not been lied about more than we have been. I have nothing to defend as to my own personal matters, and I have no accusation to make against him. If I can only get my friend from Massachusetts to see the light as he ought to see it I shall be happy, and I hope the Senator from Illinois and I will not quarrel about our past.

Mr. LOGAN. We shall have no trouble.

Mr. BECK. None in the world.

Mr. LOGAN. I made this reference without any intention whatever of arousing the Senator.

Mr. BECK. I know it.

Mr. LOGAN. But I remember—and he recollects it very well—the report that was made in the House, and I remember reading—I do not recall the gentleman's name now—the evidence of a gentleman before that committee, in which he stated these facts about the Senator, and I merely asked him whether they were true or not.

Mr. BECK. Oh, no; nothing of that sort was ever said before a committee. I came before the House, one of nine Representatives from Kentucky, and the Senator from Illinois was kind enough to remark then—and the record will show it—that I had been the law partner of Hon. John C. Breckinridge, and that was quite enough to keep me out, and I was kept out for a good while; but a republican committee, on which were Burton C. Cook, Glenni W. Scofield, and others, went to my own town and investigated my character and my position, and they unanimously reported that I was entitled to my seat, and I got it.

Mr. LOGAN. I was not talking about the Senator's position in that regard.

Mr. BECK. I was kept out at the suggestion of the distinguished Senator from Illinois.

Mr. LOGAN. I called the Senator's attention to but one point. How was that?

Mr. BECK. I think I was kept out a good while at the suggestion of the distinguished Senator from Illinois, honestly made, no doubt.

Mr. LOGAN. Certainly, I did make the suggestion myself in the House. I did object to the Senator taking the oath as a member when he first appeared there.

Mr. BECK. But a committee of your own party cleared me of every charge.

Mr. LOGAN. I did not allude to that or intend to do so; but what I asked the Senator was whether it was true at that time that he did take the position that he was in favor of repudiating the national debt if the United States refused to pay for the slaves in Kentucky. I did not know whether that was true or not; I merely ask him that question.

Mr. BECK. Mr. President, I have announced that no such statement was ever made before any committee, and I never saw it; and if it was made, it was a lie.

Mr. LOGAN. Very well.

Mr. BECK. And if it is produced I will prove it to be a lie. I do not talk about falsehoods or mistakes. It is what I have said. No such statement was ever made by me. The men who called themselves loyal in Kentucky were fooled by pretenses on the part of the republican party, just as when Lincoln was nominated it was proclaimed that the rights of the States and the rights of all the people should be preserved in all their property unimpaired; and when there was a little trouble over at Bull Run, which perhaps you will remember, the Congress of the United States made haste to declare that they were not waging the war for any purpose except to maintain the rights of the States with all their dignity unimpaired; and they got 80,000 troops from Kentucky under all sorts of fraudulent pretenses. I knew they were lying all the time.

Mr. HOAR. Do I understand the honorable Senator from Kentucky to say——

Mr. BECK. The Senator from Massachusetts will allow me to end my little controversy with his colleague.

Mr. HOAR. I thought the Senator sat down.

Mr. BECK. There were some remarks between him and the Senator from Georgia that perhaps ought to be noticed, but I would rather not go into a controversy with the Senator, if he will allow me.

Mr. HOAR. The Senator from Kentucky resumed his seat, and I rose to make sure by a question whether I correctly understood the honorable Senator. I rise to ask if the honorable Senator did at this moment say that the 80,000 loyal troops that went from the State of Kentucky to the defense of their country went in because they were fooled and because of certain fraudulent pretenses? I understood the Senator to charge somebody made a fraudulent pretense after the repulse at the battle of Bull Run, and then to add that statement, and I desired to know before it passed away whether I understood him correctly.

Mr. FARLEY. Mr. President——

Mr. BECK. The resolution of July 22, 1861, which I have not now before me, was the ground upon which the men of Kentucky who joined the Federal Army took up arms for the Federal Union, and after the war was over, if I were to go into all the reconstruction measures, I could show that they were wofully deceived, and that while bills were passed to pay so-called loyal men for their slaves, their operation was suspended, and afterward withdrawn; and all this was done to hold Kentucky, at least when it never was intended to comply with the obligation they professed to enter into. I think I can show that some of these days.

Mr. LOGAN. I desire——

Mr. FARLEY. I do not wish to make talk, but I had the floor, and I notice that it has become customary on the floor of the Senate that Senators rise and commence talking without being recognized by the Chair at all. That seems to be the rule. There appears to be a promiscuous wrangling on the floor of the Senate.

The PRESIDING OFFICER. The Senator from California will suspend his remarks for a moment. The Chair recognized the Senator from Kentucky, as the Chair supposed he desired to reply to the Senator from Massachusetts, and did not recognize the Senator from California.

Mr. FARLEY. Very well.

Mr. LOGAN. I desire merely——

Mr. FARLEY. The Senator from Illinois immediately took the floor and talked without being recognized.

The PRESIDING OFFICER. The Senator from Illinois is now entitled to the floor.

Mr. LOGAN. When I asked the Senator from Kentucky for a response to the question, I did so not for the purpose of getting up a controversy between the Senator from Kentucky and any of his constituents; but I merely asked him to state the fact and he said that any person who would say that he had ever made the remark I mentioned was a liar. I do not know anything about the parties; perhaps he can say who they are. I find, however, by examining the record that the name is William C. Goodloe, who was sworn and examined before the committee to which I alluded. The Senator said that no such thing was ever stated before a committee.

Mr. BECK. Read it.

Mr. LOGAN. I first want to know what the character of Mr. Goodloe is so as to know whether I ought to read it or not.

Mr. BECK. Be kind enough to read the statement.

Mr. LOGAN. It is this, and Mr. BECK was present at the examination:

I have heard him say—

Speaking of Mr. BECK—

that he thought he would canvass for Congress in favor of repudiation, but that was before he was a candidate.

Mr. BECK then asked him a question.

Q. Do you recollect whether my talk about repudiation was in connection with what I claim was the repudiation of the slave debt of Kentucky?

A. I do not think there was any conversation on the subject. There were several gentlemen standing on the street, and as I was passing, I stopped. You presently remarked that you believed you would be a candidate in favor of repudiation. I know that a good many men here who claimed to be Unionists at the start are advocating repudiation on the ground that Kentucky had not been paid for her slaves. It was a mere casual remark of yours. You never undertook to give me your views on the question. I do not know now that you are for repudiation.

That is what I alluded to. This witness stated that he heard you say that you had a notion of being a candidate for Congress in favor of repudiation, and I merely asked you the question whether it was true or not.

Mr. BECK. This gentleman was then judge of the circuit court, and perhaps the most ultra republican in Kentucky. I took occasion when I was charged by the Senator from Illinois with not being a fit man to sit in the House to summon all the ultra republicans I could find, and I made them prove my course. While I never believed a word of what these men said, that they were fighting to maintain the Constitution as it was and the rights of the States, with all their dignity and property unimpaired, I required each one of those men to say that I obeyed every law, whether I liked it or not, and I did obey all the laws. When Judge Goodloe, who was the judge of my circuit court, and perhaps the most ultra republican in the State, undertook to give some talk about what was taking place at the time of the discontent in Kentucky, because we were not paid for our property after Congress had passed an act that we should be, I may have said very likely that a certain course would be popular, and that I would run on some idea of that sort; but I never said, and nobody ever declared that I said, that I was in favor of repudiation, for I never was. I knew it was not true. Judge Goodloe states there that he did not know what my opinions were, but simply ventures some things said in the course of a talk, perhaps on a county court day, when he met and I met hundreds of people, and on such occasions the Senator from Illinois has talked freely himself, many a time.

Mr. LOGAN. I merely desired the Senator to explain——

Mr. BECK. I never repudiated and never will. I will pay every obligation, personal and national, State and every other that I am liable for.

Mr. LOGAN. I merely found this record, and I thought the Senator could explain it probably.

Mr. BECK. Certainly; that was all right.

Mr. LOGAN. Judge Goodloe, I have understood, was a very honorable man. I do not know anything about it.

Mr. BECK. Yes, and a worse republican than you ever dared to be. [Laughter.]

Mr. DAWES. Mr. President, I do not believe that I can stand here and see my friend from Kentucky slandered in this way.

Mr. BECK. That is right. I knew you would come to the rescue.

Mr. DAWES. I have served with him in the House; I was on the committee to which his disloyalty was submitted, and I reported in his favor, and the House sustained the report and admitted him to the House, and while he was on his feet in the House, as in the Senate, he uttered the most perverse political sentiments of anybody I ever listened to. [Laughter.] But I never doubted his loyalty; and according to his judgment, strangely perverted as it is, I believe he sincerely is devoted to the Union and the defenders of the flag, and I will not sit here and let my friend from Illinois slander him in that way. He is wrong now on this question of electing the officers of the Senate, but I think he was right there. There was a broad distinction between his conduct and that of some unfortunate men who came up here aspiring to be his colleagues in the House, upon whose position the House differed with the Senator from Kentucky; but I stand here to vindicate him against that charge and to implore him to forget this recent error of his ways and abandon it, and stand with me for order in the Senate and the proper and regular organization of the Senate.

I was on my feet to inquire of the Senator from Kentucky, or of the Senator from Ohio, who may speak with more authority for that side of the House than him, as it is getting late this afternoon——

Mr. LOGAN. I desire to say a word right here. I know that the remarks of the Senator from Massachusetts, being made rather in a jocular way——

Mr. DAWES. Oh, no. [Laughter.]

Mr. LOGAN. Well, if they were not, then I take exception to them, and say to the Senator——

Mr. DAWES. I beg pardon.

Mr. LOGAN. If he means to say that I am slandering the Senator from Kentucky——

Mr. DAWES. Oh, no! I beg pardon. I did not mean you were slandering him; I meant that the implication in the paper did injustice.

Mr. LOGAN. The Senator wholly misunderstood it. The Senator is defending the Senator from Kentucky on the ground of his loyalty. I asked him the question whether he had at any time, according to a statement made before a committee of the other House, been in favor of repudiating the national debt because we had not paid for the slaves. I said nothing about his loyalty.

Mr. DAWES. I would not undertake to defend him against that charge as to the national debt. [Laughter.]

Mr. LOGAN. Very well. I did not want the RECORD to show such a statement; for the people who read the RECORD do not understand the jokes that are passing in this Senate. I do not want any such thing as that to go to the country without contradiction.

Mr. DAWES. I thought in all seriousness that the Senator from Illinois—if I mistook him I beg his pardon—was arraigning the loyalty of the Senator from Kentucky.

Mr. LOGAN. Not at all. I said nothing about it.

Mr. DAWES. I knew that the Senator from Kentucky was looking upon the chairman of the committee who reported that he was loyal, and I thought it was due to him to say it. So far as the Senator from Kentucky wanted to repudiate the national debt, I am unable to defend him because I do not know exactly how that was.

Mr. BECK. Now, Mr. President, to show the Senator from Massachusetts how desirous I am that everything shall go on in order and that I am loyal to all the orders of the President and to the decorum of the Senate and alive to the importance of carrying on the public business properly, and to quiet all this thing about repudiation, Riddleberger, and all, I shall move, in order that we may have a full supreme bench, proper officers to collect customs at New York, proper attorneys, proper judges, and postmasters everywhere, that we quit all this foolishness and proceed to the consideration of executive business, and I now move that we do, and upon that motion I call for the yeas and nays.

The PRESIDING OFFICER. It is moved by the Senator from Kentucky that the Senate proceed to the consideration of executive business.

Mr. DAWES. Mr. President——

Mr. HARRIS. The motion is not debatable. I demand the regular order.

Mr. BECK. I will withdraw it to hear a suggestion.

Mr. DAWES. I was about to make an inquiry, when from a misunderstanding I was interrupted by the Senator from Illinois. I did not intend to interfere with that argument; but I was upon my feet to make an inquiry, which with his permission I will make now, of the Senator from Kentucky or of the Senator from Ohio or any other Senator on that side. Can we not agree upon a time to-night when we will stop debate and take the vote upon this resolution?

Mr. BECK. The first Monday in December next; we have proposed it over and over.

Mr. DAWES. Before we adjourn, I said. Is it not possible for us to come to some understanding that we shall take the vote on this resolution before we adjourn? If the Senator from Ohio thinks we cannot do that——

Mr. PENDLETON. I did not hear the Senator.

Mr. DAWES. I appeal to the Senator from Ohio in the interest of the public business to know if we cannot agree upon some hour that we shall take the vote on this resolution before we adjourn?

Mr. PENDLETON. This evening?

Mr. DAWES. This evening.

Mr. PENDLETON. But we must go into executive session.

Mr. DAWES. If there is no chance of an agreement with Senators on the other side, in the interest of the public business, upon some time at which we shall take the vote before adjournment, I feel justified, pending the motion of the Senator from Kentucky, in moving to adjourn myself. I move that the Senate adjourn, hoping that the Senators on the other side will come here to-morrow feeling that they ought to proceed with the public business.

The PRESIDING OFFICER. It is moved by the Senator from Massachusetts that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and eleven minutes p. m.) the Senate adjourned.

FRIDAY, *April* 1, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

TESTS OF IRON.

Mr. MCMILLAN submitted the following resolution; which was read:

Resolved, That the Secretary of War be directed to communicate to the Senate the report, dated September 11, 1880, of the officer in charge of the United States testing machine upon the resistance to internal pressures of thick hollow cylinders of American cast-iron, and of similar cylinders when lined with coiled wrought-iron and bronze tubes.

Mr. COCKRELL. What is the object of the resolution?

Mr. MCMILLAN. It merely calls for a report made to the War Department in pursuance of an appropriation, and not communicated to the Senate.

The resolution was considered by unanimous consent, and agreed to.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which the yeas and nays have been ordered.

Mr. LAMAR. Mr. President, I have a few words to say upon the pending resolution.

Mr. PENDLETON. If the Senator from Mississippi is not anxious to go on at this moment with his remarks, I think it might be advisable to give our friends upon the other side an opportunity to go now into the consideration of executive business. If they still refuse to do it, which we shall immediately ascertain by such a motion, I am sure the Senate will be glad to hear the Senator from Mississippi.

Mr. LAMAR. I take great pleasure in yielding to the suggestion of the Senator from Ohio, and will gladly forego the privilege of making any remarks if Senators on the other side are prepared to go into executive session.

Mr. PENDLETON. We will give them an opportunity. I move that the Senate proceed to the consideration of executive business, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) Yesterday I was paired with the Senator from West Virginia, [Mr. DAVIS.] I do not see him in his seat this morning. The pair is to continue until his return. If he were here, I should vote "nay."

Mr. BROWN, (when his name was called.) I am paired with the Senator from Colorado, [Mr. TELLER.]

Mr. CAMDEN, (when the name of Mr. DAVIS, of West Virginia, was called.) I desire to announce that my colleague [Mr. DAVIS] is paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. MORRILL, (when the name of Mr. EDMUNDS was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Arkansas, [Mr. GARLAND.]

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from New York, [Mr. CONKLING.] If he were here, I should vote "yea."

Mr. MCPHERSON, (when his name was called.) I am paired on this question with the Senator from New York, [Mr. PLATT.]

Mr. RANSOM, (when his name was called.) I am paired on this question with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "yea."

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were here, I should vote "yea."

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky [Mr. WILLIAMS] on this question. If he were here I should vote "nay."

The roll-call was concluded.

Mr. KELLOGG. I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. BURNSIDE. I desire to state that my colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "nay."

Mr. BECK. My colleague [Mr. WILLIAMS] is still absent, and his pair continues with the Senator from Nebraska, [Mr. SAUNDERS.] I announce that for the day.

Mr. MCMILLAN. I was paired yesterday with the Senator from Mississippi, [Mr. GEORGE.] He is not in the Chamber this morning, and I will continue the pair for the present, unless my vote be necessary to constitute a quorum, when I shall vote. I would vote "nay." The Senator from Colorado [Mr. HILL] is paired with the Senator from Arkansas, [Mr. WALKER.] The Senator from Colorado, if present, would vote "nay."

The result was announced—yeas 22, nays 26; as follows:

YEAS—22.

Bayard,	Call,	Coke,	Grover
Beck,	Camden,	Davis of Illinois,	Hampton,
Butler,	Cockrell,	Fair,	Harris,
Hill of Georgia,	Jonas,	Pendleton,	Vest.
Jackson,	Lamar,	Pugh,	
Johnston,	Maxey,	Slater,	

NAYS—26.

Blair,	Ferry,	Logan,	Plumb,
Burnside,	Frye,	McDill,	Rollins,
Cameron of Pa.,	Hale,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sewell,
Conger,	Hawley,	Mitchell,	Sherman.
Dawes,	Hoar,	Morrill,	
Edgerton,	Ingalls,	Platt of Conn.,	

ABSENT—28.

Allison,	Garland,	Kellogg,	Saunders,
Anthony,	George,	McMillan,	Teller,
Brown,	Gorman,	McPherson,	Vance,
Conkling,	Groome,	Morgan,	Van Wyck,
Davis of W. Va.,	Hill of Colorado,	Platt of N. Y.,	Voorhees,
Edmunds,	Jones of Nevada,	Ransom,	Walker,
Farley,	Jones of Florida,	Saulsbury,	Williams.

So the Senate refused to proceed to the consideration of executive business.

Mr. LAMAR. Mr. President, an entire month, saving two or three days, has elapsed since the commencement of this session. The President of the United States called us together on the 4th day of March. We are here, as a part of the treaty-making department of the Government and also as a part of the executive department. We were called here for the purpose of adjusting our relations with foreign nations and confirming appointments nominated by the President. This, and this alone, is the business for which this body was convened. It is here in no legislative capacity, but simply, I repeat, as a branch of the treaty-making and executive department of the Government; and yet, sir, though that long time has elapsed, this body has scarcely entered upon the discharge of the business which it was called specially to consider.

This attitude of the Senate is an extraordinary one and has no precedent in the history of this country. It is the result of a determination of thirty-eight Senators, aided by the Vice-President, not to allow the body to enter upon the business which it was called to consider until it shall first disorganize the Senate as it now stands, and to reorganize it with reference to certain party ends, which I will endeavor to disclose.

I repeat, sir, that the announcement has been made that the business for which this body has been convoked shall not be entered upon until certain officers of the Senate are deposed and certain other persons named in a resolution on the Clerk's desk shall be installed in their places; and so determined is this purpose that from day to day these thirty-eight Senators go through the form of attempting to do what it is manifest they cannot do, and then persistently refuse to do what it is manifest they can do, what they were called here to do, what it is their constitutional duty to do, and what they admit the pressing interests of the country require them to do.

Not only that, sir, but if report be true, and it is nowhere denied, they intend to continue this state of things indefinitely. One Senator, the Senator from Pennsylvania, [Mr. CAMERON,] declared that the accomplishment of this purpose had become a mere question of endurance, and he proposed to sit it out. When another Senator upon this side of the Chamber, in response to that suggestion, declared that it was his purpose and that of his associates to meet that endurance with an equal endurance on this side even if it should take to June or December—the end of the session—another Senator, so intense and proscriptive seems to be this purpose, arose and said that he regarded that declaration of purpose by the Senator from Georgia [Mr. BROWN] as a declaration which contained the very essence of revolution and of treason to the institutions of this country.

Mr. President, this is a grave accusation—I will not say a dishonoring one, for the Senator uttering it disclaimed any such intention. It was certainly a grave reflection upon thirty-eight fellow-members of this body. If it was true, it devolves upon these thirty-eight Senators a terrible responsibility. If it be not true, how stands the matter then with the Senator making it? I propose to analyze this proposition and to determine whether it be true or untrue. What is it? That thirty-eight Senators, one-half of the body, have determined that before the business for which this Senate was called shall be proceeded with, certain officers of this body shall be deposed and other persons put in their places; and when notice is given that the thirty-eight Senators upon this side will not allow that to be done so far as they can prevent it by a resort to the parliamentary rules of this body, we are told that it is revolution and treason in its purpose and character.

Where is the element of treason or revolution in this action? I can very well see that if the Senate was disorganized, or rather unorganized; if there were vacancies in the offices, instead of being fully equipped and prepared to proceed with business as it now is, opposition to the filling of those vacancies protracted to the end of the session would be factious, unpatriotic, reprehensible; but such is not the case here. The Senate is fully equipped in every respect; its clerks are at the desk; its Sergeant-at-Arms is at his post; and the pages and messengers are all alert in the performance of their duties.

I can very well see that during a session if important appointments were to be made or treaties to be negotiated, or if other things were to be done, and a minority should announce its purpose that none of

these things should be done until the expiration of the session, that that minority would place itself before the country in a position of factious partisanship. But here nothing of that kind exists. It is simply a proposition upon the one side by thirty-eight members, one-half of this body, that the whole Senate shall proceed to the discharge of the business for which it was called together and which every Senator upon the floor admits it to be his constitutional duty to attend to, and which every Senator must admit is at this time of pressing urgency.

Mr. President, think of it one moment. We are charged with announcing a doctrine replete with the elements of treason and revolution for making motions against which not even a parliamentary point of order will lie; treason and revolution for making motions with reference to which not even a parliamentary inquiry can be made.

I shall not pursue this subject any further, sir. I proceed at once to address myself to the question, Are we, having the power to do this thing in accordance with the rules of this body and the principles of the Constitution, justified in exercising that power as we have done? Upon the *prima facie* case, as the matter stands, to those who look upon it simply as it presents itself upon the face of our proceedings, the thirty-eight members upon this side must be justified. Their course is sustained by the unbroken usages of the body and also by the very terms of the proclamation which convoked us here. Then why should we not proceed in accordance with these usages and in conformity with the call of the Executive? Why should a resolution be put right at the threshold of our executive session and this body stand balked and paralyzed so that it can do no business?

Gentlemen tell us that a majority, a constitutional majority, thirty-eight members aided by the Vice-President, wish to remove certain officers and put others in, and that this alone is a sufficient reason. They insist that when the majority of the Senate determine to change its officers it is the duty of the minority to allow it to be done, and that to prevent it is to fly in the face of the Constitution. I cannot concur in this view. In the first place you are not the majority in this Senate, nor are we the minority. We have as many votes as you have. The fact that it is your will not to proceed to the legitimate business of the session, but to go into this election, does not furnish a sufficient reason for us to succumb to your will merely because you are aided by the casting vote of the President. I respectfully submit that if so serious a departure from the usages of the Senate is insisted upon with such inflexible purpose some good reason should be given for it other than that it is the will of the constitutional majority, especially when that majority is obtained by the casting vote of the Vice-President. That reason has not yet been stated, unless it may be considered as having been disclosed yesterday by the Senator from Pennsylvania, [Mr. CAMERON,] which I shall presently consider.

Sir, there is something else by which thirty-eight members of the Senate must be controlled than the mere announcement that such is the will of the constitutional majority. The framers of our Constitution took a great step in political science and in the practical advancement of human rights when they proclaimed to the world and wrote it in their organic law that minorities should never oppress majorities; but it was a still greater step that gave minorities the right and the means of protecting themselves against even the oppressions of majorities.

I admit that if there is any especial, overruling, dominating reason for this departure from the usages of the body these thirty-eight Senators on the other side are justified in their demand, but they must give the reason, they must address themselves to the great tribunal of public opinion, for they will not be sustained by the mere declaration that it is the will of the majority, and that it is treason and revolution to obstruct it, even though the means of that obstruction be the barriers of the Constitution itself.

What are your reasons? We know what they are not. This change which is demanded, and for the carrying out of which the Senate has been kept here one whole month and its energies and its action benumbed, is not demanded by any considerations of civil-service reform, which I understand to be a great object with one school of republican politicians; for tributes of praise and commendation of the efficiency and competency of the existing incumbents come from all sides of the Chamber. Then, so far as the competent and efficient equipment of this body is concerned, there can be no reason looking in the direction of civil-service reform to justify this extraordinary action and the extraordinary delay which it has produced.

What, then, is the reason why these gentlemen insist upon subordinating the filling of the vacancies in the judicial system of the country, of appointing ministers abroad, of perfecting our treaties with foreign nations, to the single and sole purpose of turning out a few officers admitted to be competent and efficient and putting in others whose competency and efficiency is yet to be tested? What is the reason? It certainly cannot be in reward for distinguished political services to the party, which I believe is the doctrine of another school of republican politicians, for the most prominent gentlemen proposed to be put in that position are men who have signalized their talents and their activity in opposition to that party, not only in the last campaign upon which the republican and democratic parties met in conflict, but also in the preceding campaign, where the nominated candidate for the Secretaryship supported other banners and other candidates than those under which the republican organization of his State was mustered. Upon the contrary, in the beginning of this debate a Senator who avows himself responsible for the nomination of one of these gentlemen upon this floor announced himself not a republican but an independent. He declared himself to be a better democrat than my friend from Georgia [Mr. HILL] himself, but that he was an independent, and would not support the democratic nominations or be bound by a democratic caucus, although it appears that he is perfectly willing to be bound—no, sir, not to be bound by, but to bind in shackles and manacles the republican caucus. So, then, it cannot be for the purpose of rewarding political service that this extraordinary position, this extraordinary delay has been superinduced.

The question grows in urgency! What is the pressing and all-controlling reason of public policy or of public interest that puts us in this extraordinary attitude of inactivity and inaction? It certainly cannot be any great zeal in behalf of loyalty to the Union. That is often a rallying cry and a justification for many extraordinary measures. It is not proposed to put gentlemen out who were infected with the heresy of secession in order to put in others who have been distinguished for their loyalty, for if I mistake not the title of one of these candidates to our confidence and suffrages as presented by his sponsor on this floor is that he was a captain of cavalry and did gallant service in the confederate army.

I know there is a distinction drawn and repeatedly drawn by Senators on the other side, that while they will condone and forgive connection and implication with secession and the secession movement they will not do it, they will not grasp hands "across the bloody chasm" or any chasm, with any man connected with that movement who will not confess his sins, profess his repentance, and admit that he was wrong and they were right. But, sir, that cannot be the motive here, inasmuch as the Senator who brings forward one of these candidates and avows his responsibility for him, also avowed upon this floor that he was true to the confederate cause, did it service upon the plains of Virginia, and that he has no apologies to offer for it here or elsewhere.

Now, sir, while this stubborn, intense, inflexible, unyielding determination to put these gentlemen into office before any of the great interests of this country can be attended to by this body evinces on the part of these gentlemen a wholesome and salutary advance in liberal sentiments, it does not furnish, I think, an adequate motive for the zeal, for the determination to subordinate every other great interest of the country to this single object.

Then, sir, what is the motive; what is the object? There must be something. What is it? Why do you not tell your reason for it? I challenge you, gentlemen, I defy you to announce it; I taunt you to the avowal of it. It certainly cannot be, I do not believe it is, from any sympathy with the cause of that accursed doctrine of repudiation which all of you have so often held up to the execration and abhorrence of all the tribes of the earth. I know that no Senators upon that side have any sympathy with that doctrine. They have already, those of them who have spoken, repudiated repudiation in the most unmistakable and emphatic language.

Then, if it be neither civil-service reform, nor the reward of political service, nor the condonation of service to the cause of secession, nor any new-born love of repudiation, what is your motive for holding this body here away from the discharge of its exalted duties upon a mere question of the distribution of a few offices? Well, sir, although not avowed, the true reason has been disclosed in one way or another. It appears that there was a schism in the democratic party of Virginia. It also appears that the majority section of that party, the section that controlled the organization, did in conjunction with the public creditors make a settlement of the debt of that Commonwealth acceptable to both; that they stood for the discharge of public obligations and the preservation of the plighted faith of that grand and glorious old Commonwealth. It appears that another wing dissented from the regular organization, raised the banner of revolt against it, and against the public creditors of the State, denouncing the bill upon which they had settled as "a broker's bill," and proposing to settle upon other terms acceptable only to themselves.

[At this point a message in writing was received from the President of the United States, through Mr. O. L. PRUDEN, one of his secretaries.]

I will yield the floor to the Senator from Ohio or any other Senator to move to go into executive session to consider the President's message just received if they think it will be desirable.

Mr. PENDLETON. If it does not interfere with the course of the remarks of the Senator, I will move that the Senate proceed to the consideration of that executive message.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate now proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from West Virginia [Mr. DAVIS] until he returns.

Mr. BROWN, (when his name was called.) I am paired with the Senator from Colorado, [Mr. TELLER.]

Mr. JONES, of Florida, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] If he were here, I should vote "yea."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. McMILLAN, (when his name was called.) I see the Senator from Mississippi [Mr. GEORGE] in his seat, and I vote "nay."

Mr. McPHERSON, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. GROOME. My colleague [Mr. GORMAN] is paired on this and kindred questions with the Senator from Rhode Island, [Mr. ANTHONY.] If my colleague were here, he would vote "yea."

The result was announced—yeas 28, nays 28; as follows:

YEAS—28.

Bayard,	Davis of Illinois,	Harris,	Morgan,
Beck,	Fair,	Hill of Georgia,	Pendleton,
Butler,	Farley,	Jackson,	Pugh,
Call,	George,	Johnston,	Ransom,
Camden,	Groome,	Jonas,	Slater,
Cockrell,	Grover,	Lamar,	Vest,
Coke,	Hampton,	Maxey,	Voorhees.

NAYS—28.

Blair,	Ferry,	Jones of Nevada,	Morrill,
Burnside,	Frye,	Logan,	Platt of Conn.,
Cameron of Pa.,	Hale,	McDill,	Plumb,
Cameron of Wis.,	Harrison,	McMillan,	Rollins,
Conger,	Hawley,	Mahone,	Sawyer,
Dawes,	Hoar,	Miller,	Sewell,
Edgerton,	Ingalls,	Mitchell,	Sherman.

ABSENT—20.

Allison,	Edmunds,	Kellogg,	Teller,
Anthony,	Garland,	McPherson,	Vance,
Brown,	Gorman,	Platt of N. Y.,	Van Wyck,
Conkling,	Hill of Colorado,	Saulsbury,	Walker,
Davis of W. Va.,	Jones of Florida,	Saunders,	Williams.

So the motion was not agreed to.

Mr. DAWES. Mr. President, the Senator from Mississippi having yielded the floor——

Mr. LAMAR. I had the floor, and yielded it for this purpose only. If the gentleman from Massachusetts chooses to take me off my feet, so be it.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. DAWES. Not at this moment. I was about to say, Mr. President, that the Senator from Mississippi having yielded the floor in his anxiety to proceed with the public business, I hoped that he would co-operate with us on this side in pressing upon the consideration of the Senate the pending measure, and that we might have a vote.

Mr. LAMAR. I will respond to the Senator from Massachusetts. Does he think that the removal of Mr. Burch from the Secretaryship of this Senate is more important than filling the vacancy upon the Supreme Court, which is not now in session in consequence of that vacancy? Will he say that the disorganization of, simply for the purpose of reorganizing, this body is a matter of more supreme importance than the filling of the vacancies in the circuit court, whose business is suffering at this very moment? I hope, Mr. President, that——

Mr. DAWES rose.

Mr. LAMAR. I will yield to interruptions, but I will express my strong desire that my friends on the other side will permit me to make my remarks continuously, pledging myself to answer any question or correct any misstatement that I may have fallen into in the course of my remarks.

Mr. DAWES. I do not intend to interrupt the Senator; I know how embarrassing that is, and I have not risen for that purpose. I thought he put a question to me which he wanted me to answer now, but if he does not of course I do not insist.

Mr. LAMAR. The Senator from Massachusetts did not allow me to finish my questions, and for fear of another interruption I will proceed with the remarks that I was making when this motion to go into executive session was made on this side of the Chamber, and, as usual, voted down by the other.

I was saying that a division had taken place in the democratic party of Virginia; that a majority of that party, constituting its regular organization, had, standing upon the doctrine of inviolable public faith, settled the debt upon terms acceptable to the creditors of the State, and that a section of that party had bolted and raised the banner of revolt against that settlement, and had by a combination with the negro voters of that State, taking them in large part away from their republican leaders, defeated the democratic party and got possession of the Legislature.

The question has been brought here in the distribution of these offices of the Senate, and we find the republican Senators, thirty-eight members of this body, by their action proclaiming their readiness and willingness to combine with what the whole country calls the repudiating wing of the democratic party in Virginia.

Now, sir, I do not charge those Senators with any sympathy for the repudiation doctrines ascribed to that faction, but I do say, and I challenge contradiction, that they have proclaimed to the country that whenever any part or section of a party shall bolt from the democracy of a Southern State under the banner of repudiation, under the banner of a refusal to pay the public debt of that State, the republican party will—I do not say countenance repudiation—but in spite of it will embrace that repudiating faction, give it the strength and support of its recognition, and clothe its leaders with the prizes of national office and emoluments.

Is it not so, sir? Why, sir, what did we witness a few days ago? The Senator from Virginia [Mr. JOHNSTON] addressed this body upon the subject of the relations of the two parties to the debt of Virginia. In the course of his argument he was interrupted by the Senator from Massachusetts, [Mr. DAWES.] He had stated that the debt of Virginia was in round numbers, $29,000,000.

Mr. DAWES. You state that to be the correct amount?

Mr. JOHNSTON. Yes, sir; on that authority of the statement of the readjuster legislature.

Mr. DAWES. What interest does it bear?

Mark, sir, how he put the Senator from Virginia upon a cross-examination—"What interest does it bear?"

Mr. JOHNSTON. A portion of it bears 3 and a portion 6.

Notice, Mr. President, the minuteness of the inquiries of the Senator from Massachusetts, how particular he is to know the very bottom facts of this affair.

Mr. DAWES. What portion of it bears 6?

Mr. JOHNSTON. I can tell the Senator exactly in a moment. The portion of it that bears 3 per cent. is $7,944,315.80. The balance of it is at 6 per cent.

Mr. DAWES. Are you in favor of paying that sum and that interest?

There stood the Senator from Virginia. He had just come out of a campaign in which he had confronted the combination of readjusters and the negro vote of his State when his party had gone down, and there stood the threatened combination. The Senator from Massachusetts pins him to the point, "Are you in favor of paying that sum?" And the Senator from Virginia, modest and unobtrusive, conscious of the integrity of his own action, replies:

I am in favor of paying everything that we are justly bound to pay; but I am in favor, if the creditor will accept it, of paying a less rate of interest.

Not one word of applause, no ringing of galleries, or sending of bouquets to this man who, in the simple rectitude of his nature, makes this honest avowal before the country in favor of good faith and plighted honor. What else, sir? Not satisfied with this question and not satisfied with the answer, the astute and acute Senator from Massachusetts must ply him with other cross-interrogatories.

Mr. DAWES. But are you willing to pay that sum and the interest?

Mr. JOHNSTON. Yea, I am in favor of paying that sum and the interest. I am in favor of paying every cent which the State owes.

Mr. DAWES. Has the State provided for the payment of it?

Mr. JOHNSTON. No, sir, it has not. There are some arrearages of interest on a portion of the debt. The debt stands in a very peculiar condition. On a portion of the debt the coupons are receivable for taxes; on another portion they are not.

Now the Senator from Massachusetts again comes in. I confess, Mr. President, that I was astonished at the difference in the spirit with which these two Senators addressed each other; one with his mind simply bent upon giving the information fairly and fully, and the other upon eliciting avowals about which there could be no mistake. But to proceed:

Mr. DAWES. Will the Senator state fairly that he is in favor of paying the debt according to that statement and the interest in full prescribed by the law?

With simple courage, with unaffected truth, he answers without any rhetorical flourish:

Yes, I am.

Does that satisfy the Senator? No, sir; not satisfied yet of the honesty of this Senator from Virginia. What next?

Mr. DAWES. And of course providing by taxation to meet the interest?

That was to be the point at which the startled steed was expected to shy. Here was the answer:

Mr. JOHNSTON. Certainly.

Baffled at that point he asks again:

And I suppose in that respect the Senator represents the action of his own party?

Mr. JOHNSTON. I understand it so.

Mr. DAWES. I am very glad to have the opportunity of giving the Senator the advantage of that statement.

I thought at the time he was the most rueful and mournful specimen or impersonation of high gratification that I ever saw. [Laughter.]

Mr. JOHNSTON. My sentiments on that subject have never been disguised from anybody—

With some other remarks on that point.

Mr. DAWES. It was not from any doubt I had, but it was the gratification—

"The gratification!"—

It was not from any doubt I had, but it was the gratification I should feel in hearing the Senator state it publicly on this floor.

He seemed to love his brother Senator with "love surpassing that of woman." But what else?

Mr. JOHNSTON. It gratifies you to know what you knew before or ought to have known without asking the question.

The Senator from Massachusetts is not yet satisfied.

Mr. DAWES. The Senator will allow me to say that I regret——

Oh, dear sensibility!

Mr. DAWES. The Senator will allow me to say that I regret exceedingly that he has not kept his own party up to that high standard while they have been in power in the State of Virginia.

Mr. JOHNSTON. The Senator is very much troubled.

Mr. DAWES. I regret it exceedingly because on that position I agree with the Senator that every dollar of the debt and of its interest should be paid in full. I only regret that when his party has been in power and has sent so able a representative to the national councils, he has been unable to hold his party up to that point.

He regrets that he cannot hold up his party; that some fell back and would not stand up to him.

Mr. JOHNSTON. The party that I belong to has been held up to that point.

Mr. DAWES. I understand his party to have been in power up to this last Legislature, and still they have not provided for the debt. I may be mistaken, perhaps.

Mr. JOHNSTON. No, sir. There have been various bills for the settlement of the debt, but they were defeated by one means or other by the readjusters, although they did not have a distinct organization.

I have no further remarks to make upon that passage at arms, if you may call it such, for I do not think that the Senator from Virginia so considered it; but I must say that for once in his life my friend from Massachusetts came out second best.

The Senator from Virginia had here just a year ago a brave, gallant, high-toned colleague, (Mr. Withers,) who stood side by side with him on that position, which it so gratified the Senator from Massachusetts to elicit a public avowal of here on this floor. That Senator, who was my friend's colleague, went with him before the people on the issue and they appealed to that people together. His colleague was a candidate for re-election. He stood before his people, and appealed to them to hold aloft the character of the grand old Commonwealth. He told them whatever might be their impoverishment; whatever the sacrifices they would have to make, repudiation would entail upon them still greater loss and embarrassment; that in the disregard of public obligations, the breach of plighted faith, the repaying of trust in their honor with perfidy and dishonor, they would turn their backs upon the noble qualities which are essential to the prosperity of States, while resources undeveloped, energies unemployed, vanishing capital would be their swift and sure retribution.

But, sir, those appeals were in vain. The black allies of his opponents rallied around the other doctrine, and he was defeated; but in this day of defeat I believe he is sustained by a conscious rectitude which he would not barter for all this Government's honors and all its wealth besides. His successor is here, and has addressed the Senate in reply to his colleague. Suffering from a throbbing headache on that day, I was unable to attend to and understand the expounding of the position he holds in reference to the debt of his State. I cannot upon my own responsibility assert that he advocated the truncation or the diminution of that debt at the option of the debtor, or that he was in favor of repudiating it either in whole or in part; nor have I had the opportunity since the speech has been published to give it that careful reading which would justify any criticism or comment upon it.

But, sir, the Senator from Massachusetts could relieve me of that difficulty if he would only ply the junior Senator from Virginia with the same questions that he put to his colleague. If he would ask him what the whole amount of the debt of Virginia is, and ask him, with that prying inquisitiveness and minuteness so characteristic of him, "Are you in favor of paying that debt? Are you in favor of paying the whole of it, principal and interest? Are you in favor of taxing your people to pay it?" it would have been fair, and we should all have rejoiced had the replies been as definite as those of the other Senator. But, sir, why did not the Senator from Massachusetts do it? Why was he so particular in the questions addressed to one Senator from Virginia and so incurious about the position of the other on the subject in question? I noticed that the Senator from Massachusetts listened with riveted and pleased attention to the delivery of that speech.

I would be glad to know if the Senator who delivered that speech kept himself up to the high standard which the Senator from Massachusetts [Mr. DAWES] so fully indorsed and so highly applauded in his colleague. Does the Senator from Massachusetts think that he did keep up to that standard? And if he did not, does the Senator exceedingly regret it?

The senior Senator from Virginia may be congratulated upon his indorsement by the Senator from Massachusetts. Thus panoplied he is invulnerable, even to the heel, against any attack from his opponent. But why has not the Senator from Massachusetts expressed his deep regret and mortification that such an attack upon the position of Mr. JOHNSTON, thus indorsed and approved by him, should have been made by his colleague?

The contest—

Said the Senator from Pennsylvania [Mr. CAMERON] yesterday—

in which we are engaged is not simply to secure the officers and employés to party friends, as the Senators on the other side pretend, nor is it solely a struggle of the majority to maintain its right to control the organization of the body. There is something higher than and above all this.

Well, that depends now upon the point from which you view it. What seem height to one man may seem depth to another. Let us see what this higher thing is which the Senator from Pennsylvania could not contemplate upon a dead level but must look up to a something above the important business before this Senate. What is it that is higher than the business for which the President has called us together, involving as it does our relations with foreign nations and the supplying of this Government with its essential officers, agents, and employés?

There is something higher than and above all this.

Now, hold your breath to hear. Let the Senate and the people listen to what has brought about this extraordinary contest in this Chamber:

It is the coming political contest in Virginia.

The election of Colonel Riddleberger to a responsible office in this body will be the best proof that could be given that for all true men who uphold the laws the republican party has confidence, respect, and co-operation. We give our votes to that gentleman—

Speaking of Colonel Riddleberger—

as an earnest that we are not sectional and that we have no prejudices on account of old conflicts. Whoever is right at the present time is our friend and we are his. This, and this only, is the "bargain" we have to offer to all our southern friends who will come out from the party of reaction and grow with the nation's growth. All that we ask is that they shall stand with us in favor of securing to each lawful voter the right to cast one free and unintimidated ballot and to have it honestly counted. We know, and our opponents know, that if Virginia takes her stand upon that platform the solid South is a thing of the past.

Here it is at last avowed. It is "the coming political contest in Virginia" and "the election of Colonel Riddleberger to a responsible office in this body." That is the true cause of all this contention, and it grins through the gossamer rhetoric with which the Senator from Massachusetts has decked it. The coming political contest in Virginia is the thing for which this Senate is here held inactive and prevented from performing the exalted functions with which it is clothed by the Constitution and for which it has been convoked by the Chief Magistrate of the nation; that you, the republican Senators, may organize this Senate of the United States with reference to the interests of a party campaign in the State of Virginia.

This avowal of the Senator from Pennsylvania furnishes the confirmation, if confirmation were needed, of the statement which I have made that this is a movement to ally the republican party with any body of men which will leave "the party of reaction," as it is called, and come into its embrace, no matter how much begrimed with the foul doctrine of repudiation or readjustment, whichever term gentlemen may prefer. I do not mean to say that the republican party means to adopt this doctrine itself; quite the contrary, But I do mean to say that they intend to treat it as a subordinate issue and no hinderance to their alliance with them, and are now seeking to confer the offices of this body upon men who are accredited by the leading republican journals of the country with allegiance to this doctrine, notwithstanding they may as unrepentant rebels avow themselves as having no apologies to make either here or elsewhere.

Mr. President, this is indeed a new departure initiated by Senators here, and I do not believe it will result in success. I do not believe that the northern people will sustain it. I believe I know the public sentiment of the North better than the Senator from Massachusetts [Mr. DAWES] and better than his colleague, [Mr. HOAR,] not that I arrogate immodestly to myself any superiority over them or even deny my own mental inferiority. But the costly experience of my people has constrained me to study the currents of public opinion at the North closely, intensely, and with anxious solicitude. The Senators are in it and of it, but they do not see it in the perspective, they do not contemplate it in the objective, as I have found it necessary to do; and from a long and attentive observance of its indications, I say here with entire confidence that the people of the North, with all their complications of business interests based upon the inviolability of contracts will not tolerate this alliance with repudiating movements in the Southern States. I say, sir, that the sentiment of commercial honor at the North will not stand it. I say that the sensitiveness of the North as to the public credit of this nation will not abide it. The combination will be dashed to pieces, even though the shock of the blow should cause the republican party to totter upon its base. Gentlemen, say what you may, national honor, national good faith, with all its vigor, cannot take into its embrace the leprous body of State repudiation without becoming infected with the poison.

Sir, with equal confidence I venture to predict that this movement will fail in the South. The moral sentiment of that people is sound. The majority of the democratic party there is standing up for the observance of the strictest good faith in public obligations, and those who would disregard them are sloughing off from that party and seeking other alliances. Spewed out of its mouth, republican Senators are snapping at and astounding the country with their convulsive efforts to utilize this offal. It is, sir, an attempt to bring the republican party in the South into relations with this element such as it held to the carpet-bag governments there, and to substitute the one for the other, using the Federal patronage now where they used Federal bayonets then.

The first experiment brought untold suffering to the southern people but secured the republican party no permanent establishment among the intelligent and responsible class of citizens in that country. The second will have no greater success. The same appliances of Federal patronage have been tried before and have failed. Who does not know that the high offices of this Government have been held out to southern men as rewards for political tergiversation?

In the direful days of reconstruction, when every State in the South was a perfect pandemonium, I heard a brilliant man from the North and another from the South, standing by his side, appealing to the young men of ambition, and of high and noble aspirations, to join their party for the reason that it furnished the only avenue to honorable distinction, riches, and fame. A few were enticed by the

glittering allurement, and are to-day bitterly lamenting their delusion; but the great body of the young men of the South, the professional men, the lawyers, the doctors, and the young planters and farmers, all hurled contempt upon the miserable alternative. They preferred to live a life of obscurity and poverty and to earn their bread in the sweat of their brows rather than to rise while virtue, honor, intellect, and country were sinking. For ten long years they bided their time in the trust that God, whose attributes ever side with the right, would again enthrone the right in triumph and dispense its honors to the brave, the conscientious, and the true.

Sir, you cannot with the mere agencies of Federal power and patronage fabricate a party in the Southern States, not at least among that portion of the people which represents the highest, best, and most controlling influences of southern society. I do not mean to say that the republican party may not obtain a footing among the class of people of which I speak. There are many conditions in the South to which the principles of that party and its purposes and its genius have harmonious adaptation. But, sir, if you would lay the foundation of that party there you must lay it broad and deep, broad in its sympathies and deep in the social and political and business life of the people. It cannot be superimposed from without; it cannot come breathing reproach, denunciation, and appeals to the prejudice of one race against the other. In other words, it must desectionalize itself.

The Senator from Pennsylvania says:

> We know, and our opponents know, that if Virginia takes her stand upon that platform the solid South is a thing of the past.

Mr. President, why should the solid South be broken, especially when it is to be done by the great sacrifice of principle which we think this coalition involves? Has not the republican party the possession of all the Departments of the Government and nearly all of the great States of the North? Whence, then, the danger from the solid South? What harm has "the solid South" done to the prosperity and glory of this country? It is but a short time since it became "solid" by the cessation of the reign of force and bayonets. Take her history from that time as connected with this Government, and show me where she has deducted anything from your national security or abstracted a single iota from your national prosperity. She came here through her representatives, first as a part of the minority, and soon afterward as a part of the majority in both branches of Congress. She came at a time when your commerce was languishing, your agriculture prostrate, when mercantile insolvencies and bankruptcies were rushing like a simoon across this nation, when your currency was depreciated, when the balance of trade was against you, and when, according to the statistics of your journals, three millions of tramps were wandering aimless and homeless through the length and breadth of your land. The solid South has been here from that time to this, and during the entire period of the presence of her representatives in this Chamber and in the other House the world has held its breath in silent astonishment at the progress you, the country, has made in all that adorns and fortifies and ennobles a nation. Your commerce has revived, your agriculture is prosperous, your manufactories are operating to the full extent of their capacity, the demand for their products far exceeding their abilities to supply them, your currency is the best in the world, the balance of trade is in your favor, and all along this line of progress we find according to the recent census that the South in every element of prosperity is not far behind the foremost States of the North and West.

Now, sir, I do not pretend that the presence of "the solid South" has caused this marvelous change in your prosperity; I would not presume to say that in the presence of the honorable Senator from Ohio, [Mr. SHERMAN,] the late Secretary of the Treasury, who was present in another Department of the Government while "the solid South" was here, during all the progress of this marvelous national transformation; but what I do claim is that the presence of "the solid South" in full force here in the councils of the nation, with her own chosen Senators and Representatives, has not retarded the progress of our common country; has not abstracted from its prosperity. I affirm the progress of this nation in all that constitutes national glory, and prosperity, and honor, and the presence of the solid South in its councils are facts that are co-existent even if they do not sustain to each other the relation of cause and effect. I say that its presence here has been at least no hinderance to the national prosperity, and therefore does not justify the great republican party of this Senate in stepping down from its high pedestal of national honor to take within its embrace this cast-off element of the southern democracy. There is in the existence of the solid South and its presence here no such menace to any interest in this country as can justify or excuse the coalition which is here proposed.

There was a time in the history of this country when "the solid South," that is, "solid" as it is now organized, was not present in the councils of this nation; when the men who are here now were proscribed while reconstruction flourished over them; when the President, the Senate, the Supreme Court, the Federal judiciary, and the State governments were all in the hands of the party represented by the Senators on the other side of this Chamber, and "the solid South" could impress none of its character, none of its influence upon the action of this Goverment or any of its departments; when it was represented alone by the solid North, and by the unscrupulous and irresponsible dependents of the republican party from the South.

Sir, will you have the picture of what this Government was when "the solid South" was not here? I will give it to you, although it was presented to the Senate on yesterday by the Senator from South Carolina, [Mr. BUTLER.] A distinguished republican Senator, distinguished for his learning, his juridical ability, his eloquence, his high scholastic attainments, his devotion to the republican party, and his intense, irreconcilable hostility to "the solid South," has painted the picture of the period when this Government was not burdened with the hated presence of this accursed South:

> My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of senatorial office; but in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration.

Since "the solid South" has been here, can you point me to five judges of the Federal courts that have been driven from their high places upon charges of corruption and maladministration?

> I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question—

No question about that; the one single thing in which our Government—

> surpassed all others beyond question—

At that time when "the solid South" was not here—

> was her corruption.

I will read further:

> When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud.

"The solid South" was not here when that shame fell upon the nation; and it seems to me, sir, that when men with this record fresh in their memories clamor about the dangers and the vices of "the solid South" their cheeks would mantle with shame.

> I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge.

Sir, that taunt touches no man on this side of the Chamber.

> I have heard that suspicion haunts the footsteps of the trusted companions of the President.

One thing is certain, sir, that since the solid South has been here no such corruption has reveled in the high places of this Government. I do not say that it was her influence which has eliminated it, but I do say that contemporaneously and simultaneously with her presence here it took its flight; and I claim that she has been no obstacle to the restoration of purity in the administration of your public affairs.

A noted lobbyist is reported to have remarked that "since these infernal democrats had gotten here to Washington the lobbying business had dried up." Said he, "In the name of God, do you expect gentlemen of the lobby to live on oxygen?"

Mr. President, so much has been said about "the solid South," and so much against it as a justification of these extraordinary combinations and affiliations, that I propose to go a little further into the subject. It is charged that by "the solid South's" allying itself with the party that constitutes the minority at the North, it seeks to get possession and control of the Government, and to wield its power for its own selfish purposes. Sir, if the northern people cannot see for themselves the fallacy of this view and the unreality of the danger alleged, no argument that a southern man can advance will avail anything. It is easy to see that if the North chooses to wield this Government through the instrumentality of either political party it can do so and hold "the solid South" in an impotent minority—a minority as impotent in the democratic party as it is in the Government at this time.

The idea that the South under any combination of parties will ever again obtain control of this Government and direct its powers independently of the will of the North is of all ideas the most absurd and chimerical. The North is the majority and the dormant section of this country. The vast preponderance of her population and resources will for an indefinite period control the national policy, whatever party may be in the ascendant. If the majority of the thoughtful people of that section deem a change in the national administration necessary they can make it without any relative change in southern power or influence. Six Northern States alone have a greater electoral vote than all the solid South, and all these States save one have given democratic majorities at different times within the last few years. Should these States for the time being choose to take up the reins of the democracy, all the South united could not impress its distinctive policy, if it had one, upon a democratic caucus.

But, Mr. President, it is not true that there is, as a distinct organization with a distinctive policy, any "solid South" in this Chamber or in the other. There is no such element here as a factor in legislation. You cannot point to any part of the legislation of this country which represents the views or the purpose of southern Senators as a solid body. There is a greater diversity of sentiment among them upon every subject of national interest than there is in the rep-

resentation of any other section of the country. I could give illustration after illustration. My friend from Indiana [Mr. VOORHEES] this day stands in closer affiliation upon the subject of the currency with the Senator from Texas than he does with any of his neighbors across the line of his own State. I could give measure after measure in which it will be shown that the affinities of political affiliation and legislative co-operation are in no sense of the term sectional in this body, and that the southern men exhibit a variety and a diversity and a freedom and an independence in their views and sentiments and actions which are shown among Senators from no other section of the country. There is one point, and one only, upon which they are solid, on which they will remain solid; and neither Federal bayonets nor Federal honors will dissolve that solidity: they are solid in defense of and for the protection of their own civilization, their own society, their own religion; against the rule of the incompetent, the servile, the ignorant, and the vicious.

I will now submit a proposition to the Senators on the other side on this point: I am not going into the history of the causes which led to a solid South, but I here challenge any Senator upon that side, with two exceptions that I will not name, to write fairly in his own language the condition of the southern people in any State while under carpet-bag government; I will consent that he shall write the history of that government; the character of its officials; the nature of its administration and the operation of its laws; I say I will consent for any Senator upon that side of the House, with but two exceptions, (who, out of respect to them, I will not name,) to write the history of the republican government in the South, its nature, its character, its influence upon the happiness and prosperity of that people; I will agree to accept his description of it in his own language; and then I will submit the question to any tribunal in the world, to any community in the world, as to whether there is anywhere on earth a people who ought not to summon every energy, every man, every woman, every child interested in the priceless and precious heritage of humanity, to throw off that government and to keep united and solid to prevent its re-establishment?

I said that I would allow Senators or any northern man to write the history of one of those governments, giving the condition of it, and I would leave him to decide whether it would not justify the consolidation of all the social elements to get rid of it. I will go further, sir, and take it as they have already written it. Here is what one of them said while those governments were reveling in corruption and making the people of the South walk with unsandaled feet over the burning marl of the hell which they had there organized:

> For the last few years the infamy and disgrace of certain Southern State governments have been constantly on the increase. There have been corrupt electors and corrupt elections. There have been corrupt legislators and corrupt legislation. There have been double legislatures, double governors, double representatives in this House, and double Senators year by year in many States. There have been bad men in these States, who have bought power by wholesale bribery, and have enriched themselves at the expense of the people by peculation or open-handed robbery. Corruption and anarchy have occupied and possessed these unfortunate States.

This opinion of the honorable Senator from Maine, [Mr. HALE,] who was then a member of the other House, which does honor to his head as well as to his heart, is the opinion of "the solid South;" and if he were there instead of here he would be a part of that "solid South," arrayed under the determination that anarchy and corruption shall never again occupy and rob those "unfortunate States."

I find that some extracts from other speeches of gentlemen upon the opposite side that I had collected have in some way been disturbed and mislaid. I shall ask permission to incorporate them in my remarks unless I can get them here before I conclude what I have to say upon this subject. Among these is the description of the government of Louisiana under republican rule by the present governor of Ohio, Hon. Charles Foster, and also a gentleman from New Jersey, who has recently been nominated by the President for a distinguished foreign mission, and who by his high and shining qualities will adorn any position to which this Government can assign him. They both describe that government in language stronger and more earnest than that which I have just quoted.

General Grant also, in one of his messages depicting the prostrate condition of the southern people, said he sympathized with them in their prostrate condition, subject as they had been to burdens of taxation without any adequate return. You sent your committees of investigation down there, and while they would hunt up everything that could assail the character and stab the sensibilities of the southern people and pour it out here they could not help stumbling over the corruption, and the atrocity, and the abhorrent infamies of the State governments which they were upholding. I recollect that there was a Senator from Indiana, now dead, who was upon one of these committees. His heart was full of prejudice against our people, but even he could not be blinded to the cruel oppression under which the southern people were writhing in agony. Referring to the condition of the people under those governments, referring to the superincumbent weight of a crushing and devouring taxation, he says:

> That is true of some of these States, I have no doubt. Had the Ku Klux outrages been directed at these faithless public servants the world would have been well rid of them and nobody complained.

Mr. COCKRELL. Who was he?

Mr. LAMAR. Mr. Pratt, of Indiana.

Those State governments have gone and the influences have gone with them. The people of those States have recovered their right of self-government. I need not speak of the prosperity of that people, black and white, under their present governments. The census returns have given a result which has astonished the world and which is wholly incompatible with the theory of a down-trodden and oppressed people which the Senator from Massachusetts represented the colored people of the South to be. I will say one thing, and that is, that if you were to compare the condition of the State of Mississippi, or Alabama, or Georgia, or Virginia, or any other Southern State, in 1880, with the statistics and history of its condition as prepared in in 1870, you will be forced to admit there is not a nation on the face of the earth which in any two periods of its history exhibits such a contrast in all that constitutes the strength of a people and their prosperity.

I have here a description of the South as it now is. Here is what a reverend bishop of the Methodist Church, (Bishop Simpson,) closely allied with the republican party, who had made a trip to the South as a part of his episcopal work, said. After traversing that country he returns to the North and reports his impressions, but he says nothing of a kind that sustains the denunciations of the Senator from Massachusetts; he confirms no statement that there are men down there with their feet upon the down-trodden and oppressed; and nobody says so except prejudiced partisans and witnesses brought before committees to make false impressions. Enlightened travelers from Europe and reverend clergymen from the North all contribute their testimony to the peace, the plenty, the order, the quiet, the prosperity of both races, and the security of the personal property of both races, black and white. Here is what that reverend bishop says:

> I am satisfied that the South is gradually but surely improving financially; business is reviving, and every indication points to a period of financial ease and comfort.
>
> * * * * * * *
>
> Anti-slavery as I always was from early youth, had my friend asked me twenty years ago to express *my utmost wish for the colored people, I should not have dared to ask for such advancement as has been made.*

Here is the declaration of an anti-slavery preacher, a utopian, benevolent missionary, whose every fiber was imbued with zeal for the cause of negro emancipation and advancement. Upon his visit to the Southern States, so much denounced, after the solid South has gotten possession of that country, he proclaims to the world that if he had been allowed to tell what he hoped in his brightest vision for that people, it would have been transcended by what has been actually realized in their advancement. Now, withhold your denunciations from the statements of southern men, and let them fall and strike the hallowed associations that cluster around that man.

Mr. President, I am too much exhausted to detain the Senate longer. I have said nothing to-day that was intended to stir up any feeling of animosity between individuals or sections. I belong to that class of public men who were secessionists. Every throb of my heart was for the disunion of these States. If that deducts from the force of the statements I have made to-day it is due to candor and to you to admit it. I confess that I believed in the right of secession and that I believed in the propriety of its exercise. I will say further that it was a cherished conception of my mind, that of two great, free republics on this continent, each pursuing its own destiny and the destiny of its people and their happiness according to its own will.

But, sir, that conception is gone; it is sunk forever out of sight. Another one has come in its place, and by the way it is my first love. The elements of it were planted in my heart by my father; they were taught by my mother, and they were nourished and developed by my own subsequent reflection. May I tell you what it is, sir? It stands before me now, simple in its majesty and sublime in its beauty. It is that of one grand, mighty, indivisible republic upon this continent, throwing its loving arms around all sections; omnipotent for protection, powerless for oppression, cursing none, blessing all! [Applause in the galleries.]

Mr. HOAR. Mr. President——

Mr. DAWES. Will my colleague yield a moment for me to make a motion?

Mr. HOAR. Yes, sir.

Mr. DAWES. I move, Mr. President, that when the Senate adjourns to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Massachusetts moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. FARLEY. I hope that motion will not prevail.

Mr. DAWES. I withdraw it.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. HOAR. Mr. President, Sir Walter Scott, in one of his best novels, describes a young Scotch lord in the reign of Charles I who falls into the temptations of the city of London, and is taken into the presence of the king. He is lectured by the Duke of Buckingham, who once when reproached by the king as being the most profligate man in his dominions, replied, "Of a subject, sire, perhaps I am." He was also lectured on some of his sins by Prince Charles, the most noted man perhaps in England in his day for dissimulation. The delighted old king says, "Oh! it would have done ye good to have heard Steenie lecture him on the sin of incontinence and Baby Charles holding forth on the evil of dissimulation." I confess I was reminded of that incident when I heard the distinguished Senator

from Mississippi [Mr. LAMAR] eloquently reproach the republican party of the Senate with an alliance with persons tainted with the heresy of repudiation. The Senator says he has said nothing which is calculated to excite any feeling in our breasts, to stir up anything of sectional or of personal resentment. Does the Senator really think that to tell us that we are allying ourselves with the dregs of the South, (which was one of his phrases,) that we are taking the cast-off and obscene doctrine of repudiation, is a thing not calculated to excite any resentment in the breasts of those to whom it is applied? I should like to read a sentence from that most accomplished historian of American finance, Mr. Porter, now the authority in the Census Office on this subject, and it is this:

The early repudiation of Mississippi, as described in the account of State indebtedness in 1841, so greatly injured the credit of the State that since that time it has been debarred from the luxury of going into debt. With accrued interest that debt now amounts to about $23,000,000. The total recognized debt of the State, however, is $379,485.

* * * * * * * *

Until this time—

I take another passage going back now to the history of 1841—

the word "repudiation" had not entered into the financial history of American States—

That word to which the Senator has applied so many unsavory adjectives—

The word originated in the State of Mississippi, and was ushered into existence by Governor McNut, of that State, in January, 1841, in a message suggesting the plan of "repudiating the sale of certain of the State bonds on account of fraud and illegality."

Now, that full justice may be done, I ask the Clerk to read from the five hundred and fifty-ninth page and the five hundred and sixtieth page of this book as far as marked.

The Chief Clerk read as follows:

It may be interesting at this time briefly to refer to the facts which induced Mississippi to take this action upon the subject of its debt. In 1838 the State chartered the Mississippi Union Bank, and, in order to provide capital for the institution, it was enacted in the charter that the directors should borrow $15,500,000 and that the governor might issue 7,500 bonds for $2,000 each, bearing 5 per cent. interest and redeemable in twelve, eighteen, and twenty years, and deliver them to the officers of that institution from time to time in proportion to the amounts subscribed for bank stock, the price of which was to be secured to the satisfaction of the directors. The bonds were made negotiable for the expenses of the president and cashier of the bank; the governor, by an additional act, was authorized to subscribe in behalf of the State for $5,000,000 of the stock of the bank, and he did so. In June, 1838, he delivered to the bank 2,500 bonds, amounting to $5,000,000, payable in twelve and twenty years from the 5th day of February, 1838, and bearing 5 per cent. interest from their date. The charter required the bank to appoint three commissioners for the sale of the bonds, and imposed this restriction on their authority—that the bonds should not be sold under their par value. On the 18th of August, 1838, the commissioners sold all the bonds to Mr. Biddle for the sum of $5,000,000, payable in five equal installments of $1,000,000 each on the 1st day of November, 1838, and the 1st days of January, March, May, and July, 1839, without interest. This money was punctually paid to the bank, which went into operation, and before January, 1841, lost all its capital. In commenting on this, Judge Curtis, in his essay on State debts, heretofore referred to, says:

"Now, we feel constrained to say that if this matter had rested here the State of Mississippi would not be legally bound to pay this debt. We think the commissioners did not conform to their authority in making the sale; they were in terms prohibited from selling the bonds under their par value. The par value of a bond is the amount which is due upon it, and this includes interest as well as principal. This seems to be to us the plain meaning of the charter, and any other construction would render the restriction itself nugatory, since by allowing the interest to accumulate long enough the commissioners would have had it in their power to obtain $5,000,000 for the bonds, though at the very moment when they sold them $7,000,000 might be due upon them. They made such a sale as not to receive in cash the amount equal to the liability of the State on the bonds, and therefore we believe that they exceeded their authority."

It must be acknowledged that the State had the legal right to insist, at a proper time, on this want of authority even against the subsequent purchasers of these bonds, because any one who takes a title through an agent is bound by law to look to the authority delegated to him, and to see that he acts or has acted within its scope in making the title. In response to the message of the governor in January, 1841, the Legislature of the State of Mississippi passed a resolution to the effect that the State was bound to the holders of the bonds of the State sold on account of the bank, for the amount of the principal and the interest; and, furthermore, that the State of Mississippi would pay her bonds and preserve her faith inviolate. The Legislature at this time repudiated with great vigor the insinuation that the State of Mississippi would repudiate her bonds and violate her plighted faith; and, moreover, declared that any accusation of this kind was a "calumny upon the justice, honor, and dignity of the State." Having thus acknowledged the validity of the debt, and pledged her word for its redemption, all further discussion as to its legality ended. These bonds were never formally repudiated, but fell into default; and, although successive governors urged payment, no provision was made, and in 1852 the appropriation therefor was defeated by 4,400 majority on a popular vote. There is a proposition now before the Legislature of Mississippi for a compromise with the holders of the old repudiated bonds of that State. This proposition from the English bondholders, received after adjournment of the last Legislature, and consequently a year old, is for a waiver of all consideration for interest since 1840, and a reissue of the $7,000,000 to begin at 3 per cent., and increase annually at the rate of one-half per cent., giving the State the option of receiving the bonds for any unoccupied State lands, at three hundred and twenty acres for a thousand-dollar bond, that immigration of workers may be induced. The proposition, says the published report, was received politely, and action was taken looking to a joint committee for its consideration; but, if correctly reported, its terms are obviously impracticable, being penal in severity; hence its acceptance must be deemed hopeless.

Mr. HOAR. Mr. President, I want the Senator from Mississippi now to understand that I do not cause that piece of history to be read for the sake of reviving any ancient history which had better be forgotten; but when the Senator stands up and taunts my associates on this floor with an alliance with what he is pleased to call the discarded dregs of southern democracy and with the odious doctrine of repudiation, I desire to have him, if he addresses the Senate again hereafter, to reply if he is willing to adhere on reflection to the statements of his speech, if he is willing to say that he himself has acted upon the theory that he will associate with no person in politics who has been in favor of the repudiation of a State debt. The State of Mississippi in 1843, there being a fair and honest original question about the validity of her bonds, proceeded to declare that the faith of that State was solemnly pledged to their redemption, and thereupon, upon the face of that utterance of a democratic Legislature, those bonds went into the markets of the world. The late illustrious citizen of Massachusetts, George Peabody, left $3,000,000 of those bonds to a fund which he established as a benefaction of the States of the South; and yet the State of Mississippi, the democratic State of Mississippi, by the lips of its Senator preaches us a sermon, not on the sin of repudiating our debts ourselves, but because we do not gather up the skirts of our garments and walk carefully and circumspectly through the world lest by chance they shall somewhere brush against the frieze coat of a southern repudiator.

Why, with whom are we to ally ourselves? We cannot have a solid North; that is unpatriotic in the eyes of the honorable Senator. We cannot ally ourselves with the negroes of the South properly, or with the carpet-baggers, and we cannot ally ourselves with anybody who is willing to pay any part of your southern debt if he does not pay the whole; but we must turn to that remarkably honest and consistent portion of the southern democracy which in Virginia votes to pay all its debt and refuses for eight years to raise a tax even to pay the interest, and with the other portion of the State-debt payers of the South who, represented in Mississippi, owing a debt of $23,000,000, declare that there is about $329,000 of it that they are willing to pay.

Mr. President, the honorable Senator from Mississippi did me the honor to have read, not for the first time in this debate, an extract from some remarks of mine made to the Senate as a court of impeachment in this body. I am prepared to stand by, and if the occasion come, to reaffirm every utterance of that speech. It has been read twice. The Senator shall have my full consent now to have it passed, to be enacted. That speech was addressed by a republican to a republican Senate. It was after the great war. Long before the war ended we were admonished by all the lessons of history of like periods that corruption and looseness in public expenditure would be likely to prevail even under the best government at its close. I knew nothing of politics, and the republican party knew nothing of politics, when it brought these things into the light and suppressed and in most cases punished the actors. Will the Senator from Mississippi say the same, that he has known nothing of political considerations in screening misdoers, committers of any kind of crime against a State? When he did me the honor to read that extract from my speech he skipped and left out the sentence which applied to the Tweed government of the city of New York and to the four or five democratic judges who were impeached for corruption in that State. The difference between him and me is that such an offense against the body politic, by whomsoever committed, is in my eyes a thing only to be denounced and brought to punishment without distinction of party, but in his a thing simply to make a point against his political opponents and to be screened and covered up when a democratic wrongdoer is under consideration.

The honorable Senator was pleased also, imputing to me some personal accomplishments which I do not in the least profess, to make another imputation which I take leave to tell him I still less deserve, and that is a bitterness of hatred, of prejudice toward the people of the South. Mr. President, I deny it. Humble as my political life may be, I am willing to place it in comparison even with his, distinguished and illustrious as his attainments in regard to a true love or a true service to that people. I have sought by my votes to help if I could to strike from the necks of five or six million of its people the yoke which he would have retained. I introduced in the other House and carried through a proposition to give to the people of the South for their common schools substantially the whole proceeds of the public lands. I introduced into this body a proposition to give them not only that, but also to give them the entire proceeds of the patents paid for by the inventors of this country, of whom a thousand dwell in the State of Massachusetts where but one exists in the State of Mississippi.

The gentleman who carried through that magnificent triumph of modern science and engineering skill which has opened the mouth of the Mississippi and made one long seaport of the river bank of his State, diverting the trade of the Northwest from the commercial cities of Boston and New York, the former of which I immediately represent, and carry it around through the mouth of the Mississippi, left the committee-room in the House of Representatives, and disappointed and almost broken-hearted, with an unfavorable report. I called him back myself, I sat down with him and went over step by step the details of his bill. I went back with him to the committee; I moved a reconsideration, and by my casting vote the bill under which that vast public work was adopted received a favorable report, and I have Captain Eads's written acknowledgment to the fact that the success of that mighty enterprise is due to that political action of mine.

Mr. President, I am ashamed to stand up in the presence of the United States Senate and undertake to discuss my own poor and insignificant public services with anything that shall seem like a boast; but it is no trifle. It is not I; it is the representation of the Commonwealth of Massachusetts which is charged with hatred of the people, what he calls his people, at the South; in whose name it is

my right and my duty to spurn the insinuation. There is one heart's desire in the breasts of the people of the Commonwealth of Massachusetts—and when I say that I know I could say the same for the other great States of the East if it were becoming in me to speak of New York and Connecticut and of the Northwest—and that is to have a free, prosperous, rich, contented, and happy South. To accomplish that we, if need be, would shut up our factories; we would let the grass grow in the streets of our commercial cities; we would let poverty haunt our counting-rooms and the palaces of our merchants. Show us a single practical measure which will help you in regard to which we are to pay taxes and you are to receive the benefits, and then I challenge you to show us the northern vote which will be lacking when the yeas and nays are called.

It is not the South, it is tyranny; it is not the South, it is fraud and assassination; it is not the South, it is the Bourbon democracy, with its spirit of rebellion, of hate, of assassination, of cheating, that we hate, and against which, gentlemen, you must understand our undying warfare is to be waged. [Applause in the galleries.]

The PRESIDING OFFICER. Order!

Mr. HOAR. Why, Mr. President, every utterance, every unconscious utterance that falls from the lips of the honorable Senator from Mississippi shows that he has learned nothing within the last twenty years. He speaks constantly of the South; he personifies it; he says the South, "she," desires this or has done that or the other. When he speaks he speaks of "my people" and "that people," as if this country were divided into two peoples, hostile or friendly as the case may be.

Mr. President, there is no such thing under the Constitution of the United States as "the South." There is no relation which exists between the State of Kentucky and the State of South Carolina which does not exist between the State of Massachusetts and the State of Louisiana. We are one people, and not two. When the Senator avows his purpose to keep alive what he calls "the solid South," and defends it as he has defended it here, he stands upon the same doctrine which has cost this country four years of civil war and four thousand millions of treasure and a million of human lives. When every Senator can stand up in his place as the honorable Senator from Virginia stood in his to say that he lives in a nation and not in an aggregation of petty provinces any longer; when he can speak of the whole country as "my people;" when he can speak of America without regard to section or to parallels of latitude or points of the compass as his country and his people, then the new era will have come; but until then the old spirit will be here and the old warfare will be going on.

Mr. DAWES. Mr. President——

Mr. LAMAR. Will the Senator permit me a word? Having been compelled to cut short one speech on account of sheer exhaustion, I shall be unable to make another in reply to the remarks just submitted by the Senator from Massachusetts, [Mr. HOAR.] There is not a single one of them which does not contain a fallacy easily exposed, and I may, if I deem it necessary, take another occasion to do it.

Mr. DAWES. Mr. President, nothing has been left by my colleague [Mr. HOAR] unsaid in proper reply to the matter which has been submitted to the Senate by the Senator from Mississippi, [Mr. LAMAR,] and I do not rise in any presumptuous hope on my part that I can contribute by a proper presentation of the truth of history to the peace of the moving power of the Senate, and I trust it will pardon me for a few words before this remarkable lecture shall have passed out of mind.

The Senator from Mississippi did the honor to pay much personal attention to myself and to hold up to the Senate, with running comments of his own, a colloquy which happened between myself and the Senator from Virginia on the left, [Mr. JOHNSTON,] for what purpose he failed to avow himself, but with this result, I am glad to know, of bringing out more clearly than I succeeded myself—but which I did not apprehend there was any necessity for doing, because no doubt ever pertained to my own convictions upon that point—the fact that notwithstanding I had seen fit to propose as a proper candidate for an office of this Senate a man who entertained the views he did upon the question of the local debt of Virginia, I still adhered unequivocally and without compromise to the position I had ever held, that he who will repudiate his own obligation forfeits in that respect the confidence of those with whom I act. No other result came from that commentary upon the conversation between the Senator from Virginia and myself than that. I stand, so far as he has reproduced the record, where he knew I stood, and where during his commentaries he admitted that I stood, condemning repudiation wherever it may be. The Senator omitted to carry the quotation from what I said in those remarks far enough to have the Senate understand that he saw himself the reasons I had avowed here upon this floor for supporting for this office a man with whom I did not agree in the matter to which he alludes.

I do not care to repeat what I have said. I have a constituency that does not need the constant avowal upon my part of my opinion upon these questions, and I leave that to him to explain if he thinks it worth while. For what purpose he reproduced this colloquy with the Senator from Virginia, which brought the Senator out from his own party, standing out alone, confessing his inability to find a single associate even in Virginia with him to avow the doctrine which I said at that time did him so much honor, I do not know.

But the Senator from Mississippi went further in the attention which he paid to me. He assured the Senate that he knew better the people of the North than her own Senators, and that they would listen to him and not to us. Sir, I do not assume to know much about the people of Massachusetts to whom he has devoted these remarks; but the people of Massachusetts know her Senators, and they are quite willing to leave the question whether they fairly represent the public sentiment of Massachusetts just where Massachusetts herself chooses to leave it; but I want to assure the Senator from Mississippi in all kindness that whatever may have been the time when he had the ear of Massachusetts, that time, I am sorry to say, has passed away.

The Senator knows full well when he came back to these Halls, after having spent four years in a vain effort to destroy the existence of this nation, who first took him by the hand, who first led him into the House of Representatives upon his proclamation that was heard in Massachusetts, because it was repeated by one of the Representatives from Massachusetts, that he had come back to abjure all that he had done and had attempted to do in those four years; that he had come back to try to do something for his people, as he then called them, poor, dispirited, disorganized, broken-down, and to try to reconcile that people to that new order of things which had come out of his own failure in those four years. He knows that when that statement was repeated the House of Representatives by a unanimous vote, accompanied by applause upon the floor, rehabilitated and put him upon his feet—a citizen of the United States. He knows, too, who got him an opportunity to tell the people of Massachusetts, "When you know us more you will love us better," and they listened to him then. I have no disposition to question the sincerity of that Senator; but the people of Massachusetts turned to look toward Mississippi to see the fruit that was to come from all these professions; they sought to know the people of Mississippi better, and they took their capital, and they took their energy, and they took their enterprise, and they took their convictions, and they went down to Mississippi, expecting, confiding in what the Senator had told them, that they were but to know them more that they might thereby love them better.

Now, sir, I tell the Senator from Mississippi that the reason he is mistaken when he tells this Senate that the people of Massachusetts and the North will listen to him to-day is because they have found no work in Mississippi meet for repentance. Others have gone before him, not a week almost, not certainly a month, but orators come from Mississippi North; and the Senator, as I tell him in all kindness, lost the ear of the North. Only the day before yesterday there passed through this city on his way to the North, in which he could enjoy his own convictions, a venerable gray-headed man, who, trusting to these words that he had but to know the people of Mississippi better in order to love them more, took his capital, took his wife and his children, and his energy and his hope and his future thirteen years ago, down into the Senator's State to build up a home, to build up a business, and enlarge the opportunities of men in that State to earn a livelihood and to better their condition and to build for themselves homes and school-houses and churches and towns; and faithfully and industriously and devoted exclusively to such a great undertaking as that, that old gray-headed man has labored and labored on, hoped on and hoped on, but he was persecuted until he was obliged to put iron shutters on the windows of the houses of his workmen that they might sleep in safety at night, his factories were burned, his employés were murdered, his enterprises were thwarted at every step; not even exercising what we at the North have a notion is an inalienable right, to assert our political principles wherever we are; not even doing that, never having entered a political meeting or cast a vote, but sternly standing by the faith of his fathers, which sooner than give up he would burn at the stake, he resolved that he would give up no conviction of his, political or otherwise, and in this struggle he has at last given over, and taking what little is left of that hopeless enterprise of his, and leaving three or four hundred men with their families whom he had employed these thirteen years to seek a livelihood elsewhere, or migrate to your State, sir, [Mr. INGALLS in the chair,] or to the State of the Senator from Indiana, or some other place; he has gone North and the North will listen to him before they will ask the Senator from Mississippi to repeat again here his platitudes about North and South. Sir, this is not the only orator that comes North.

Mr. GEORGE. May I interrupt the Senator from Massachusetts in order to ask him a question?

Mr. DAWES. Certainly.

Mr. GEORGE. I should like to know the name of the gentleman to whom the Senator has alluded. I have never heard of such an instance in Mississippi. I have never heard of anybody's factory being burned or anybody's operatives being shot at or murdered in any way. I suppose the Senator will have no objection to disclosing the name of this person. Tell me who he was, where he came from, what county he lived in, and when all this happened. I should like to know all about the circumstance. It is all news to us.

Mr. DAWES. The Senator has just attained a position to be a good lecturer to go North——

Mr. GEORGE. I do not propose——

Mr. DAWES. Living in the State of Mississippi, from which every breeze comes laden——

Mr. GEORGE. I ask the Senator, respectfully, to answer the question which I propounded to him. I undertake to say that——

Mr. DAWES. The Senator had better say it in his own time.

Mr. GEORGE. The circumstances which have been recited by the Senator are untrue.

Mr. DAWES. The Senator will excuse me now. The Senator has put a question to me. I do not propose to let it go by.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. DAWES. I say that the Senator stands well by the side of his colleague as a fit man to go North and ask them to listen to the further assurance that we have only to know his people, as he calls them, in order to love them better. The people of the North will know that man when he goes there, and the people of the North know that when he went down to Mississippi he was as true and noble a citizen of my own Commonwealth as lives there or lives in any other State; and they will believe every word he says. I say to the Senator from Mississippi that it is the old way of meeting this thing to call for names. I can give the Senator names, but I do not intend to furnish any opportunity for further persecution and further destruction of property and visitation upon those connected with this man in his vain effort, not by the Senator, I do not mean that, but by the evidence which he hopes to draw out from me here upon this floor to be used by others.

I was about to say that this was but a single one of many instances occurring every year and many times a year, of men who, supposing that if the people of Mississippi had learned anything from the war, if her leading men had gone home among them and taught them that the war had settled anything, it was that a man who is an American citizen, whoever he may be, if he were born on our soil and beneath our flag, being an American citizen with the flag above him and the Constitution around him, he had the constitutional right, settled at Appomattox Court House forever, to enjoy in Mississippi every privilege and every immunity he could enjoy in Massachusetts; men who had in full faith gone down there, carrying their capital and carrying their energy, carrying their future, to identify themselves with that people, supposing also that they had a right to carry their principles, who are coming back. They are preachers, and the North is listening to them.

That is why I say in all kindness to the senior Senator from Mississippi that he is mistaken. There was a time when the North listened to him. There was a time when they gladly welcomed him to public life again, when they bade us listen to and confide in him, and we did. He has no right to complain of any Senator in the North for any personal lack of that confidence. He knows what I mean, and he knows whether they have endeavored in vain to satisfy their people, the people among whom they lived and who are their constituents, that out of it would come a safer and better order of things, in which men could entertain whatever convictions they pleased and utter them with impunity at the South and in Mississippi as they can in Massachusetts, on any platform and on every platform; that they could walk up to the polls as they can in Massachusetts, and he who puts a straw across the path of the humblest voter in Massachusetts will have the whole power of her judicial and her executive officers visited upon him to the utmost. They carried that idea down into Mississippi. The people of the North hear every day of the lives which have been lost in the vain attempt to do there what they have a right to do in my State.

I had put in my hand yesterday that voting ticket, [exhibiting,] two thousand of which have been by official authority in the State that the Senator represents thrown out of the count just because of that little dash under the words "National Republican Ticket," and a man who was entitled to his seat in the other branch by more than 5,000 votes if they had been honestly counted loses his certificate because nobody having the authority in his hands seemed to think in that State that the voice of the voter is paramount and supreme.

The people of Massachusetts know that. The people of Massachusetts know, too, that while the Senator was proclaiming in the other House the anxiety of Mississippi that we should know her better in order that we might love her more, she was deposing her governor, an honest, high-minded, educated officer of the Army of the United States, and was boldly saying to him, "Here are articles of impeachment in this hand, and there is a majority of the Senate to pass upon them. Give us your resignation in this hand, and we will never say a word. We are after your office; we do not care for you. Leave that office and go to that North"—to which the Senator turns now in the pretense that they listen to him—"and you have committed no offense against the laws of Mississippi that that going to the North will not condone."

Sir, I did not intend to indulge in this debate, and I should not if I had not felt a little moved when the Senator from Mississippi turned and politely informed me that he knew more about my constituents than I did myself. Sometimes I wish I did not know quite so much about the operations in Mississippi as I do. I have heard of the shoestring district. I have told you how an honest, able, and clear-headed debater, who has few equals, was counted out by two thousand in the way I have stated. I have read the testimony of 1875 regarding that State. I have been told who was chairman of the democratic State committee under whose auspices that revolution was worked. I know that a State with fifteen or twenty thousand republican majority, under that political administration of 1875 and that which goes by the name of "the Mississippi plan" down there, was silenced, extinguished, exterminated, and the heroes who laid down their lives in the vain struggle in that State to maintain the right of the poor man to vote as he pleased, are sleeping an eternal sleep.

Does the Senator from Mississippi think that with all this before them my constituents will listen to him? I give myself no uneasiness on that score. I have nothing to blame myself for in the humble part I took in trying to bring the Senator from Mississippi in closer connection and communion with the people of the North, trusting that he was engaged, (and I do not doubt his sincerity,) as he professed to say he was, in an effort to secure to the poor and humble man who had been a hewer of wood and a drawer of water, as the Senator from Louisiana [Mr. KELLOGG] so well said, for these many years, to him and his—in the praiseworthy effort to put him upon his feet, clothe him, gird his loins, educate him, and put in his hand that highest signet of an American citizen, a free and an honest ballot, and in that effort to impress upon the people of the North that some good like that was to come out of the efforts of the Senator from Mississippi.

I hear that at Oxford, Mississippi, (perhaps the Senator knows where that is,) at the last election cannon were trained upon timid and affrighted voters, and discharged during the day; that the noise and the terror of those arms might have, I suppose, what in Mississippi and according to "the Mississippi plan" would be called a legitimate effect upon voters.

Sir, I know that men have fallen who have dared to be candidates for office outside of the organization that tolerates these things. I know, and the people of the North know, too, that whatever else may be in store for them in this conflict, they are no longer to be deluded by fair words and unfounded pretensions. The reality, the fact, the experience of those who come back from there are arguments of more force, carrying more conviction to the northern mind, than all the rhetoric and all the eloquence that has nothing behind it but fair and eloquent words.

Mr. HALE. Mr. President, I had no thought whatever of occupying any of the time of the Senate at this session, but I have been brought to unwilling feet by the Senator from Mississippi, [Mr. LAMAR,] who has quoted certain remarks that fell from me in an old debate at the other end of the Capitol eight or nine years ago, in which remarks of mine I took occasion, perhaps in rather unsparing terms, to denounce certain carpet-bag governments in the Southern States. I spoke, it may be, then in somewhat ardent fashion, but I had reason to believe then, and I do not deny now, that what I said had ground for the statements made.

That is by no means the question to-day. That was, as I have said, eight or nine years ago. There have been since that time yearly elections and presidential elections in all the South. I ask the Senator from Mississippi what his people, as he chooses to call them, or what his party has done in what we believe to be a legitimate way to relieve the Southern States of whatever evils they labored under? There has been ample opportunity. There is no doubt but that at the time those States suffered evil. There has never been a time in the history of any people after great military convulsions and the disturbing and uprooting of governments when there has not been a following era of laxity of loose reins. The primal duty laid upon any people is to struggle faithfully by legitimate methods to remove such evils. I ask the Senator, I ask the Senate, what the southern democracy has done in the way of relieving the Southern States from the evils of the early carpet-bag rule?

There is one way of doing it in which we believe; there is another way of doing it in which he and his party at the South evidently believe. The way that we believe in is a patient endurance in an appeal to the power of the majority and relief by silent processes under the law. The way that he and his party believe in is the brutal way, is assassination, is the dominancy of the minority, is putting the majority under foot by violent methods.

"The Mississippi plan," as it has been characterized, and as all the world understands it, furnishes the reason why the whole country has lately voted its want of confidence in the democratic party led and controlled by the southern end of it. It is not that anybody stands to apologize for what may have been the excesses of early carpet-bag governments, but because the southern democracy has shown itself profoundly incapable of appreciating the proper method of relief.

I have seen, sir, in my own State not very long ago a people greatly provoked and exasperated, and I saw the relief by silent, peaceful methods. I saw three years ago the party of the Senator from Mississippi allying itself with a new organization and by the popular vote securing the control in the State which I have the honor in part to represent. When a year afterward the voice of the people asserted itself again and the fusion of greenbackers and democrats were left in a minority, its government there set up by the democratic party and its allies held on or attempted to hold on to the government by a species of fraud such as gentlemen at the South have never seen and can have never known.

I saw the whole people aroused, exasperated to a degree where a single inflammatory word, it seemed, would precipitate the State into a revolution of terror and blood. But the republican party of the State of Maine, the republican party of the nation, believes in no such methods, and suffering and enduring, and invoking the law, and resting upon the will of a majority of the people, the State of Maine

brought itself out and relieved itself of its perils. We did not believe then in the methods of the southern democracy, the methods of the parishes of Conshatta, of Ouachita, and of the Felicianas. We did not believe in the methods of Kemper County nor in the tissue ballots of South Carolina, but we believed in the peaceful process of law and the sublime assertion of the will of the majority.

If the gentleman and his party and his people had shown themselves capable of that profound endurance and had resorted simply to the rights that any people aggrieved may have by an appeal to the majority, his party to-day would have stood far different in the nation from what it does now. It is not a question of apology for the carpet-bag governments of the early days after the rebellion, but of the methods of the southern democracy in their management of politics.

Before I sit down I may say that we stand to-day confronted with an exemplification of this proposition. The gentleman and his associates are alarmed at the present condition, and are holding us here day by day, not, I am bound to say, because they are possessed with the desire of retaining a few petty offices that surround this Hall—that is not it—but a deep alarm possesses them because in one State in the South our method of appealing to the majority of the people has been tried, and not their method.

The Senator from Virginia [Mr. MAHONE] has led in that great movement. I for one have no apology or hesitation or sensitiveness about the situation in standing by him. Many a man in the last eight years has sat by the ear of the Executive or has in private conversation avowed that he was tired of the methods of the Senator from Mississippi and his friends, and that the day had come when he would have no more part or parcel in them. But those utterances have never gone further. There had never been a day when any gentleman has dared, as the Senator from Virginia has dared, to come out and put his convictions into action and to stand and give and take blows for his belief. He is the first who dared not only to avow his dissatisfaction with these methods of the southern democracy, but to manfully battle with them, and put his fate, his fortune, and may be his life into the great struggle. We welcome him; and it is because of the alarm that the gentlemen on the other side feel at this experiment of our method being tried in Virginia that they are seeking to thwart what they call a corrupt alliance. I fully believe that the Senator from Virginia is earnest and sincere in his warfare in favor, as he calls it, of a free and priceless ballot. I know that the republican party is dedicated to the great mission of seeing that that be established. I know that it welcomes adherents and cohorts everywhere.

I do not know what may happen in this Administration, but I do hope and believe that in welcoming him in his work and in helping to sustain it we will find that at last there is an administration of the Government of this country under which if a single voter, anywhere, who is entitled by the law and the Constitution to vote on national questions is molested in the exercise of that right the whole power of a government of 50,000,000 people will be invoked to protect him. [Applause in the galleries.]

Mr. GEORGE. Mr. President, I had hoped that it would not have been necessary for me at this session of the Senate to occupy any of the attention of this body in discussing any of the various subjects which have been introduced here. I would not trespass upon the time of the Senate now did I not feel compelled to notice some of the remarks which have been made by the Senator from Massachusetts [Mr. DAWES] in reference to my own State. He communicated to the Senate and to the country some information in relation to a gentleman who many years ago—fifteen, I believe—is said to have gone to the State of Mississippi, to have carried his money there, to have built a factory there, to have employed factory hands, and after having lived there for that length of time he was here in Washington yesterday on his way back to Massachusetts, giving the information that his factory had been burned and that his hands had been murdered. I asked the Senator politely, and because I wanted information, the name of that gentleman, the locality of the factory, the time when and the place where these extraordinary things had occurred. The Senator declined to give these particulars to me.

Although the Senator from Massachusetts may have met the individual he alluded to and may have received from him the information which he detailed to the Senate, I undertake to say from a somewhat extended knowledge of the people of Mississippi that the whole thing is an unfounded myth. I have never heard of a factory in Mississippi having been burned. We have but two or three in the State, and certainly if one of them had been burned it could not have escaped my attention. I have never heard of any man's factory hands having been interfered with, much less murdered, and I am bound to believe that there is not a single particle of truth in the relation which the Senator received from his informant. I undertake to say that no such man has lived in Mississippi, and that no such factory has been built in Mississippi or has been burned in Mississippi.

When the Senator here in the presence of the American Senate and in the presence of the American people undertook to blacken the fair fame and name of the people of one of the States of this Union by retailing what I say is an atrocious calumny, and when a representative of that people asked him politely for the purpose of enabling him to vindicate their character for the name of his informant and for the locality of the atrocities which he had related, would it not have been fair for him to have communicated it? How are we to defend ourselves against invisible and nameless slanderers; how are we to refute charges of arson and murder, when neither the locality of the burning is given nor the names of those murdered nor the locality of the murderers? I undertake here to make the statement that there is not a single particle of foundation in truth for the charge which the gentleman has made before the Senate. I do not mean to say that the Senator did not get the information from the gentleman he says he got it from, but I do mean to say that there is not the slightest foundation for it; and I defy the Senator and I defy his informant to the proof of the charge.

This is a very singular way to blacken the reputation of a whole people. We have here, indorsed by an American Senator of great character and representing a great and enlightened Commonwealth, a nameless slanderer assumed or represented to be in his flight from Mississippi to Massachusetts; we have the statement of that person, indorsed thus respectably, thrown before the American people. When we ask for some of the *indicia*, some of the circumstances which will enable us to refute the charge, the Senator declines to give them, and upon what ground? As I understood the Senator, upon the ground that he would not expose his informant, now in Massachusetts, to the personal violence which would ensue from a disclosure of his name in Mississippi; that he would not expose his property in Mississippi to further depredation.

Mr. President, that will not do. If the people of Mississippi are already mean enough to burn that man's factory and murder his hands, certainly they do not need the stimulus of the disclosure of his name for a further trespass upon his rights. I say, therefore, that that cannot be a good reason for it. If he lived in a community whose feelings he had so outraged and into whose enmities he had so entered that they had burned his house and murdered his hands, could he fear any greater injury by a disclosure of his name? What possible personal danger could he be in, in Massachusetts, from the people of Mississippi? No, sir; that is not a sufficient reason for a failure to disclose the name.

We have suffered in the South a great deal from these nameless slanderers, always concealing their names upon the plea that if their names were disclosed somebody would hurt them. I supposed that sort of tactics would not meet the approbation of an American Senator.

Something was said about "the Mississippi plan," and I believe, although my name was not mentioned, I was alluded to as the chairman of the committee of the democratic party in 1875, when this plan is supposed to have been inaugurated. I do not propose to go into a discussion of what occurred in 1875. I mean to say, however, that every telegram that I sent when I was chairman of that committee was taken from the telegraph office by the committee of investigation sent there from this body, two of the members of it being now here, the Senator from Minnesota [Mr. MCMILLAN] and the Senator from Wisconsin, [Mr. CAMERON,] and but one of the whole number, there being several hundred, was found to be worthy of objection and criticism, and that was written at the dictation and request of the representative of the United States Government then in Mississippi, G. K. Chase.

Mr. HOAR. Will the gentleman state what that telegram was?

Mr. GEORGE. It was a telegram sent at his request to some friends of mine in a distant county to interpose to prevent some carpet-bagger from being hurt.

Mr. HOAR. Was it not to prevent his being murdered?

Mr. GEORGE. Being hurt; I do not know whether murdered or not.

Mr. MCMILLAN. If the Senator will permit me; may I not recall to his attention the facts of that case?

The PRESIDING OFFICER. Does the Senator from Mississippi consent to be interrupted?

Mr. GEORGE. Yes, sir.

Mr. MCMILLAN. General Warner, residing at some distance from Jackson, was in the city of Jackson upon election day, and about to return to his home for the purpose of casting his vote upon that election day. The officer of the United States to whom the Senator referred and very many others were satisfied and believed that if General Warner went to his home from Jackson for the purpose of voting he would lose his life. They applied to the Senator from Mississippi, who was then chairman of the State central democratic committee, and requested him to telegraph to his political friends at General Warner's home to protect him in his right to vote. In pursuance of that request the Senator from Mississippi telegraphed to the home of General Warner, to persons who were the political friends of the Senator and in charge of the polls there, that no harm must come to General Warner if he attempted to exercise the right of suffrage that day.

Mr. HOAR. What was the reply?

Mr. MCMILLAN. In the evening a reply was received by telegraph from the person to whom the Senator had telegraphed in these words: "Your telegram saved Warner." Those, I believe, are the facts.

Mr. GEORGE. Now, Mr. President, I know a little more about that than the Senator does. He is very nearly correct in the relation that he has made of that transaction; but he does not know the fact which I now disclose here, and which is well known in Mississippi and well known to Mr. Chase, that when he applied to me to

send that telegram expressing fears for the safety of Warner, I informed him distinctly that Warner was in no danger whatever and that a telegram was wholly unnecessary. He told me that he had information to the contrary. I said to him that I did not believe in his information. He then said: "As a personal favor to me, send a telegram." I wrote it at his dictation, used the language he wanted me to use, telling him at the same time that it was wholly unnecessary. And as to the response to which the Senator alludes, I have the authority of the gentleman whose name was signed to it and whom I did not know at that time, to say that his signature to that dispatch was a forgery. So now it appears that the whole "head and front of my offending" as chairman of the democratic committee of 1875 was that at the bidding and at the dictation of a Federal officer, against my own judgment and thoroughly convinced, as I was and as I expressed to him, that the action was unnecessary, in the goodness of my heart and in the disposition to accommodate those who applied to me, I sent a request which was wholly unnecessary, and a response was sent to it which turned out to be a forgery.

Mr. McMILLAN. The Senator will certainly concede that there was no such allegation at that time as that the reply was a forgery.

Mr. GEORGE. No, sir; I did not learn that until afterward myself.

Mr. McMILLAN. And that General Warner was the chairman of the republican State central committee at that time.

Mr. GEORGE. I do not remember whether he was the chairman or not; but I will state this for the information of the Senator, that the only complaint I have ever heard by the republicans at Jackson, Mississippi, where I reside, and near which General Warner resides, about my conduct in that campaign, was that, supposing, as the Senator from Minnesota supposes, that my telegram saved Warner, the complaint was that I did not allow him to be killed. That is the complaint made by republicans.

Mr. McMILLAN. I do not intend to enter into any discussion of the conduct of that campaign at this time.

Mr. GEORGE. If it is desired by the Senator whom I know very well and respect very highly, and if he will come to me, I will tell him the names of the republicans who so expressed themselves.

Into that, Mr. President, I will go no further except to say this: I would like to warn the Senator from Massachusetts, I would like to warn the Senators on the other side, and if my voice could be heard or my words read by the northern people, I would like to warn them against placing credence in the stories that they hear about Mississippi. They had a witness here last year who testified about Mississippi affairs, a gentleman whom I never met, named Kennedy, who resides in the town in which my colleague lives. He testified before some committee here, not twelve months ago, that I regularly issued my orders while I was chairman of the democratic committee in 1875 to the various counties in the State, and had just so many republicans killed as was necessary to carry the election!

Mr. McMILLAN. Will the Senator permit me to call his attention to a fact?

Mr. GEORGE. Yes, sir.

Mr. McMILLAN. I am not desirous at present of going into any discussion about the conduct of that Mississippi campaign.

Mr. GEORGE. Nor am I either.

Mr. McMILLAN. I do not desire to charge upon the Senator from Mississippi any responsibility in regard to it, but I can call the attention of the Senator to one instance that occurred there of a very terrible murder, and that was of Mr. Hathaway, who was murdered in his house at night, shot in the presence of his wife and family, by masked men who came to his house at midnight. The fact was not disputed; no evidence whatever was offered to contradict the fact; and it occurred just after the breaking out of the riots, you well remember. I refer to Hathaway who had gone from Massachusetts to reside in Mississippi, and had resided there for some years. That is only one instance out of the very many that I could recall.

Mr. GEORGE. If I ever heard of that before, I have forgotten it. Suppose there was one murder; and I believe murders occur every week in every State possibly in the Union——

Mr. HOAR. May I ask the Senator if the Chisholm murder is a slander on the State that we hear about?

Mr. GEORGE. I will tell you that had nothing to do with politics; it was a private quarrel.

Mr. CAMERON, of Wisconsin. I think I can remind the Senator of certain incidents that occurred in Mississippi in 1875, which I think he will not have forgotten.

Mr. GEORGE. Well.

Mr. CAMERON, of Wisconsin. I presume he heard of the so-called riots, otherwise called massacre, at Clinton. I doubt if he has forgotten that.

Mr. GEORGE. I know all about that. Do you want me to tell you what I know about it?

Mr. CAMERON, of Wisconsin. Well.

Mr. GEORGE. It happened within ten miles of where I was at the time.

Mr. CAMERON, of Wisconsin. I have the evidence before me that the Senator gave before the Boutwell committee in regard to that.

Mr. GEORGE. That I gave?

Mr. CAMERON, of Wisconsin. I have your evidence there.

Mr. GEORGE. I do not think I was ever examined before the Boutwell committee.

Mr. CAMERON, of Wisconsin. I have the evidence that was taken before that committee in regard to the occurrence.

Mr. GEORGE. Well, with reference to that Clinton murder, I had that matter investigated myself, and all there was in it was a fight, and that fight was this, I will inform the Senator: there was a joint discussion between the democrats and republicans at Clinton, and a fight grew up between the republicans and the democrats, and, as I believe, at the instigation of and commenced by the republicans, which resulted disastrously to them.

Mr. LOGAN. How many republicans were killed?

Mr. GEORGE. I do not know how many; there were a good many white people killed and there were a good many black people killed.

Mr. CAMERON, of Wisconsin. Very few white people; thirty or forty black people.

Mr. LOGAN. How many democrats were killed?

Mr. CAMERON, of Wisconsin. It was the old story of the wolf and the lamb.

Mr. GEORGE. I do not know, Mr. President, when a few white people, not exceeding two hundred, were assaulted and attacked by a thousand of the other color and some of them killed, that the assaulted and weaker party were obliged to count exactly their own number that had been killed in making their efforts for self-defense.

Mr. McMILLAN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Mississippi consent to be interrupted?

Mr. GEORGE. Yes, sir.

Mr. McMILLAN. Does the Senator not remember that during that campaign Mr. Chisholm, who was afterward murdered, being then the sheriff of Kemper County, was driven from his home and compelled to remain out of the town and in the woods concealed to escape violence threatened to him?

Mr. GEORGE. I do not. Mr. President, every killing that occurs in Mississippi is charged to the democrats for political purposes. Now, there is no man who deplores more than I do the Chisholm massacre, as it is called, but it is well known in Mississippi, just as well known as anything can be, that that whole trouble grew out of a private feud between Chisholm and his friends and a family by the name of Gully.

Mr. President, since I am up, as my colleague was unable (on account of exhaustion) to reply to some charges that were made against Mississippi in reference to repudiation, I will make a statement on that subject. I had expected that that calumny would not be revived now. I will make, for the information of the Senator from Massachusetts, [Mr. HOAR,] if he will listen to me, a statement on that subject, which will vindicate and justify the action of Mississippi.

The constitution of 1832 of Mississippi provided that the faith of the State should never be pledged for any loan unless the law authorizing the pledge was passed by one Legislature, then advertised in newspapers published in the State before the next general election, and then re-enacted by the succeeding Legislature. That was the constitution of Mississippi in 1832.

In 1838 the Legislature of Mississippi passed a law authorizing the pledge of the faith of the State of Mississippi for $15,500,000 to aid the Union Bank. That law made the State the guarantor or surety of the Union Bank. That law required the stock of the Union Bank to be amply secured for the purpose of indemnifying the State against liability on those bonds. That was the project which was submitted to the people of Mississippi at the succeeding election and which they authorized their representatives to re-enact and proceed under; but instead of doing that the Legislature passed another law, in which they made the State of Mississippi stockholder in the bank to the amount of $5,000,000, made her the principal debtor on bonds to the amount of $5,000,000 instead of being surety and guarantor as she was before, and without resubmitting it issued the bonds under that, and they were sold. The gentleman is a lawyer and can see the difference. The people agreed to be guarantors to the bank with ample indemnity to the amount of $15,500,000. The bonds were actually issued, and the law authorizing them, which was never submitted according to the constitution, made her a principal to the amount of $5,000,000. That law was never, as I said, submitted to the people as required by the constitution. Not a single dollar of that money ever went into the State treasury of Mississippi, and no subsequent Legislature ever ratified it or ever submitted it to the people. That is the whole thing on that; there is nothing else in it except that.

Now, Mr. President, I am very sorry that I have been compelled to participate in the discussion at all.

Mr. HOAR. I should like to ask the Senator in reference to what he is now stating whether the Legislature of Mississippi did not in a subsequent year, in the year 1841, in January, pass a resolution to the effect that the State was bound to the holders of the bonds of the State sold on account of the bank for the amount of the principal and the interest; and, furthermore, that the State of Mississippi would pay her bonds and preserve her faith inviolate. The Legislature at this time repudiated with great vigor the insinuation that the State of Mississippi would repudiate her bonds and violate her plighted faith. And did not the supreme court of his State, Chief-Justice

Yerger—I think chief-justice, at any rate judge—a man very famous throughout the country, delivering the opinion, declare that those bonds were binding and valid?

Mr. GEORGE. I will answer both questions. The Legislature, I believe, passed a resolution of that sort, but it was after the bonds were sold, not before. If the Legislature had not power to bind the State by the creation of the debt, they had not the power afterward by a mere resolution, without submitting it to the people, to validate an invalid debt.

Now, as to the decision made by the high court of errors and appeals of Mississippi, I will answer that question by asking the gentleman another, not for the purpose of annoying him at all, because I do not think I could annoy him by a question, but for the purpose of bringing out rather saliently the idea I have in view: Did not the Supreme Court of the United States decide in the Dred Scott case that Congress had no power to prohibit slavery in the Territories, and that free negroes could not be citizens of the United States, and did the American people submit to and acquiesce in that decision? Certainly not.

Mr. HOAR. The Senator is answering the question which he proposed to ask me.

Mr. GEORGE. Yes; I thought I understood you to nod assent.

Mr. HOAR. No, sir.

Mr. GEORGE. Very well.

Mr. HOAR. I say, in the first place, if the Senator desires to know my opinion on that subject, that the Supreme Court of the United States never so decided; it was a mere *obiter dictum* in regard to a point which the case did not present; next, that the American people changed all that by a change in their Constitution.

Mr. GEORGE. Well, before the change, did the American people acquiesce in that decision? Did the gentleman acquiesce in it?

Mr. HOAR. Not in that *dictum*.

Mr. GEORGE. Though the Senator may regard it an *obiter dictum*, the court did not think so. I will put another case. Did not the Supreme Court of the United States a few years ago decide that the legal-tender law was unconstitutional?

Mr. HOAR. Well, Mr. President, does the Senator from Mississippi seriously claim——

Mr. GEORGE. Never mind. If you will wait now I will show you the application I am going to make. I ask you that question. Did not the Supreme Court of the United States a few years ago so decide, not in an *obiter dictum*, but did they not render that judgment?

Mr. HOAR. Everybody knows the answer to that question. The Senator can answer it and make his application if he desires.

Mr. GEORGE. Very well.

Mr. HOAR. That was the decision.

Mr. GEORGE. And about two years afterward they rendered a decision the other way, did they not? Now the application I want to make is this: we know that on political questions, it may be unfortunate that it is so, but such is the fact, judges who have formed opinions in reference to those questions before they went on the bench are apt to adhere to those opinions when they are upon the bench. The Dred Scott decision was made by a bench composed of judges who entertained those opinions before they went on the bench. As to the first legal-tender decision I do not know how that was in that regard, because I do not know how the judges had stood on that question; but it was evidently reversed by the infusion into the court of two men who held according to the opinions which they had entertained before they went upon the bench, and it is said they were put on the bench for that purpose. The supreme court of Mississippi happened at the time to be composed of three men every one of whom had been an active participant in the discussions which arose in 1841 and 1843 in reference to the liability of the State, and every one of them happened to be a man who had committed himself fully in every way, in every shape, to the doctrine that the State was liable.

Mr. HOAR. I want to ask the Senator from Mississippi, then, if the sum and substance of this whole thing is not this: that he denounces our alliance with a man——

Mr. GEORGE. I have made no denunciation. You have not heard me denounce anybody.

Mr. HOAR. His associates have. Now, then, according to the Senator, the people of Mississippi allied themselves with men who repudiated the honest debt of that State according to the judgment of its own supreme court.

Mr. GEORGE. I denounce nobody. The Senator has not heard me denounce anybody. I have not even denounced that man who told his colleague that enormous story about Mississippi. I have treated him politely; I do not know but what he may have dreamed it or something of that sort; but I would not undertake to say after all my experience about men's swearing as to things occurring in Mississippi that the man was a constitutional liar instead of a crazy dreamer. The long and the short of it is just this, I will tell the Senator from Massachusetts that I have never met a lawyer outside of that court in Mississippi of any politics who concurred with the court in the conclusion which they reached. But that is not the way to decide that question, that is not the way to hold up a people for repudiating a debt. They had as much right to their opinion as to the justice and legality of that debt as the people of the United States had as to the legality and the propriety of the decision made in the Dred Scott case—just as much. It was a public question, and I undertake to say to the Senator that if he will look at it simply as a lawyer, without reference to the decision of the supreme court of Mississippi, he will arrive at the same conclusion that I have, that there is no legal validity, and never was any in it, and if the Senator wants a new decision of the court, we could soon get it down there I reckon now—just as you did on the legal-tender question here. If anybody would sue now, I suppose the court would decide the other way just as the Supreme Court here did on the legal-tender question. I have no doubt about that. I am very certain if I was on the bench I should hold that way, because I never had a doubt about it. So there is nothing in that.

Now, Mr. President, I believe I have said all I ought to have said, and I apologize for having taken up so much of the time of the Senate. I did not desire to do it; but I felt that if I did not do it I probably should be met with the charge of neglect of the duty I owe to the people of my State, and especially as my colleague was disabled from making a further reply.

Mr. DAWES. Mr. President, I do not desire to continue this debate but a moment. The Senator from Mississippi who has just taken his seat [Mr. GEORGE] complained of me because I did not give him the name of the person who had been treated with the violence I have related. I am the last man to desire to make a misstatement to the disparagement of the people of his State or any other State, and I think when the Senator knows me more if he does not love me, in the language of his colleague, the Senator will understand that I intend to tell the truth.

I was commenting upon a reason, among others, why the Senator's colleague would find it difficult to get the ear of the North as he has in times past, and I suggested that this gray-headed old man, who was known among his people, known among his neighbors and townsmen, and in his county and State, would be listened to and believed before any of these platitudes about the peace and quiet and good order of Mississippi. I did not choose to give his name. I had his name here upon a piece of paper written by a highly distinguished and honorable member of the other House, whose neighbor before he went South this man was, who knew him as I know my neighbor, and to whom he related this story the day before yesterday in this city on his way North.

Mr. GEORGE. Well, may I interrupt——

Mr. DAWES. Wait one moment. I may not be justified in saying that his factory was burned, because the Senator says there are but three factories in the State.

Mr. GEORGE. I said very few.

Mr. DAWES. So I take it that he applied the term to some sort of structure that we would not call by that name at the North. I will tell him just precisely what was burned and that was this man's cotton-gin with improved machinery, his store and the house over it. The men may not have been properly factory hands. One of them was a blacksmith; the others were hands at work upon his plantation upon terms that he made with them for shares in the profits of the production. He was a large cotton-grower there with an establishment which I have described and which he has lost in this way. He has a partner who is now in New Orleans. The little remnant of his property remains there, what is not in the ashes, and I submit to the Senator that he does not think me quite so inconsiderate or quite so little understanding what has been done in the past as to furnish his name and the county and the residence, which I have here. All I ask of him is what I know he will accord when he knows me better, that I not only believe but have not a shadow of a doubt of the truth of this statement.

I state further that I saw myself last fall very much such a gentleman as this who had spent many years down there with a like result. He could not give up his political convictions, he did believe in trying to educate the poor men who were at work for him. This man who according to the account in the memorandum before me built a school-house for the colored people——

Mr. GEORGE. I have built two for them and I have never been murdered for it.

Mr. DAWES. I am very glad the Senator has, but the Senator shuts his eyes and fills his ears with cotton.

Mr. GEORGE. I have had a gin-house burned, too, and I have no more right to say that was burned because I built a school-house than——

Mr. DAWES. I do not think it was because you failed in running with the current.

Mr. GEORGE. Then I tell the honorable gentleman that I have just had a letter from home in which it is said that four of the hands working on my place have been drowned accidentally while crossing a lake. I do not think that was because I built school-houses, or because they were republicans.

Mr. DAWES. If the Senator thinks that meets this charge he only illustrates what I was about to say, that the people among whom this gray-headed man is going will not have their confidence in him and his story impaired one whit by what the Senator has said to-day. The Senator lives there, and I take his word for it that he shuts his eyes and stops his ears, that he does not know what is happening all around him. I knew in my county an old Bourbon democrat once, who when a railroad came along there declared that there was nothing in the Constitution or the resolutions of '98 that authorized the taking of his land for a railroad, and it should not be done while he

lived; but the railroad went along. He cleared out and left it, but it still went on. A few years afterward his son took him to a neighboring town on a visit, and just as they got into town he said, "Father, there's the train going along." He shut his eyes and stuffed his ears, and said, "I have never seen nor heard a railroad yet, John, and by the help of God I never will." [Laughter.] The train did not stop, sir; the great railroad went on to the great West. His eyes were shut and his ears were stuffed, but the wheels and the engines went on and did not heed him. So events in the Senator's own State are transpiring and filling the civilized world with horror, but the Senator has never heard of them! The Senator does not know that Dixon is dead; the Senator never heard that Hathaway was shot; the Senator has never heard that anything happened in 1875, though he was chairman of the democratic State committee, and claimed his reward after it was done for great achievement. He has heard nothing! Oh, sir, the Senator does not help his colleague to inspire confidence in the North by any such exhibition of sublime indifference and ignorance as he has manifested here to-day to the events that are transpiring before his eyes and the eyes of the American people. I tell him, sir, that he has enlisted in a lost cause again. The stars in their courses are fighting against those that are attempting to put down the free exercise of a man's rights as a citizen and the free utterance of the convictions of his judgment and his heart, [applause in the galleries,] and sooner or later it will come to the discomfiture of those who put themselves across the path. No, sir, it is idle for men to say they have never heard of these things, and they do not think they happened because they have never seen them. The world is looking on, and no such talk as this can either delude or deceive them.

Mr. VOORHEES, (who had several times addressed the Chair.) Mr. President——

The PRESIDING OFFICER. The Senator from Indiana desires to interrupt the Senator from Massachusetts.

Mr. VOORHEES. The Senator from Massachusetts does not behave very well. I have served with him so long that I know his habits somewhat. When he asked the Senator from Mississippi or any other Senator on this side whether he would yield, there was a prompt response. I know it is a habit on his part, not on his side, but on his part, that when any Senator here desires to say something by way of inquiry he takes on a seeming frenzy, a sort of raving style, a war dance as if he was oblivious of everything that anybody could address to him.

Mr. DAWES. Mr. President——

Mr. VOORHEES. No; I decline to yield absolutely.

The PRESIDING OFFICER. The Senator from Indiana must remember that he has the floor by the courtesy of the Senator from Massachusetts.

Mr. VOORHEES. The courtesy of the Senator, I do not appeal to of course, for I know it is scant.

Mr. DAWES. Then the Senator cannot have it.

Mr. VOORHEES. It is scant. He has been on the floor so much that I supposed it would be a relief to everybody to get him off the floor.

Mr. DAWES. Mr. President, have I the right to the floor?

The PRESIDING OFFICER. The Senator from Massachusetts yielded to the Senator from Indiana for some purpose. The Senator from Massachusetts has a right to resume the floor whenever he pleases.

Mr. DAWES. So I supposed.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Indiana?

Mr. DAWES. Not just this minute.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. DAWES. I wish to say to the Senator from Indiana that if he asked the floor of me, if he appealed to my courtesy solely for the purpose of reading me a lecture, he has quite mistaken me again.

Mr. VOORHEES. I thought that was what you needed.

Mr. DAWES. Very likely.

Mr. VOORHEES. Especially as courtesy has been extended to you on this side and never returned.

Mr. DAWES. The Senator may be angry with me——

Mr. VOORHEES, Not at all, sir. Nothing delights me more than the conduct of the Senator from Massachusetts.

Mr. DAWES. The Senator can have anything he asks of me if he appeals to my courtesy. The Senator can have nothing at my hands when he undertakes to browbeat or threaten. If the Senator wants anything on these terms of me, they are at his service. If he does not like these terms, he must appeal to somebody else with his threats.

Mr. VOORHEES. Mr. President, I never undertake to browbeat or threaten——

Mr. HILL, of Georgia. Mr. President——

Mr. VOORHEES. Pardon me, I have the floor now.

Mr. DAWES. I do not know that the Senator has the floor. I will take the opinion of the Chair whether the Senator has the floor or not.

Mr. VOORHEES. Certainly I have.

The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts to yield to the Senator from Indiana.

Mr. VOORHEES. Certainly. I do not want the floor if the Senator from Massachusetts holds it. He wants it nearly all the time, and of course I shall let him have it.

Mr. DAWES. The Chair is mistaken.

Mr. VOORHEES. I supposed the Senator yielded when he sat down; but there are some things that you cannot understand on the part of the Senator from Massachusetts. He has an evasive, dodging way of sitting down and getting up that deludes a Senator.

Mr. DAWES. Now, Mr. President, if the rules of the Senate can be enforced, I shall be glad. I stated to the Senator that he could not have the floor on the terms on which he assumed to take it from me.

Mr. VOORHEES. Well, I have understood that so far as that side is concerned, we cannot have the floor.

Mr. DAWES. Mr. President, I want to know whether I have the floor or not?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. DAWES. Now, Mr. President, I hope the Senator will, when he thinks of it a moment, reflect and come to the conclusion that he had better treat his fellow-Senators with proper courtesy and then expect from them all that which courtesy in this body always yields.

Mr. VOORHEES. Mr. President, will the Senator now concede that I have a right to say a word?

Mr. DAWES. If the Senator desires the floor on these terms, nothing will give me greater pleasure than to yield it to him.

Mr. VOORHEES. It seems he is afraid to allow me to have the floor two minutes, or one minute. I say to the Senator from Massachusetts, in all kindness, that he need not be alarmed on that subject, but I do say to him—and I say it with a heart which has no malice toward any fellow-being, because I think that mainly the religion I have is a love of my race, and it is broad enough to embrace the Senator from Massachusetts—I say to him that I really think he forgets that everybody on this side of the Chamber, especially the new Senator from Mississippi this afternoon, has without one moment's hesitation never refused to yield to him whenever he desired to interpose with a question, or to anybody else on that side. I am not venerable enough, or if I was I am the last man to do it, to suggest a reproof, much less to lecture the senior Senator from Massachusetts; but it seems at times when an humble individual desires to interpose a word or ask a question while he is speaking that he takes on an additional vehemence, a good deal as I have seen a locomotive, inspired by some spiteful engineer who saw somebody at a way station he did not like, and when that person wanted to get aboard as a passenger, the engineer put on additional steam and ran by with great velocity. So the Senator from Massachusetts generally conducts himself when anybody on this side of the Chamber desires to interrupt him by a question, while on the other hand we here never hesitate one moment to give him or anybody else a chance to make an observation that seems to him fitting and proper on the subject-matter at that particular moment under discussion.

It may be, Mr. President, that I will offer some observations at another time, but I will not do it of course beholden to the Senator from Massachusetts for the courtesy of the floor. We are beholden to him for a great deal. He is managing this thing, managing it well, as finely as possible, and we will stay here as long as he will stay. I hope that is not treason, but we will do it nevertheless. For the present, that is all I desire to say.

Mr. DAWES. Mr. President, I have endeavored during the debate on the resolutions that are pending to keep my temper, and I have endeavored to conduct myself as well as I could. The Senator from Indiana is tired of my remarks and I do not think he is the only one who is. I am conscious that the whole Senate has become tired of them. I regret exceedingly anything that I may have said in reply to the Senator from Indiana which can be construed by any gentleman into an improper remark. I shall endeavor myself to maintain the usages of the Senate to the utmost of my power. I have no doubt that when the Senator comes here in the morning he will think that he has said some things that he ought not to have said, and therefore I do not desire to make any further allusion. The Senator has succeeded, however, in so interrupting the current of this debate on my part as to put an end to the remarks that I was following out when he interrupted me.

Mr. VOORHEES. I beg pardon. Really I could not hear the Senator and I should like to hear him. I always hear him with pleasure. Did he move to adjourn to take time to think on the subject? Was there a motion to adjourn?

Mr. HILL, of Georgia. No, he did not make that motion.

Mr. VOORHEES. I only wanted to know.

Mr. HILL, of Georgia. Mr. President——

Mr. GEORGE. May I be allowed a word?

Mr. HILL, of Georgia. I yield now to the Senator from Mississippi.

Mr. GEORGE. Mr. President, I understood the Senator from Massachusetts to take back in his last speech most of that which he had said in his first speech in relation to this alleged outrage in Mississippi——

Mr. DAWES. Take back!

Mr. GEORGE. Or qualify or state it in some other way and differently. I understand now that there was no factory burned; it was only a gin-house. Well, as I was saying, is there any evidence here that that gin-house was burned by an incendiary? It is the most common thing in the world for a gin-house to burn in Mississippi and everywhere else. Nothing is more inflammable. I have lost one myself, and my neighbors lose them all around me every year. Is there

any evidence now that it was burned by an incendiary; and if it was burned by an incendiary is there any evidence that it was burned by a democrat who hated this man on account of his political opinions? That is all taken for granted. A gin-house was burned; it was in Mississippi; it belonged to a Massachusetts man; the Massachusetts man comes away very much disgusted from having lost his gin, as we all are when we lose our gins; he comes away, and he tells somebody and that somebody tells the Senator from Massachusetts that the democrats burned it.

Now, I submit, Mr. President, to the gentleman's fairness—because he cannot be so unfair as to desire to do an injustice to the people of Mississippi—if that is a fair way to blacken the good name of a whole people. The Senator is a lawyer. When he retails in the Senate stories of that sort, he ought to know the kind of evidence which will support them. I understood him first to say—I was mistaken about that, I have no doubt—that this gentleman from Massachusetts told him. Now I understand that this gentleman from Massachusetts who lost his gin told somebody else who told the Senator. Am I right about that, that you did not get it from the gentleman himself?

Mr. DAWES. Do you yield to me?

Mr. GEORGE. Yes, to answer that question, not to make a speech.

Mr. DAWES. No, I do not want to make a speech.

Mr. GEORGE. Very well. Am I right in stating that now you say that you did not get your information directly from the citizen of Massachusetts, who had been sojourning in Mississippi, who lost his gin-house?

Mr. DAWES. I will cover it all with a correction of the Senator's statement with which he commenced, and that was that I had taken back or modified a single word I had said. He is mistaken. I adhere to every word I have stated.

Mr. GEORGE. Well, did you answer my question?

Mr. DAWES. Yes, sir, I answered the question.

Mr. GEORGE. Did you tell me whether you got it from the gentleman directly or second-hand?

Mr. DAWES. I restate it now just as I stated it then.

Mr. GEORGE. But here you do not understand the point.

Mr. DAWES. Oh, I do understand it.

Mr. GEORGE. I asked did you get your information directly from the gentleman whose factory had been burned, or did you get it second-hand?

Mr. DAWES. That is a question which the Senator has no business to put to me. I assume here in the Senate the truth of what I state, and the Senator does not know what becomes a Senator of the United States when he undertakes to catechise me in that way. Sir, what I state here I state of my own responsibility.

Mr. GEORGE. Mr. President, I certainly do not desire to violate any of the usages or courtesies of the Senate; but I mean to say, in response to the last suggestion made by the gentleman, that while I am a new member here, and while I shall endeavor to learn and to observe what is due to this body and to each member of it, I certainly shall not either apply or submit to being educated by him on that subject. I suppose I may make this statement without violating the usages of the Senate or what is due from one Senator to another.

The Senator in his last speech said that I knew nothing about the Hathaway murder, that I knew nothing about the Chisholm murder, that I knew nothing about the Dixon murder, and upon that he made an argument to show to the people of this country that I had either willfully shut my ears to what was going on in Mississippi or that I had paid no attention to what was going on. I desire to say in reply that the gentleman's argument was based upon statements repeated by him as having been made by me which I never made and which every Senator here ought to know and does know that I did not make. I did not say that I had never heard of the Hathaway murder. I said that if I had heard of it I had forgotten it. I did not say that I had not heard of the Chisholm murder, as the gentleman put in my mouth. I said I had heard of it, and that I heard of it in such a way as to authorize me to say that what the Senator had said about it was untrue.

Mr. DAWES. I did not say a word about the Chisholm murder.

Mr. GEORGE. Well, whoever it was over there; some one spoke about it. I did not say any of these things.

Now, to come back to the point where the gentleman said I had no right to interfere. I have a right to interfere. I have a right to ask a Senator who undertakes to retail here what I say is a foul calumny upon the people of Mississippi—and it is his duty to answer it—who his author is. I have a right to know whose falsehood he is backing by his authority here in the Senate and to tell the Senator that he cannot escape from the responsibility which I now place on him of having before the American Senate and in the hearing of the American people retailed an infamous slander upon the people of Mississippi by saying that I have no right to demand his authority. I have a right. If he assumes it, as I understood him to say he would, then, sir, I say he becomes responsible for the falsehood.

The Senator said he did not take back what he had said. I say, sir, he did. He regaled our ears with a statement of this sort, that a Massachusetts man who had gone to Mississippi had built a factory, and had to put iron shutters to his house to protect himself and his workmen, and because he had built a school-house or something of that sort or was heard to express certain opinions his factory had been burnt and his employés murdered. That was his statement, sir. I asked him, as I was obliged to do, (and I did it with great hesitation and modesty because I did not want to occupy the floor,) who his man was, where was the locality of this arson and murder, and I am answered and the Senators who feel any interest in this matter are answered that this fugitive from Mississippi to Massachusetts was in danger in his Massachusetts home of personal violence from the democrats of Mississippi if his name was disclosed. Sir, how frail an excuse! Will the gentleman undertake to persuade the American people that the Mississippi democrat is not only a murderer and assassin in his own land but that he is ubiquitous and can perform his part in Mississippi and in Massachusetts at the same time?

I told the Senator that I had not heard of any such thing; and it turns out that it was no factory that was burned; it was a gin-house. When I informed the Senator that a gin-house was the most inflammable of all buildings, that I and others in my neighborhood had suffered losses in that way, that it was the commonest thing in the world for a gin-house to be destroyed by fire, and then asked him if he had any evidence that this man's gin-house had not been destroyed by the same accidents that destroy other people's——

Mr. DAWES. And men were killed in the same way?

Mr. GEORGE. Yes, sir; I do not believe your men were killed. You do not dare to name your witness. I believe your witness to be a false witness.

Mr. DAWES. I did not expect you would believe it.

Mr. GEORGE. I am not in the habit of believing men who do not disclose who they are. I am not apt to believe such men——

Mr. DAWES. If you wanted to believe it you would have to leave Mississippi.

Mr. GEORGE. I suppose the gentleman would want me to believe a lie like he does! I suppose he would have me "to believe a lie that I might be damned." I do not propose to carry my credulity that far. Who is his witness, sir? Who is he? I do not believe his gin-house has been burned; I do not believe he has been down there; I do not believe his Massachusetts man was ever there; I do not believe he had a gin-house. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. Order must be preserved.

Mr. GEORGE. And I have a right to say so because he does not disclose himself. It is a very easy matter for gentlemen for political purposes to fly around this country from one part to another and represent themselves as the victims of outrages; but when a people of a whole State are to be held responsible for these alleged outrages, have they not the ordinary right secured by the Constitution and laws to everybody charged with crime to know something of the accuser and of the times and the circumstances surrounding the alleged crime.

Mr. BECK. Will the Senator from Mississippi allow me to make a suggestion to him?

Mr. GEORGE. Yes, sir.

Mr. BECK. I do it for the edification of the Senator from Massachusetts. In 1871 a joint committee of twenty-one was appointed to investigate the condition of the Southern States in regard to what was known as the Ku-klux bill. My friend from Delaware [Mr. BAYARD] was one of them. There were a hundred cases investigated; I can turn to the evidence in these volumes where persons told of all sorts of outrages, and did not dare to disclose their names for fear of outrage upon them. We forced some of them to tell their names, and every time the name was developed the party was proved to be guilty of an infamous falsehood, until in a republican Congress, with two-thirds republican majority in each House, when the report was made and the testimony laid before them, they never dared call up the bill because of just such lies as men who did not dare to tell their names attempted to palm off.

Mr. DAWES. I believe the Senator——

Mr. HILL, of Georgia. I believe I am entitled to the floor. I yielded to the Senator from Mississippi.

Mr. BECK. I only wanted to mention this fact.

Mr. DAWES. The Senator said he did it for my benefit and I want to respond. I want to ask him——

Mr. HILL, of Georgia. I hope the Senator from Massachusetts will not abuse my courtesy. I will yield a moment.

Mr. DAWES. If the Senator from Georgia is willing I should like to make my acknowledgments to the Senator from Kentucky.

Mr. HILL, of Georgia. Certainly. I say I will yield with a great deal of pleasure, but I hope the Senator will not make a speech.

Mr. DAWES. Oh, no. I suppose the Senator from Kentucky when he says there was not a word of truth in it alludes to the opinion which Reverdy Johnson expressed when he was sent down there by these disbelievers to defend those men, and when after having heard those horrors described by eye witnesses he threw up his brief in as bitter denunciation of those outrages as ever fell from mortal lips.

Mr. HILL, of Georgia. Mr. President, I had sincerely hoped that such a scene as we have witnessed here to-day would never again occur in an American Congress. Years ago it was the custom in this body and in the other to retail charges of outrages and murders and assassinations against the southern people when the representatives of the southern people were not here to meet them, and I remember distinctly it was a habit in those days for gentlemen to get up and read letters and make statements of great outrages which had been

committed at the South, and when they were called on for the names of their authors they refused to give them and gave the old stereotyped answer that the Senator from Massachusetts gave to-day, that they would not disclose the names, as it would subject the parties to persecution.

Sir, as I say, I had hoped that day had passed by. The South is here now; she has her own chosen Senators and Representatives; and gentlemen on the other side have chosen of their own accord to make this issue, to renew these slanders, and they are renewing the very style and habit practiced here years ago for the purpose of impressing the northern mind of their truth. We never should have referred to them; we are willing to be judged by our acts now; we are willing to let the past be buried; but gentlemen on the other side are not only not willing to let the past be buried but we are distinctly notified here to-day that the very purpose of the remarkable coalition which has been formed (for now it is confessed to be a coalition) with certain parties in Virginia is to inaugurate a new movement to put the domination of that State under a certain class of people specified by the Senator from Pennsylvania yesterday to be the negroes and the republicans and such democrats as will unite with them. That is it, and to put Virginia under the domination of those classes of people, and that force and effect may be given to that issue, these charges are revamped, these slanders upon the South are repeated. What is called the "outrage mill," which ought to have been burned before the gin-house was burned, is to be revived.

Sir, I was born in the South; I was raised there; I am identified with that people. I have not risen this afternoon to make a speech, but I have risen to say in kindness, to say in fearlessness, to say in perfect firmness to the gentlemen on the other side that we are prepared to meet their issue; we shall meet it unflinchingly, and I wish the American people to understand now that the issue which the gentlemen tender embraces three propositions:

First, if the southern people, what one Senator in characteristic Phariseeism called Bourbon democrats, are guilty of the murders, the assassinations, the frauds, the oppressions, the wrongs upon the colored people or upon anybody, northern people, republicans, or any other people that are charged, if the southern people, the democrats of the South, are guilty of these outrages, then I concede that they are barbarians; I concede that they have no right to representation on this floor or any other floor; I concede that they ought to be driven into the sea.

On the other hand, if the southern people are not guilty of these outrages, if the charges are false, then they who make them as well as they who use them, and seek to profit by them, are wicked, graceless, godless slanderers, compared to whom a barbarian is a gentleman. We meet you on that issue fearlessly, and understand it.

Mr. HOAR. May I ask the Senator——

Mr. HILL, of Georgia. No, sir; you need not ask me now any question. I will not give way now to you especially; I shall give way to you in due time and will take charge of you.

A third proposition is this: If the outrages that did once occur in the South were not committed by the southern democrats, by what you call the Bourbon democracy, if such outrages as did exist there—and at a certain time I concede there were outrages—were the result of the policy which you enforced upon the South at a time when the southern people themselves were helpless, then it will be submitted to the judgment of the enlightened people of the North whether you are not responsible for such outrages as did occur, and not what you call the Bourbon democracy.

These are the three propositions. You have chosen to revive them. Let the world distinctly understand that we have not done so. We have hoped that the ringing, eloquent words of the republican President in his inaugural would be accepted; that the passions of the war should be hushed; that the issues of the war should be settled; that the decrees of the war should be accepted as adjudicated, and that debate upon all those questions should be considered as terminated and ended. But, sir, the ink is scarcely dry upon the paper which printed that inaugural before you tell us that you have inaugurated a coalition to affect the coming election in the State of Virginia which we are told is the beginning of the end, which we are told is the beginning of a movement by which you by virtue of a coalition with certain classes in that State propose to control that State and put the people of that State under the domination of that coalition. Very well; I say we accept the issue; the people of Virginia will accept it; the people of the South will accept it. Gentlemen, you understand, I suppose the Senator from Massachusetts has learned that when you came in here to retail outrages I want your authority. What a monstrous exhibition it is to the American people that a man can get up in the Senate Chamber and say that these outrages have been committed, which make the people of that country murderers and assassins, and then not give the authority for the charge!

The Senator from Maine [Mr. HALE] submitted a very fair proposition. I say we must meet that. He said that he was not prepared to retract his charges against the carpet-bag governments several years ago; he reaffirmed them. That was manly; I admired the Senator for it. He added that now we had possession of our own governments, as I understood him, and that those governments had peace, we must bring proofs to show that we had improved the condition of things or we would be subject to the same condemnation which he visited upon those governments. I do not use his language. I am endeavoring to express his idea. That is fair. We will meet that; and if we do not show by proof irrefragable that all the evils complained of in the carpet-bag governments have been relieved and remedied by the democratic governments in those States, then we submit that the change was not an improvement. If we fail, we are prepared to be condemned.

And in this connection I wish to repeat right here to the fair-minded gentlemen on the other side the proposition I stated the other day, and that is this: you may take the Southern States that were subjected to carpet-bag rule, and just in proportion to the length of time the democrats have had possession of the governments of those States, in that exact proportion have the people, including the colored people, improved and progressed in material prosperity and in educational advancement. The improvement has been continual. I have repeated on this floor once before what I will say here again in this direct connection, the carpet-bag governments or the reconstruction governments had possession of my State for about four years. During that time no colored people were educated; no public schools were established; the colored people accumulated no property. The democratic party have had possession of that government now for ten years, and we are educating annually over seventy thousand colored children at the public expense, and the colored people of that State have accumulated over six millions of property which is assessed for taxes upon their own affidavits.

We will accept, therefore, the issue so fairly, so manfully tendered by the Senator from Maine.

But the Senator from Maine made another proposition, which I shall meet with equal fairness. He says the question is whether their methods, or what he and others would call our methods, are to obtain in the future government of the southern country; and he tells us what his methods were in Maine, that they were the methods of changing evils by peaceable means, by lawful means. That is right. If he will show that we change evils in Georgia or any other Southern State by other means by credible testimony, not by such witnesses as we have been treated to here to-day, if he will show by competent, proper testimony that we are proposing to change systems there by violence, he will have made out a case. But I tell the Senator from Maine we understand the methods of his party in the South. We know nothing about his methods up in Maine; they may be very peaceable and very orderly there, but the methods of his party down South were the carpet-bag methods; they were the reconstruction methods; they were methods which educated no colored children; they were methods which enabled the colored people to accumulate no property; they were methods which kept up a perpetual irritation and strife between the races in that country; they were methods which produced anarchy, which threatened the very existence of civilization. That is what his methods were in the South. Do we understand that those methods are to be renewed? Do we understand that in order to recommence those methods this Senate is to stop, and the executive business of this Government is not to be transacted? The courts are to stand vacant, offices to stand unfilled, the business of the country to stand utterly blockaded in order that you may inaugurate those methods again in the South. Is that the purpose? If so, I tell you firmly and kindly you will fail. You inaugurated those methods before by the bayonet; you inaugurated and sustained them by the military. You cannot do that again. The southern people are on their feet, and they mean to have good government; they mean to protect their interests; they mean to protect the colored people; they mean to educate the colored people to the best of their ability; they mean to educate their own people; they mean to stop murders and outrages of every kind; they mean to give all their people as much protection as the people of any other State have; and they do not intend to submit to the return of your carpet-bag methods; and we are willing to go before the people of the North on this question.

I have faith in the intelligence, in the virtue, in the manhood of the masses of the northern people. I have had myself illustrations given to me by as good northern people as I ever saw, republicans telling me the harrowing stories which have influenced their conduct for years, retailed to them by these miserable creatures that profess to have gone down South and not been allowed to stay because of their political opinions, and which were utterly untrue. If I chose to increase the literature on this subject, I could tell this Senate the details of a transaction that came to my knowledge from New York not long since, an outrage said to have occurred near my own town, which was utterly mythical, and yet the outrage was absolutely stated in a public meeting of a Christian assembly, in a church communion at a quarterly meeting of the Methodist Church, and the whole house was in tears at the narration of the terrible outrage upon the poor negro people in a lake near Atlanta, which never occurred in the world, never occurred anywhere, which was utterly mythical. The man wound up with an appeal for money. He wanted contributions from the northern people to help good missionaries like him to go down there and convert these terrible Bourbons from the error of their ways. Those people were honest. The whole northern mind has been impregnated with such stories.

Mr. President, it is getting late, and I suppose the Senate wishes to adjourn. I have said nothing in unkindness. I regret very much that this issue has been made. If it is to be made we must meet it:

but gentlemen must understand that this is not 1865, this is not 1867, this is not 1868. Those days are past; the South is here with her chosen representatives, and if they are not able to vindicate their people from these foul aspersions they are not fit to sit here, and their people have no right to have anybody here. If they are able to vindicate them you owe it to yourselves to cease making these slanderous charges against a people who are as brave, as intelligent, and as virtuous as yourselves.

Mr. DAWES and Mr. LOGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. DAWES. I yield to the Senator from Illinois. I was going to move an adjournment.

Mr. LOGAN. I do not wish to make a speech, I merely wish to say a word. In so far as the discussion of outrages are concerned, I have not participated at all. I will say, however, in all kindness, I do not think any issue has been tendered by either side so far as this question is concerned. The Senator from Georgia [Mr. HILL] himself commenced this discussion by an assault upon the Senator from Virginia, [Mr. MAHONE,] such a one as has seldom been heard in this Senate Chamber. Out of that grew this discussion. In passing along with the discussion some allusion was made by the Senator from Louisiana [Mr. JONAS] to that State, which was replied to by the other Senator from Louisiana, [Mr. KELLOGG,] and this question arose and has been pursued by different Senators, but not as an issue before the Senate.

I do not desire to enter into a discussion in reference to these southern outrages, but I rose to call the attention of the Senator from Georgia to one thing. It will not do for the Senator from Georgia or for any other Senator to rise on this floor to notify us that they propose to go to the northern people to refute these calumnies, as the Senator calls them. I should not have alluded to this matter, but the Senator from Georgia says, "Bring me names of men murdered." I am only going to call his attention to this in order to say to him that there is no necessity for the issue of which he speaks, especially no necessity for going to the northern people on that issue. If these things are past and forgotten that is one thing, but when they are brought to the minds of the people again that is another thing. When the Senator says that these issues were made before the American people, when the southern people were not represented and that they were slanders, I call his attention to the fact that there is a record here which is not a slander, a record made in reference to the assassinations in Louisiana and Texas and other portions of the South during two years that amounted to two thousand, and the names are recorded in a report here before the Senate of the United States. The Senator [Mr. BUTLER] laughs, but, sir, it is as true as Holy Writ.

Mr. BUTLER. I do not believe one word of it—not one word.

Mr. LOGAN. The Senator says he does not believe one word of it. Well, sir, the report signed by General Sheridan, made after examinations and investigations by his officers, does give the names of men, women, and children who were murdered. When you say that you do not believe one word of it you know that you make an assertion against evidence that cannot be refuted.

Mr. VOORHEES. Will the Senator from Illinois allow me to interrupt him for one moment?

Mr. LOGAN. Yes, sir.

Mr. VOORHEES. I do not often intrude upon his occupancy of the floor; but I had occasion a year ago to thoroughly investigate the condition of the South on the race and color line. We went through the whole of it, and you were not left on your side without able representatives, very able representatives. I want to emphasize the observation of the Senator from South Carolina, and whatever may come of it I say that I do not believe one word of the statement said to have been made by General Sheridan on Louisiana; and I will go a little further and say that I believe it all to be utterly false. Now make the most of that.

Mr. LOGAN. I did not rise for the purpose of causing any excitement or ill-feeling, but merely to call the attention of the Senator from Georgia to the fact that these things as a whole should not be denied on this floor when the evidence has been given time and again. The Senator from Indiana rises here and says he does not believe one word of it. Is it not a fact that at one time in the streets of New Orleans over two hundred persons were murdered in cold blood? Does he deny that?

Mr. VOORHEES. If the Senator from Illinois will allow me, as he has my respect and kindness of heart, for I knew him in the old days, the reason why I take the liberty of stating so broadly my belief on this subject is not born out of impulse. I was the chairman of a committee that went over this whole ground, and I do not believe the Senator from Illinois in his partisan zeal would think I would find in favor of cruelty and inhumanity.

Mr. LOGAN. I do not believe you would.

Mr. VOORHEES. I came to the delicate conclusion that General Sheridan had been overreached by zealous and unscrupulous politicians in New Orleans and elsewhere in Louisiana. I am not here to say that General Sheridan would do so base an injustice as my remarks might possibly imply; but I do sincerely bear witness here as far as my poor humble voice may go to the fifty million people in the United States, that after spending nearly one year of careful, conscientious investigation, I do not believe that his statements were correct.

Mr. LOGAN. I rose, as I first stated, merely to make a suggestion, as Senators were talking about an issue, that there was no necessity for an issue about a fact that had been settled, a thing that had been proven, a thing that the country understood and knew; and that there was no necessity for going to the northern people for the purpose of refuting the statement. That is all I rose for the purpose of saying. But when the Senator from Indiana and other Senators rise and say that they do not believe one word of it, let me call their attention to the record. Right on this floor, in this Chamber, I proved and demonstrated to the country that one of the then Senators from Georgia, not now a member of this body, was elected the chief of the Ku Klux Klan in Georgia. I proved it from his own sworn statement, although he said in the statement that he never had anything to do with the Ku Klux Klan, or knew of any outrages by this organization to which he had been appointed chief. I say this to the credit of the ex-Senator. Will the Senator deny the fact that in North Carolina the Ku Klux were arraigned and tried, and that Reverdy Johnson refused further to defend them on account of the atrocities they had committed? Will any man deny that when the facts are of record in the courts? Does the Senator not know that they were sent to the penitentiary? Does he not know that President Grant pardoned them?

Mr. DAWES. They pleaded guilty.

Mr. LOGAN. They pleaded guilty. Yet will the Senator stand here and in the face of the American people say that there is not one word of truth in the statement?

Mr. HILL, of Georgia. Will the Senator from Illinois permit me to interrupt him for a moment?

Mr. LOGAN. Yes, sir.

Mr. HILL, of Georgia. I wish to say that the person to whom he alluded, my late colleague, is not present.

Mr. LOGAN. I said he was not present.

Mr. HILL, of Georgia. I know, and it is therefore proper, I think, for the Senator from Illinois, as he has made a statement relating to Senator Gordon, also to read what General Gordon said on that subject, and let him be judged by that. I wish it distinctly understood that I think General Gordon's understanding of the matter was very different from what was stated by the Senator.

Mr. LOGAN. I will state exactly what I said. I did not name the Senator. I said that he rose here and said that although elected to take charge of that klan he never had anything to do with it. I said that I made that statement in justice to Senator Gordon but a moment ago, but I stated that I proved from the evidence that he was elected the chief of the klan in Georgia, although he on the floor said he never had anything to do with it.

Mr. HILL, of Georgia. As Senator Gordon is not here I know the Senator from Illinois does not wish to do him injustice——

Mr. LOGAN. Not at all; and I made that statement in connection with it at the time.

Mr. HILL, of Georgia. Wait. I know the Senator from Illinois does not desire to do anybody injustice and especially a Senator who is not here——

Mr. LOGAN. I do not.

Mr. HILL, of Georgia. Let me go on. Therefore it is proper to add, and I know the Senator will take pleasure in allowing me to call his attention to the fact, that if I recollect Senator Gordon's testimony (it has been a long time since I read it; I read it myself) Senator Gordon utterly denied that the organization, or whatever it was, to which he was elected was the Ku Klux Klan in the sense in which that klan is understood; but it was an organization of gentlemen simply to protect themselves in cases of outrage in which the carpet-bag governments would not protect them.

Mr. LOGAN. Very well; I am willing to let that go. I do not care anything about the statement.

Mr. HILL, of Georgia. That is the honest truth about it.

Mr. LOGAN. Very well; you may state it that way. But what I was stating is the fact that those klans were organized, and the result was the conviction of members of the klan before the courts in their own State, and the clemency of the President of the United States was asked and was granted to relieve them, on the promise of men high in position that their outrages would cease.

Mr. BUTLER. May I ask the Senator from Illinois a question?

Mr. LOGAN. Certainly.

Mr. BUTLER. Is there any such thing as a Ku Klux Klan or vigilance committee in the State of Illinois?

Mr. LOGAN. Not that I know of.

Mr. BUTLER. Then the Senator is as ignorant of what is going on in his own State, if the newspapers are to be credited, as the Senator from Massachusetts said the Senator from Mississippi is.

Mr. McMILLAN. That is another issue.

Mr. BUTLER. I saw in the papers not more than three days ago where in the Senator's own State of Illinois a vigilance committee had been organized in some town, the name of which I now forget.

Mr. JONAS. Charleston.

Mr. BUTLER. A vigilance committee had been organized there, and men and women had been taken out at night and whipped and ordered to leave the country. Can the Senator be held responsible for that? I saw from the papers that in the State of Ohio the other day, where a young man had gone into a certain town and insulted two newspaper editors, a rope was tied around his neck and he was dragged out of town and ordered to leave. I saw from the papers

that in the State of Maine the other day the most atrocious murders were perpetrated. Is the Senator from Maine responsible for that, and is the Senator from Illinois responsible for what occurred in his State?

Mr. LOGAN. If the Senator will allow me, I will give him an answer.

Mr. BUTLER. Is the Senator responsible for the one hundred and twenty-one men of his own color who were shot down in the streets of Chicago in 1877?

Mr. LOGAN. I will answer if the Senator will allow me.

Mr. BUTLER. Is the Senator responsible for the twenty-odd or thirty-odd people who were shot down in the streets of Pittsburgh, Pennsylvania, by the soldiery of the country in 1877? Is he responsible for that? Yet he gets up here and undertakes to hold the southern Senators responsible for every outrage perpetrated during the reign of the carpet-baggers whom the Senator helped to fasten upon the country. [Applause and hisses in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. LOGAN. Is the Senator from South Carolina through?

Mr. COCKRELL. I gave notice——

Mr. BUTLER. The Senator from Illinois is getting up here——

The PRESIDING OFFICER. Senators will suspend. The Chair will admonish spectators in the galleries that such disorderly proceedings will not be tolerated.

Mr. COCKRELL. I ask that the galleries be cleared.

The PRESIDING OFFICER. The Sergeant-at-Arms is directed to enforce order on the floor and in the galleries.

Mr. COCKRELL. I gave notice yesterday that I should move that the galleries be cleared if applause or disapprobation should be again manifested. I shall insist upon the galleries being cleared if there is any applause or disapprobation expressed.

The PRESIDING OFFICER. The Chair has directed the Sergeant-at-Arms to enforce the rules of the Senate.

Mr. BECK. The Senator from Missouri modified his notice so as to have the Sergeant-at-Arms remove only those who are disorderly.

Mr. LOGAN. I have the floor.

Mr. BECK. I know you have. Let the Sergeant-at-Arms remove only the disorderly persons, not all the people in the galleries. It would be unfair to punish the innocent with the guilty.

Mr. LOGAN. Now I will reply to the Senator from South Carolina in a much better humor than he did to me.

Mr. BUTLER. The Senator is very much mistaken if he supposes that I am out of humor.

Mr. LOGAN. Will the Senator then allow me to reply?

Mr. BUTLER. I do not wish the Senator to reply by misrepresenting me. I am not out of humor. I am as amiable as the Senator is.

Mr. LOGAN. I will reply that, so far as a vigilance committee in Charleston, Illinois, is concerned, I know nothing about that. Certainly none exists to interfere with men on account of their political opinions. So far as the shooting down of people in Chicago is concerned, I do know something about that. When the Senator says that one hundred and twenty people were shot because a riot occurred there he misstates the number. If there was ever anybody killed there that fact has not been ascertained.

Mr. BUTLER. That is what the newspapers stated.

Mr. LOGAN. Still that is not material. That was not an organization in violation of the law. The militia were enforcing the law and not violating it by committing cold murder.

Mr. BUTLER. What were they shot for?

Mr. LOGAN. If the Senator will keep his seat I will answer him.

Mr. BUTLER. I will keep my seat when the Chair requires me to keep my seat.

Mr. LOGAN. I have the floor.

Mr. BUTLER. I shall not sit down at the dictation of the Senator.

The PRESIDING OFFICER. The Senator from Illinois declines to yield, and the Chair must protect him.

Mr. BUTLER. I will take my seat if the Senator asks me in a proper manner, but I do not intend to sit down at the dictation of the Senator; he must understand that.

Mr. LOGAN. The Senator can sit down or stand up as he chooses.

Mr. BUTLER. I understand that, of course I do.

Mr. LOGAN. It is very well you do, but I will say to the Senator I do not command him to sit down nor to stand up. I did it in no bad grace; but there is none of this bravado that will deter me from saying what I desire to say.

Mr. BUTLER. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. LOGAN. I will yield.

Mr. BUTLER. Will the Senator permit me to say that none of that bravado will prevent me from expressing what I believe to be true?

Mr. LOGAN. Of course; I understand.

Mr. BUTLER. The *rôle* of the bravado has no more influence upon me than it has upon him, let me remind him.

Mr. LOGAN. Nobody would suppose that the *rôle* of the bravado would influence the Senator; of course not; nobody pretended it would. Excitement is no evidence of genius, nor does it supply the want of brains, nor at any time will this pretended austere manner prove the wisdom of a man on this floor or anywhere else.

Now I will answer the Senator. I say to him that the riot in Chicago was the carrying out of the laws in order to suppress a mob. It was not Ku Klux organized for the murdering of innocent people. So far as this Ohio matter is concerned, I know nothing about it.

But what I was saying was in response to the Senator from Georgia when he talked about an issue being tendered, and he said there was no truth in these statements. I am talking about unlawful organizations to assassinate and murder people. When the Senator from Georgia and the Senator from Indiana say there is no truth in this statement, the records of the country, the court records, the history of the time, the records of the Senate, the records of the House, disprove the assertion that has been made from beginning to end by those Senators.

Mr. HILL, of Georgia. The Senator must allow me to say that I said nothing about that record in Louisiana. I know nothing about it. I have never investigated it. I simply want to correct him.

Mr. LOGAN. I will say this——

Mr. HILL, of Georgia. I do not know anything about it one way or the other.

Mr. LOGAN. Very well, if the Senator knows nothing about it why does he say he will go to the northern people and show that these are slanders against his people?

Mr. HILL, of Georgia. The Senator has no right to misrepresent me.

Mr. LOGAN. I do not wish to do so.

Mr. HILL, of Georgia. I made no such statement, with all due deference to the Senator, and I hope when he lectures others about excitement he will not get excited himself.

Mr. LOGAN. I am perfectly cool, I will say to the Senator.

Mr. HILL, of Georgia. The Senator will understand me as saying that I have no knowledge of the Louisiana murders that have been alleged here; I know nothing about them. Of course, judging the statement by others like it, I have a belief about it; but I know nothing about it, and I have said nothing about it. I said that the charges that these murders and assassinations and outrages and wrongs were perpetrated by what was called the democracy of the South were untrue, and that the facts alleged did not exist. I said that such outrages as had occurred were under the carpet-bag governments as the direct fruit of the policy of those governments; that when those governments ceased those outrages ceased, and that that country has been just as peaceful and just as quiet ever since as any other country in the world. I understand, not the Senator, but others on that side who have spoken, to make the issue here that it is necessary to form this coalition for the purpose of putting the State of Virginia under the domination of the people who have entered into it so as to secure the rights of everybody, to stop assassination and wrongs, and I said that it was a false charge upon which I was willing to go before the American people.

Mr. LOGAN. I am sure that the Senators on the other side of the Chamber will not say that I am not generous in yielding at all times for their speeches. I now desire to say to the Senator from Georgia that when he spoke of false statements and false charges against the South he included all the South, and I rose merely to call his attention and not for the purpose of exciting my amiable friend from South Carolina.

Mr. BUTLER. I was not excited.

Mr. LOGAN. Who heretofore has always been so amiable and all at once has become so much to the contrary—not for the purpose of arousing him, as he is like a lion when he is aroused, and yet no terrors spring from it——

Mr. BUTLER. The Senator is like a lion all the time, whether he is aroused or not.

Mr. LOGAN. I say to the Senator from Georgia I stated in reference to Louisiana and Texas massacres what the evidence shows. He said that men should give names. I tell him that the report made by General Sheridan, based upon the evidence and the facts known to him and his officers, does give the names of the persons murdered, and there were more than two thousand of those persons during the time mentioned. He gives the names in his reports. So when the Senator speaks about names, I refer him to that report. There he will find the names by the hundred, and names that cannot be disputed, because the people there yet know that these people lived, and they know that they are now dead, and dead by the hands of the democracy of that country.

Mr. MAXEY. Will the Senator from Illinois permit me to interrupt him, as he has referred to my State?

Mr. LOGAN. Yes, sir.

Mr. MAXEY. Will the Senator be kind enough to give me that report? I crossed to his seat to see if the book he holds in his hands is the report.

Mr. LOGAN. No, sir; it is not.

Mr. MAXEY. I should like to have that report.

Mr. LOGAN. Which report?

Mr. MAXEY. The report to which the Senator refers, made by General Sheridan; and I should like to have him point out to me in that report where General Sheridan or any officer of his has ever stated that murders in my State were perpetrated by democrats or were perpetrated in any sense of the word for political purposes, and when they were committed and by whom they were committed.

Mr. LOGAN. The Senator says he would like to have the report. He shall have the report. I told him when he came across to my seat that this was not the report; I was merely holding this book in my

hand. I sent for the report a minute ago. It has been in the Senate time and again; it has been read here; I have heard it read here. I will get it for the benefit of the Senator when I get time. But when the Senator asks me if these people were murdered by democrats and who says so, I tell him the report shows that republicans were murdered, and they were murdered for political reasons. I will ask him if he supposes they all committed suicide? [Laughter.]

Mr. MAXEY. I have only to say that if murders were committed in Texas for political purposes, murders committed by democrats upon republicans and because they were republicans, as he now states it, I denounce that statement, whether made in that report or elsewhere, as absolutely without foundation, unfair, untrue, and false.

Mr. LOGAN. Certainly the Senator can do that, and yet I will call the Senator's attention to one thing that perhaps he has not forgotten. While a Senator from Texas occupied a seat in this Chamber, ex-Senator Hamilton, who is no longer here, I remember that, standing right there he made the statement that in Texas some forty people were murdered at one time. He said it right from that seat, and showed the facts, or at least I understood him to do so, from papers and other evidence.

Mr. MAXEY. I know the facts as well as the former Senator from Texas, Mr. Hamilton, and I participated in the debate to which the Senator from Illinois refers. It was charged here upon a paper given into the hands of my former colleague that a murder was committed upon some negroes in Groesbeck. I proved that Captain Applewhaite, as good a man as there was in the State of Texas or elsewhere, was shot in cold blood by a gang; that the gang were finally hunted down and were put into the penitentiary for the crime; and that in the hunt for the men some of them were killed, but in the lawful attempt of the sheriff to execute a lawful writ for their arrest. That is the character of the murders which are charged in that foul and false report.

Mr. LOGAN. I think I have certainly demonstrated one thing, if I have not demonstrated anything else, and that is I have stirred up my friends considerably, and not by making any misstatements either. I am perfectly willing that these gentlemen shall call General Sheridan a falsifier if they desire. I am perfectly willing that they shall charge him, if they desire, with trying to falsify the record.

Mr. BUTLER. May I interrupt the Senator just a minute?

Mr. LOGAN. The Senator will just allow me to finish what I have got to say. I will only say that this is in the report that I have alluded to, and no more honorable man lives to-day than General Sheridan, and no more truthful man lives——

Mr. HILL, of Georgia. Does he make the statement on his personal knowledge?

Mr. LOGAN. He makes it in his official character, from investigations made under his orders by his officers.

Mr. MAXEY. I do not wish the Senator, nor do I believe he will do it, to place myself or anybody else in a false attitude. General Sheridan states nothing in that report of his own personal knowledge. He simply makes an official report, like the Senator has often made, of acts which are reported to him, and not upon his own knowledge. Therefore what I said here could not be construed, as the Senator knows, into an attack upon General Sheridan.

Mr. LOGAN. I will say to the Senator that I remember once in the Senate Chamber a Senator rose in his place on the democratic side, on account of one of Sheridan's reports, and said that General Sheridan was not fit to breathe the free air of heaven.

Mr. MAXEY. Who said that?

Mr. LOGAN. It was stated on this floor. It was said in reference to a dispatch that General Sheridan forwarded calling the Ku Klux and White Liners "banditti," as they had committed murders in Louisiana. He made this general report on these deaths, but then in the report that he made to the Secretary of War in reference to murders committed in Louisiana he called the White Liners and Ku Klux Klan "banditti," and he said they were committing murders in violation of law; and on this floor it was said he was not fit to breathe the free air of heaven.

Mr. BUTLER. Will the Senator permit me now to interrupt him?

Mr. LOGAN. Yes, sir.

Mr. BUTLER. I do not wish to be misrepresented, and of course the Senator does not intend to misrepresent me. I have said nothing whatever reflecting upon General Sheridan.

Mr. LOGAN. I did not say that you had.

Mr. BUTLER. I inferred from the Senator repelling any such imputation that the impression might be created that I had said something reflecting upon General Sheridan. Permit me to say that I have no doubt General Sheridan is a very honorable man; I have not the slightest doubt of it. I want to say further that he is easily imposed upon. I can go into Louisiana, I can go into South Carolina, I can go into Mississippi, and so can the Senator, and get affidavits for a dollar and a half apiece to prove that the Senator was chief of the Ku Klux Klan. I can prove that the Senator was chief of the Ku Klux Klan by affidavits at a dollar and a half apiece.

Mr. LOGAN. You had better undertake it.

Mr. BUTLER. I can do so easily, without the slightest trouble.

Mr. LOGAN. It is very easy for the Senator to say you can prove anything. You do not need any proof when you find one hundred and fifty men lying slaughtered like so many pigs, as was the case at Colfax. Does that require proof?

Mr. BUTLER. I am not discussing that.

Mr. LOGAN. Does the Senator say that affidavits at a dollar and a half apiece proved the fact of these murders when men, women, and children stood aghast at the bleeding corpses that lay there in the court-house yard?

Mr. KELLOGG. If the Senator from Illinois will permit me, I will state that General Sheridan's report was based on a report made to him by Colonel Forsythe and other officers of his staff, detailed and sent through Louisiana expressly to gather the facts in regard to the alleged massacres there.

Mr. LOGAN. I was just going to say that General Sheridan made the statement on evidence procured by his staff officers. He made his report on these statements. I do not wish to go into this matter at any great length, but the Senator from Georgia (and I am very sorry he is not present) said these outrages had stopped. I saw a moment ago one of the Senators from Florida, and if he is present I will ask him a question. I have been told, and I will give the name, so that Senators can criticise the gentleman——

Mr. HILL, of Georgia. Are you asking me a question?

Mr. LOGAN. I am asking anybody a question. You spoke about names. Now I am going to give the names. At the last election at Chattahoochee, in Florida, a man by the name of Ketlembeel, a German physician, made a republican speech in that town, and that night they took his mule, the only one he had, and cut its tongue out, and the mule died. Is that an outrage on a dumb beast merely because his master made a republican speech, or is it not?

Mr. HILL, of Georgia. I do not believe it.

Mr. LOGAN. If the Senator will allow me to get through I will state——

Mr. BUTLER. Who cut the tongue out, if the Senator will pardon me?

Mr. LOGAN. I will state another fact. I was told last night by a gentleman from Florida that on the day of the election his son rode a horse to Chattahoochee, and that the democrats took the boy off the horse and said he was the son of a damned Yankee, and cut the mane and tail off from the horse and turned him loose. Is that the way the democrats do?

Mr. CALL. I wish to say a word, Mr. President.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. LOGAN, (aside.) This is a hornet's nest, is it not? They are swarming, it seems.

Mr. CALL. I take great pleasure in saying to the Senator from Illinois that every statement of outrage or interference with a republican in the State of Florida, either in his private home or upon the stump, is absolutely false. I say to the gentleman and the other Senators upon the opposite side that I can prove by the evidence of respectable republicans that every allegation made against that State in regard to any intimidation or any interference or any want of cordial and generous friendship to republicans is an absolute and a foul lie, and that the evidence could be accumulated mountain high from republicans of respectability and of unimpeached character to that effect. That is my reply.

Mr. LOGAN. I knew that I would rouse the lion of Florida from his lair.

Mr. CALL. I think the Senator will always do that when he asserts what is entirely false with regard to the people of my State.

Mr. LOGAN. I gave the Senator the names, and he can discuss that question with the man who tells me that it is true.

Mr. CALL. I denounce that man in the Senate of the United States as stating what is false.

Mr. LOGAN. The Senator and that gentleman can discuss it. These facts were given to me and I give them to you, and these gentlemen can have it out among themselves. I must say there is a great difference of opinion among citizens of Florida on this question. Let me go a little further. I will give another statement that was made to me last night. I believe the insane asylum for Florida is at Chattahoochee, is it not?

Mr. CALL. Yes, sir, there is an insane asylum at Chattahoochee.

Mr. LOGAN. This same gentleman told me last night that the doctor who was in charge of that insane asylum, who has been since turned out, brought insane persons to the poll and voted them at the last election. Of course they voted the democratic ticket.

Mr. CALL. If anything of that sort was ever done it was done under the republican administration; it has never been done under the democratic administration of the State.

Mr. HILL, of Georgia. If the Senator will allow me I should like to make a suggestion. The next time such a man comes to him to retail stories I suggest to the Senator that he ask him if he is one of those republicans in the South who think it is right to lie for the benefit of their party.

Mr. LOGAN. That is another evidence of genius from the Senator from Georgia.

Mr. HILL, of Georgia. The Senator knows very well that he has heard witness after witness appear before a committee of the Senate and admit that it was not only right to tell falsehoods but to swear to them for the benefit of the republican party.

Mr. LOGAN. It is the proper way, I suppose, to answer all these charges, whether of record evidence or anything else, to say that somebody may tell a lie. Of course somebody may. I have known democrats who would lie; even as good people as they are. Now, I

say to the Senator in all good nature, if there is a man in the Senate Chamber who is endowed with genius he is that man. There is nothing in the world out of which he cannot squirm; it does not make any difference what it is. The other day—I enjoyed the sight very much indeed—I saw the Senator enter that door. He came stepping forward in a majestic manner. On his table was a ship, a large ship, too, all bedecked with flowers of each and every variety.

Mr. HILL, of Georgia. Did you want it? [Laughter.]

Mr. LOGAN. No, sir; I did not. I am going to tell the Senator the reason why it was given to him. It had a base; it stood on wires. I walked around that ship. I thought at first it was the ship of State, but I discovered that it was not.

Mr. HILL, of Georgia. That is about as correct as your ideas generally are.

Mr. LOGAN. If the Senator will allow me to get through then he can correct me. I discovered that the ship was a double-ender and had no rudder, and it was without sail. It had a large white flower stuck where the rudder ought to be. I supposed of course, being a ship made for the purpose of complimenting the Senator, that the ship would be modeled to suit him. It being of the character it was, a double-ender, without a rudder, so that it could sail either way in any kind of wind, I thought it was appropriate. [Laughter.]

Mr. HILL, of Georgia. Now, Mr. President, I am entirely satisfied that the Senator from Illinois does not know what a ship is anyway.

Mr. LOGAN. Perhaps I do not. I am sure I do not know what kind of a ship that was; I am certain of that, but I suppose it was modeled for the purpose of suiting——

Mr. HILL, of Georgia. You do not build ships.

Mr. LOGAN. No, sir; I do not; if I did build one I would put a rudder to it.

Now, sir, having noticed the Senator from Georgia when his sails are spread and when he thinks he is at the helm, but much mistaken when he undertakes to guide himself across boisterous and deep water, when he sails majestically and beautifully in the direction and course with the wind, I notice that if the wind changes he tacks and sails just as beautifully and majestically in the other direction. [Laughter.] Having noticed that so frequently here, it has caused me to have a great admiration for him, or at least for his sailing qualities.

Mr. HILL, of Georgia. I suppose "a fellow-feeling makes one wondrous kind." That is the reason you admire it; you are a little of that style yourself.

Mr. LOGAN. I will only say to the Senator that my tacking has not been as frequent.

Mr. HILL, of Georgia. Now quit that nonsense. [Laughter.]

Mr. LOGAN. Which position?

Mr. HILL, of Georgia. Everything you have been saying.

Mr. LOGAN. I will only say that that which drops from the lips of the great Senator from Georgia falls like great, immense balls of wit always. The Senator is too much of a man to be dropping these idle remarks that everything is nonsense that a man says. That does not suit the Senator.

Mr. HILL, of Georgia. Now I ask the Senator from Illinois in all seriousness—I did not mean any harm—does he not think, in all candor, that this whole discussion, as he is reducing it, is very great nonsense? I put it to his honor, does he not think so?

Mr. LOGAN. I will proceed. I think that the discussion is perhaps in accordance with the gentleman who commenced it, the Senator from Georgia.

Mr. HILL, of Georgia. I did not commence it.

Mr. LOGAN. If the Senator thinks this discussion is nonsense, it emanated from him and is part of his nonsense.

Mr. HILL, of Georgia. The Senator from Massachusetts brought that ghost story in here—it was not I—about the gin-house. [Laughter.]

Mr. LOGAN. Mr. President, I rose, as I said, merely to reply to the Senator in reference to his talk about the refutation of these outrages. When he speaks about the question that has been tendered to him, of course it is not tendered to anybody else, because he is the great leader on that side of the House and he is the Senator who will accept issues and make issues; he is the Senator who will tender issues and accept issues which are tendered to him, and he will do it on behalf of the democratic party—I say that the issue we tender you, and this we do tender you, we tender it from the time the sun rises in the morning until it sets in the evening, in sunlight and in the darkness of night, in the storm and in the brightness of day, that until every man in this country who is a freeman shall have the right to vote for whom he pleases at an election authorized by law, and have his one vote counted—until that time shall come we will stand battling against you on this issue; and that is the issue now tendered.

Mr. HILL, of Georgia. Will you carry that to Massachusetts and Rhode Island as well as to the South?

Mr. BUTLER. I do not see for the life of me how any issue can be made upon a question of that kind.

Mr. GROOME. We are all agreed on that.

Mr. BUTLER. I agree with the Senator from Illinois entirely in that. There is no dispute about that.

Mr. LOGAN. Oh no, there is no dispute about that. Every man has a right to vote; but you will vote your tissue ballots in South Carolina by the thousand and count them and then say every man is entitled to vote.

Mr. BUTLER. Oh, no, Mr. President. The Senator is drawing upon his imagination.

Mr. LOGAN. I am not, sir.

Mr. BUTLER. He is drawing upon his imagination.

Mr. LOGAN. No, I am not. I am drawing on facts.

Mr. BUTLER. The Senator is giving us now a specimen of his genius. He has been talking about the genius of everybody else, and he is now enlightening the Senate upon what his specimen idea of genius is, and that idea of genius is in talking about tissue ballots in South Carolina.

Mr. McMILLAN. Will the Senator from South Carolina permit me to ask him whether or not men have been indicted for those offenses in the courts of that State?

Mr. LOGAN. I shall not yield any further. Senators attempt to ward off these propositions by a kind of game-making. Now, sir, you know, and does not everybody in this country know that tissue ballots were used in South Carolina?

Mr. BUTLER. Precisely. Used when the Senator's friends and the republican governor had charge of that State.

Mr. LOGAN. Ah!

Mr. BUTLER. There was the birth and origin of the tissue ballot; and I heard nothing from the eloquent Senator from Illinois, or from the eloquent Senator from Maine, or from the Senator from Massachusetts about a free ballot and a fair count when their friends were using the tissue ballots—when their friends were trampling the ballot under foot and disgracing civilization. Nothing was heard about "a free ballot and a fair count" then—nothing.

Mr. LOGAN. Now, will the Senator talk about my friends disgracing civilization?

Mr. BUTLER. Yes, sir; I do say it.

Mr. LOGAN. Then, sir, I will reply to that. When you throw down that gauntlet, I say for any Senator on that side to rise in his seat and talk about the republican party disgracing civilization——

Mr. BUTLER. I said it exactly.

Mr. LOGAN. Yes, you said it.

Mr. BUTLER. And I stick to it.

Mr. LOGAN. Of all the crimes that governments or nations have ever known, that have caused weeping, wailing, and distress in this land, the greatest are the woes that came from the hands of the democratic party.

Mr. BUTLER. Will the Senator be kind enough to indicate anywhere any crime that made human nature weep under democratic government in the South?

Mr. LOGAN. Now, Mr. President——

Mr. BUTLER. Let the Senator state one.

Mr. LOGAN. Well, sir, I will go on and make my own speech.

Mr. BUTLER. Precisely; but the Senator challenges me to——

Mr. LOGAN. No, sir; the Senator has interrupted me time and again, and every other Senator here has.

Mr. BUTLER. I beg his pardon.

Mr. LOGAN. I have yielded to every Senator who has asked me to yield.

Mr. HARRIS. Not to every one.

Mr. BECK. Will the Senator yield to me a minute? [Laughter.]

Mr. LOGAN. No, sir. Now, then, I wish to say in conclusion that when Senators talk about republicans, South or North, and about carpet-baggers, we were all carpet-baggers down South once, and many of our friends remained there. From my own State there are but five of the Representatives in the other House to-day who were born in that State. We do not despise people because they were not born in our midst. We do not despise people because once they did not belong to the slave oligarchy of this country. We do not despise people on account of their birth or on account of their race. But it is a well-known fact that the colored republicans in the South, in many States of the South, have not had the opportunity to vote. Everybody knows that. Men stand up here and deny it when the record is full of it, when the evidence is before the country, when everybody knows that to be true, and yet they will stand up here and say that it is false.

This discussion commenced at the time when we came into this Senate Chamber to elect the officers of the Senate. Senators get up and say we are obstructing public business because we desire to elect officers of the Senate. We have a right to do so, a constitutional right, if we have the numbers to elect. You have no right when it comes to the question of constitutional right to oppose it. You have the power, the physical power to resist it, but the right belongs to the majority, and you stand here day after day, day by day resisting the majority of this Senate merely because you desire to retain a few officers in place for a few months. You resist the organization of this Senate; you bring discussion into this Chamber; you commenced the discussion here; you commenced it by your assaults upon the Senator from Virginia; you persist in them; you lug in different things; and when you are answered, when you are replied to, and when things are brought to your own hearthstones, then you get up and deny them and insinuate and undertake to bully men to keep them from stating the truth here on this floor. That is exactly the position of the democratic party in this Chamber to-day, and you talk about the northern people sustaining you. You have talked

that way for twenty years. Before this discussion is over I will give some of the Senators an opportunity, for I understand that there is a Senator lying in wait for me now with a speech that I made once when I was a democrat. If that is so, I say read it. I defy any man to show in any speech that I ever made a sentiment uttered contrary to the rights and interests of the Union of these States, and if you have got any speeches of mine hid under your tables bring them out and read them and let them go on record. I am ready.

Mr. BECK. Mr. President——

Mr. LOGAN. Now, sir, let me go further.

Mr. BECK. I beg pardon; I thought the Senator was through.

Mr. LOGAN. I tell you the northern people understand you perfectly well, and they understand us, too. You cannot deceive them. For twenty years you have been mistaken. You were mistaken when you undertook to break up this Union; you were mistaken when you undertook to resist the reconstruction acts; you were mistaken when you undertook to elect a President the first time, and you failed. Then you thought you could do it a second time; you failed. You thought you could do it last fall, and you failed, and you will always fail upon the issues that you tender the republicans of this country. Whenever you insinuate against the Senator from Virginia that he is a repudiator, the northern people who read and understand your record will come back at you, and say the repudiators of Mississippi have no right to throw it in the face of the Senator from Virginia, and the repudiators of South Carolina, if that is the term when they scaled their debt, have no right to throw it in the face of another. Those who scaled the debts in North Carolina had no more right than he had. But the northern men understand this question. The northern people understand these facts. The northern people understand that your States scaled down from $240,000,000 to $84,000,000 the debts they owed to northerners and foreigners. They understand that; and when you denounce us for a coalition with this man from Virginia because you say he is partially a repudiator, we tell you, sweep your own houses before you commence in other people's; we tell you, pay your own debts before you talk about other people; and I say to you the northern people understand this thing perfectly.

Talk about northern repudiators! We have none, sir. Our States pay their debts. The only attempt at repudiation in my State that ever was made was on a test made by a leading democrat. He attacked the debt of Illinois when it was about thirteen million dollars. He was voted down. My State paid every dollar, and to-day it does not owe one cent—not a cent. That is the idea of the northern people, and you cannot deceive them. You cannot deceive them by charging that we have coalesced with this man from Virginia. The people of the North understand this question; they will understand the question, and they will understand it in this way: we do not indorse either one side or the other of the Virginia question; but when a man comes to us and says, "I have drawn the sword; I stand in the front rank, and I invite the cohorts of freedom to follow me to the ballot-box, and there black and white shall have a free vote and a fair count," we republicans say, here is our hand, and we will march to the death with you. That is the proposition, and the northern people understand it, and they will indorse the republicans in standing by these men in the South who will meet you at the ballot-box. If you go with shot-guns they will meet you; as you go they will go. I do not mean that we indorse any such thing as that, but I mean if you undertake to prevent these men from voting it will not be submitted to. They will march to the ballot-box with you. Shot-guns will not stop them, and why? It will be Greek against Greek; it will not be the white man putting his foot upon the colored man's neck; but it will be Greek meeting Greek, and then will come the tug of war. Sir, we encourage it. I agree that we do. I encourage these men of Virginia; I encourage them everywhere. I say, march to the front and lead the whites and the blacks against the Bourbon democracy until freedom shall be recognized everywhere, and until a free ballot and a fair count shall be recognized and shall be had; and in that way the old flag will not be a lie, but it will be what it pretends to be, it will be spreading its folds to cover freedom wherever it is found; and wherever the flag floats freedom will be found also.

Mr. BECK. Mr. President, I do not propose to answer the Senator from Illinois, [Mr. LOGAN.] I desire to say to him that if anybody has any old speech of his under his desk that he wants to read, I am not the man, and I do not think that it will pay to read it. I have read some of his speeches made in old times——

Mr. LOGAN. I expect you have.

Mr. BECK. Before he was as patriotic as he is now under his present ideas of patriotism, and I have read a good many other things that perhaps he would not care to hear and that I would not feel myself very much elevated by reading.

But what I rose to say was that we shall never end this debate as long as we have full galleries for the benefit of the distinguished Senator from Massachusetts, [Mr. DAWES,] who will talk as long as the galleries are full, but by Monday morning so that I may say some things to him confidentially I will endeavor to call attention to this rule:

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the presiding officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

I think I shall give notice now that about Monday I will make that motion so as to stop the Senator from Massachusetts from making his eloquent harangues to the galleries. I will not make it now. Perhaps I had better give notice of it now; shall I do it in writing so as to be in order? There will be no end of this business as long as these galleries remain full and so many pyrotechnics can be displayed for the edification of the ladies as we have had this afternoon. [Laughter.]

Mr. DAWES rose.

Mr. BECK. I will yield, of course——

Mr. DAWES. Does the Senator yield the floor?

Mr. BECK. Oh, no. To please you, I will give way for a question; but I cannot yield the floor; I am just beginning. [Laughter.] I want the Senator from Massachusetts to stay here to-night.

Mr. DAWES. The Senator is aware that the galleries are full, I observe. [Laughter.]

Mr. BECK. Of course I am. I do not propose that the Senator from Massachusetts shall be more gallant than I am. I want him to sit this thing out to-night and see if he cannot elect Mr. Riddleberger, his friend, to-night before he goes, and not propose to adjourn over till Monday or wait till to-morrow at twelve o'clock and then try to force us to a vote. And we will go to the consideration of executive business, after you have done that. I do not see why you should not do it as well to-night as at any other time. You have spent ten days now in pretending that you intended to force us, when you have not intended to do it at all. You dare not go into executive session, and you know it, and there is the trouble, because you would develop such quarrels among yourselves that you would be worse than the Kilkenny cats, and there might be less left of you than of those animals by the time you got through. [Laughter.] We all know that as well as you do, and the country knows it just as well as you do. But as long as you can make a fuss about Louisiana and Mississippi and tissue ballots and things of that kind, and wave the bloody shirt, the thing works admirably to cause delay, to enable you to avoid the issues that you know you will have to meet some day or other, and therefore I want you to make us "sit it out" to-night. We will be with you.

I agree with my friend from Georgia; I believe in the jury system; but for fear you might think that all the virtue was on one side and all the wrongs on the ballot on the other, and that only one side is for a full vote, free ballot, and a fair count, will you be kind enough to allow me to read you some little things that we saw up in Rhode Island. I see my distinguished friend from Rhode Island [Mr. BURNSIDE] before me. Last summer a year it was developed by inquiry there that there was no election in that corporation or State, or whatever you like to call it, that was not bought; and one of the most distinguished citizens of that State being under examination, I put this question to him:

Q. There is generally a good deal of money about it when it is done?

The answer was from a man who had been a worker in these things:

A. There is no election here without the use of money. There would not be an election in Rhode Island, in fact, without money, any more than a funeral without a corpse.

They spent $133,000 on one side, he says, and $73,000 on the other at a celebrated election where less than 25,000 votes were cast, all told; and the rule was when a fellow voted he had to go into a dark room with a little ticket, sometimes called "goose," sometimes "soup ticket," sometimes called by one name and sometimes another, but each ticket had its value, and when it went up to the ceiling of the barn the value came down. Let me read the testimony on this point of a man who was editor of a paper, who had been a candidate for lieutenant-governor, who was a very distinguished man. This is the way in which they operated up there for a free ballot, a full vote, and a fair count; no money, not a straw to be thrown in the way of a man, a priceless vote!

I went down, knowing nothing of what was up or what was meant. There were two or three went down. The ward-room was on Summer street. I went down Summer street. He turned into a lane and went down by a store toward a barn. I asked him, "What's up?" Said he, "You'll find out." He went along to the barn, and "Well," said I, "this is funny;" but I think I remarked to him, "I guess I'll see the end of it now." We went into the barn. There was an aperture in the floor overhead about six inches square. As he went into the barn he handed me a card. Said he, "Hand that up to the hole." I handed it up to the hole and received an envelope. There were three or four others who received envelopes immediately after. I put the envelope in my pocket and went off about my business. I think I went up to the ward-room. I got home. I took the envelope and opened it, and there was a ten-dollar bill. I told my wife that somehow or other I had a windfall; she might have that, and I gave it to my wife.

He went on to describe that that was the rule, not the exception, in that grand old Commonwealth of Rhode Island, according to all the testimony given by men of all parties, and nobody denied it. It was said to be regarded as somewhat disgraceful for a man to vote unless he was paid for the vote he gave. It was proven, too, that the poor man who paid no taxes could not vote until his poll tax was paid, his dollar, while the man who owned real estate could vote whether he paid or not, because they said his real estate was bound for it; and there were men who had served in the Army of the United States, who were born in foreign countries, who were told that if they went into the Army they would have a right to vote; and yet after they came back they testified before us that though they might have been members of Congress, though they might have been lieutenant-governors,

and though they had held high positions, because they did not own real estate in Rhode Island, they, being foreign-born citizens, though naturalized, could not vote at all. In that State 40 per cent. of the population is deprived of the right of suffrage. This was the testimony taken before the committee of which the Senator from South Carolina [Mr. BUTLER] was chairman. The late Senator from Pennsylvania (Mr. Wallace) was also chairman of another committee which investigated affairs there, and many men came before him and said that corruption was the rule and not the exception, and that men could not vote unless they owned real estate, in a State where there was hardly any real estate to own.

In the State of Massachusetts we had another investigation, and this was the way in which they illustrated the notion of a free ballot and a fair count, an honest vote, "priceless suffrage"—I believe that is the word used. I will give only an illustration; I do not propose to occupy the whole night about it. I will take the case of the Manchaug Manufacturing Corporation, in the county of Worcester, Massachusetts. Mr. Wallace, in his report to the Senate, said:

The selectmen of the town have charge of the ballot-box on election day. McArthur, an employé of the company, was in charge as such in 1878. Chase and Knox, two other employés of the company, were in attendance. The workmen were provided with republican tickets at the works, hauled in wagons to the polling place, and voted under the direct supervision of McArthur, Chase, and Knox. A witness describes the process thus:

"My attention was called to the peculiar way they had of managing the voters there. I stepped up to the little railing that they had there to go around and up to the polls and I saw two men stationed at the entrance where the voters went in. One was a Mr. Chase, and the other was a Mr. Knox. I saw that the help of the village"—

"The help of the village" meant the employés of the manufacturing establishment. "Help" is a milder word—

"(I was acquainted with a great portion of them) came along in a sort of rotation. Mr. Chase was on one side and this Mr. Knox was on the other, and as each man came up they would take hold of the ticket the man had, and say, 'That is right, pass on.' Another would come up, and they would say, 'That is right, pass on.' Another would come up, and they would say, 'Hold on, that is not the vote you want to cast.' 'Why, yes it is the vote I want to cast.' 'No, it is not.' 'Why certainly this is my vote.' 'Oh, no;' and he got it out of the man's hand, tore it up, and threw it on the floor. He said, 'You do not want to vote such a damned vote as that.' He then handed the voter another one. The man then remarked, 'I don't want to cast this vote.' The reply was, 'Go right along; that is the vote you want.' The man went right along and put it in the box."

Mr. FARLEY. Where was that?

Mr. BECK. In Massachusetts, illustrating a "free ballot and a fair count," "priceless suffrage!"

"Mr. Hastings, the constable, stood right opposite, and I stood, perhaps, four feet from this Mr Knox."

Another instance is given thus:

Q. Who was at the polls to receive the employés in November last?
A. Mr. Chase.
Q. Is he connected with the corporation?
A. He is the bookkeeper there.
Q. Who takes them from the mills to the poll?
A. The teams of the corporation take them.
Q. What have you seen in regard to tickets when they have got to the polls?
A. I have seen Mr. Chase change their tickets. He generally stands at one side there where there is a small place to go through, and, as they come along, he always has the ballots there, and I have seen him change them, and have seen them get tickets from him and carry them in.
Q. The specific tickets you speak of, did they examine those?
A. I do not know whether they could or not. Pretty nearly all of those who work there are French, and I do not know whether they could examine them.
Q. Do you know whether those tickets were in envelopes or open?
A. I have seen Mr. Chase give tickets to them that were open.
Q. Did you see this occur in November, 1878?
A. Yes, sir.
Q. Specify an instance and describe how this occurred, if you can.
A. As they passed along he was standing there on this side, and as they would come up to the polls he would stop them, hand them one of the tickets, and say, "Here, carry it in." They might have had an envelope or something of that kind. I have seen them have envelopes. I have seen that occur.

And the committee went on to develop the fact that over and over again at different places these things occurred. I do not want to tell these things to the galleries—they may get to the ears of the American people—for fear somebody will think there was not a full vote, a free ballot, and a fair count. Here are three reports—report No. 303, made by Mr. BUTLER, of South Carolina, to the second session of the Forty-sixth Congress; report No. 497, made to the second session of the Forty-sixth Congress by Mr. Wallace, of Pennsylvania, and report No. 572 made also to the second session of the Forty-sixth Congress by Mr. Wallace—in which there is so much learning that will edify gentlemen on the other side in regard to a free ballot at the other end of the country, that in order to give them time to look into it by Monday morning——

Mr. HOAR. Will the Senator allow me to make a statement?

Mr. BECK. Yes, sir.

Mr. HOAR. I desire to say that the evidence in regard to those villages—Manchaug is a village I know very well, close to my own city—was contradicted through and through before that committee by democratic witnesses; and I state on my personal responsibility that any claim made anywhere that there is not a free vote in those villages, and that the democrats do not vote as freely as the republicans, and did not then, would be laughed to scorn by the democrats of those places. It is an utterly ridiculous, absurd, and contemptible slander, so I say.

Mr. BECK. Mr. President, that report was made by a majority of the Senators on this floor composing the committee, Senator McDonald, of Indiana, being one, Senator Wallace, of Pennsylvania, being another. The evidence is all here in the document to which I have referred. So far from the statements being laughed at, men would be laughed at who would contradict them, no matter what personal responsibility contradicts them. I have furnished the evidence. Here it is. I have only read a small portion of it.

Mr. HOAR. It is contradicted by democrats. You will find it all there.

Mr. BECK. It was alleged before the committee and proven to be true, and is sustained upon this floor by evidence so much higher than that upon which the southern people are charged with fraud, that there is no comparison between the weight of testimony on the two sides. I heard ten years ago of these charges of fraud made against the southern people. I was of the committee of twenty-one that went into the Southern States and made the great investigation of 1871. We proved every one of those men who came and said that they could not give in their names for fear of injury to them at home to be not only absolutely false, but we made many of them admit the falsehood themselves; and though we were in a minority of less than a third I believe in either House, when the report was made—and I wrote the minority report myself, aided by the Senator from Delaware, [Mr. BAYARD]—though there were thirteen volumes of testimony taken, with all that overwhelming majority, we so overwhelmed them with the truth that that republican Congress never dared to pass a bill to vindicate the correctness of that which had been alleged. On the contrary, the Senators who made these reports as to Rhode Island and Massachusetts stood in their places on this floor to vindicate them, and furnished the evidence; and here it is.

Now, Mr. President, all I mean by this is, that if you want to go out from the business before the Senate for which the President has called us together in executive session, and we are to pick up all these things North and South, we have an endless job, without any power to do anything except to criminate and recriminate each other on both sides and make the American people hold both sides in contempt for failing to do the work we were called to do and seeking to bring up old issues and see which can say the most bitter things against the other. As I have not taken any part in that line and do not propose to do it, I have merely made suggestions from these voluminous reports which I hold in my hand to show what could be said at the other end of the Union as against the attack made on the southern end. It seems to me that we had better quit all these things, if we ever intend to get away from here, and go to the business that is before us—proceed to the consideration of executive business and adjourn.

Mr. VOORHEES. Mr. President——

Mr. BECK. I beg pardon of the Senator from Indiana.

Mr. VOORHEES. I am a very humble member of the opposition here, and having contributed little and perhaps nothing to the literature that is now being so spread upon our RECORD, I would be glad if I could to find myself in order to ask that an article be read from one of the leading republican papers of Philadelphia. It seems like a response to the powerful eloquence of the Senator from Massachusetts, to say nothing of the eloquence of the Senator from Pennsylvania himself. If I have the floor, if I am in order in any way, I should like to ask the Chief Clerk, Colonel Shober, to read this article.

Mr. MORRILL. Can it not go over until to-morrow?

Mr. VOORHEES. No; I think we might as well wind it up to-night. We shall sleep better on it. These are republican suggestions, not democratic dictation.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

AN IMPOSING SPECTACLE.

For several days past the Senate of the United States has presented the spectacle of the foremost legislative body of the country prosecuting a contest for the control of three or four comparatively insignificant offices. During the time that this absorbing question has been before it the Senate has set aside all public business, neglected the work which it was convened to do, and given itself up to a wrangle as unseemly as it is unprofitable. On Saturday, after an adjournment had been effected, the republican members assembled in caucus and resolved to continue the contest indefinitely, or until their opponents should surrender from sheer exhaustion.

The Senate itself, as is known, is equally divided politically, but the republicans having with them the presiding officer, the Vice-President of the United States, and a renegade democrat and debt-repudiator from Virginia, MAHONE, have a bare majority. Without either of them the Senate would be a tie; without both of them the democrats would have a majority.

Mr. HOAR. Mr. President, I rise to a question of order. I object to the reading.

Mr. VOORHEES. I thought you would.

Mr. HOAR. The Senator from Indiana will not, on reflection, think he can have read a newspaper article which applies an epithet to a member of this body which he would not himself apply.

Mr. VOORHEES. I will indorse these as my remarks now; I make them.

Mr. HOAR. I call the Senator to order, then.

Mr. VOORHEES. If I have the floor, those are my remarks.

Mr. HOAR. My point of order is that the application of the word "renegade" to another member of this body is out of order.

Mr. VOORHEES. Well, I will apologize for that, and then go on. Read on.

Mr. HOAR. I raise the point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. VOORHEES. I want the article read. It is from a republican paper, one of the leading republican papers of Pennsylvania. I am not to be initiated into the courtesies that prevail in republican journalism, but I want this read, and I will apologize for very much that is in it——

Mr. HOAR. I ask the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. My point of order is that the phrase "renegade democrat" applied to a member of this body is a breach of its order.

Mr. VOORHEES. Then skip that.

Mr. HOAR. The Senator adopting that himself cannot proceed without leave. I demand the ruling of the Chair.

Mr. VOORHEES. I asked leave of the Senate to have it read. I will skip that part to which the Senator objects.

Mr. COCKRELL. I think the point of order is not well taken. There have been worse things read here time and again from the testimony of witnesses, and I do not think the rules apply to a case of that kind.

Mr. HOAR. I raise the question of order.

The PRESIDING OFFICER. The Chair rules that the point of order is not well taken. Senators themselves, within the limits of propriety, must be the judge of the epithets they will employ and the articles they will read or have read.

Mr. VOORHEES. I am obliged to the Chair. Let the Clerk go on.

The PRESIDING OFFICER. The Senator is under no obligation to the Chair.

The Chief Clerk resumed the reading, as follows:

The offices which are the matter of contention are senatorial, such as Secretary, a Sergeant-at-Arms, clerks, &c. Most of these offices are now held by democrats, elected when the democrats had an effective preponderance of votes. It is not contended that they do not discharge in a perfectly efficient and satisfactory manner their respective duties; but the republicans, having the majority, composed as before stated, demand that they shall have the offices also. This claim is in precise accordance with political usage, and if it were made by a New York board of aldermen, chosen generally from the scums, or by Philadelphia's common council, would pass without comment; but it is made and contended for, to the disregard of all matters of national interest, by the most elevated legislative body in the land, to the very great discredit of that body and the general humiliation of the country.

Under ordinary circumstances, it is probable that the democrats would be as likely to recognize and submit to a majority of one as of one hundred; but the present circumstances are most extraordinary. Admitting that it is right and becoming for the Vice-President of the United States to join in a miserable squabble of this kind for the control of less than a half dozen petty offices, which we believe all right-thinking people will declare it is not, the democrats have a certain equitable right to insist upon the retention of the present efficient officers elected by them, because of the appearance of Senator MAHONE upon the side of the opposition. A Senator is chosen to represent in the Senate the wishes and opinions of his constituents, and not his own wishes or opinions, or, particularly, not his own private and material interests. Mr. MAHONE was chosen Senator from Virginia by democrats, as a democrat; also as a repudiator of the public debt honestly owed by Virginia to her creditors, who loaned her every dollar represented by the amount of the debt which Mr. MAHONE organized a party to repudiate. If the democrats like that sort of a democrat, they should be welcome to him; but the republicans, "the party of moral ideas," the party pledged to an honest payment of all public debts, should not have him if they could get him for nothing, much less should they have him by buying him, directly or indirectly. That he is sitting on the republican benches in consequence of a bargain-and-sale arrangement, no intelligent republican or democrat pretends to deny. The evidence to that point is all too clear, and, we must regretfully add, all too disgraceful.

On the day after he cast his first vote with the republicans he was rewarded by the President of the United States with an ostentatious gift of flowers from the Government conservatory, and on following days he was rewarded by the same high official with the gift to one of his henchmen, a democrat, of the postmastership of Richmond, and the collectorship of the Alexandria custom-house to another henchman, also a democrat. By the republicans of the Senate he was rewarded by the gift of the office of Sergeant-at-Arms, and it is to consummate this gift to the Senator who has led a State to repudiate its debts, and who has betrayed his constituents, that the Senate is wrangling and neglecting public business. The democrats may justly say that they are justified in protesting against and opposing any such contract, and it is to the abiding shame and dishonor of the republican party that there is not a single one of its Senators who is wise and honest enough to also oppose it; for, as Senator CALL said on Saturday, those who did not oppose it, republican or democrat, "became parties to the commencement of a practice the effect of which might be to substitute mercenary and venal considerations for the just and unbiased judgment of the Senate."

We have called the spectacle of the highest executive officer of the Republic strewing the path of the Virginia repudiator and renegade with flowers and offices, and of the Senate of the United States prosecuting a prolonged and exciting contest in order to compensate him for his vote with official patronage, an imposing spectacle. It is not that; on the contrary, it is a spectacle as disgraceful as the country has for a long time been required to contemplate. It is derogatory to the dignity of all concerned in it, and as derogatory to the credit of the country. However desirable, and even essential, it is that the republicans should hold control of the Senate, the price that has been paid to obtain it is too high, for it involves the surrender of the most cherished republican principles.

Mr. DAWES obtained the floor.

Mr. BURNSIDE. Mr. President, I will delay the Senate but a minute, because I know that we are all tired and want to go home.

Mr. FARLEY. I think there is a good deal in the article just read, and I want to know what paper it was that published that article.

Mr. VOORHEES. I beg to say it was the Evening Telegraph of Philadelphia, of Monday last, and according to a letter which I hold in my hand, written by a gentleman whom I know well and have known long, it is one of the leading republican daily papers of the State of Pennsylvania.

Mr. BURNSIDE. Mr. President, within a very few days Rhode Island has received a vindication in this Chamber from the senior Senator from the State, [Mr. ANTHONY,] which we are all willing to rest upon. We propose to manage our own affairs in our own way. We pass laws and obey them. The republican party in Rhode Island is very largely in the majority, and as a rule all the contests in the State are between republicans. We have bad men in our State in both parties, as is the case in all the States of the Union. Often when two republicans get into a political contest each strives to win democratic votes. Doubtless votes of corrupt men have been purchased. It was given in evidence before one of the committees referred to by the Senator from Kentucky that the principal part of the purchasable element of the State of Rhode Island is in the democratic party. I make no such charge. In fact I deny that any considerable portion of our citizens are corrupt in the exercise of the elective franchise. We are an old community, and like all such we have our native political excrescences. The proportion of foreign population to native-born is greater than in any other State in the Union; and while I desire to say nothing against that portion of our people, it is but fair to say that they do not equal the natives of the State in their knowledge and appreciation of our institutions for the simple reason that they are not familiar with them.

Mr. BECK rose.

Mr. BURNSIDE. The Senator from Kentucky will allow me to proceed a moment longer. He has read the evidence of one man, a Mr. Foster, given before the Butler committee. The Mr. Foster to whom he refers as having testified that he sold his vote was the greenback candidate for lieutenant-governor of the State; and I think his financial views are to a considerable extent in accord with those of the Senator from Kentucky. I do not mean to call the Senator from Kentucky a full-fledged greenbacker, but I mean to say that the witness Foster, whose evidence he quotes, belongs to that class of our citizens who are rather in accord with the Senator from Kentucky upon financial questions.

Mr. President, the people of Rhode Island are equal in integrity to any people on the face of the earth in the conduct of their affairs, both public and private. They are law-abiding; their elections are conducted without disorder or riot and with the utmost possible fairness.

Mr. BECK. Allow me to ask the Senator whether he does not think the foreign-born population living in Rhode Island is quite equal in intelligence to the negroes of Mississippi and South Carolina?

Mr. BURNSIDE. Now, Mr. President, I think they are superior. I am not going to be drawn into making any such comparisons, or into any disparagement of our foreign population. Many of them are possessed of great intelligence and skill in their callings. They are with us, and are growing very rapidly in knowledge of our institutions, their children going to our schools, and are making good citizens. But I will say to the Senator from Kentucky that I believe our suffrage laws are good as applied to our State with all attending circumstances. I was at one time a free-suffrage man; I disbelieved in the propriety of having a registry tax for all non-taxpayers; I disbelieved in the propriety of having a real-estate qualification for foreign-born citizens; but I believe now that our present system is the wisest possible one for us to pursue in view of all our surroundings. I would be glad to see all foreign-born citizens who belonged to the Union army fully enfranchised in our State.

Mr. ROLLINS. Mr. President——

Mr. DAWES. I yield to the Senator from New Hampshire.

Mr. ROLLINS. I merely want to call the attention of the Senator from Rhode Island and also of the Senator from Kentucky to an important fact which was developed by the committee which investigated the Rhode Island elections, one very important fact to my mind, which is, that there was on the occasion of two elections quite a large expenditure of money, and the result in each of those elections was the success of the opposing candidate to the regular republican party. In the first instance a square-toed democrat was elected by the expenditure of money, and in the second instance the opponent of the regular candidate of the republican party was elected. Those were the men who expended the money. That was proved over and over again before that committee.

Mr. BECK. Let me say one word.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. DAWES] has been recognized by the Chair, and yielded to the Senator from Rhode Island and then to the Senator from New Hampshire.

Mr. BECK. Just allow me to say one word in reply to my colleague on the committee, the Senator from New Hampshire. Perhaps the fact he states was proved, and it shows how venal those two men were, and that an overwhelming republican majority could be counted into a minority, and a minority man could be elected if he used money freely enough, as happened to be done on those two occasions. Those were instances where the full vote, the free ballot, and the honest count did not quite come in.

Mr. ROLLINS. Mr. President, the gentlemen come here to talk about their purity and to announce to the world the fact that they never spend any money in elections, when it is a notorious fact, and has been demonstrated in Rhode Island, that this same democratic party was the first party to inaugurate the system of buying votes, and that it pursued it later and continued it to the election of another man in opposition to the regular republican candidate.

Mr. BECK. But it shows that you have men who can be bought and are bought and a majority converted into a minority, not by a full vote, a free ballot, and an honest count, but by the expenditure of money.

Mr. ROLLINS. The Senator from Kentucky was condemning the expenditure of money; and it is at the door of his party that lies the charge that they were the men who inaugurated the expenditure of money in large sums; and what is true of Rhode Island is true of New Hampshire, for in that State the democratic party were the first to inaugurate the system. In the campaign of last fall they did in New Hampshire just what I predicted they would do. They nominated as their candidate for governor a man because he would pour out from his "barrel" more money than any other man in the State could contribute. They nominated him for the purpose of expending money, and then they come here and stand on the floor of the Senate and prate about their honesty and talk about their not spending money!

Mr. BUTLER. Oh, we do not talk about that.

Mr. ROLLINS. Yes, you are the very men——

Mr. BUTLER. I beg the Senator's pardon.

Mr. DAWES. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. BUTLER. I beg the Senator's pardon.

Mr. VOORHEES. I hope my good friend from Massachusetts will allow me to be heard.

Mr. DAWES. I do not hear the Senator.

Mr. VOORHEES. I say that I desire to address myself to the amiable side of the Senator from Massachusetts—and I know he has an amiable side—in order to interpose a little republican opinion upon the imbroglio in which we are now engaged. I think it will tend largely to clear up the situation. If he will allow me I will ask to have read an editorial from one of the leading republican newspapers of the United States upon the conflict in which he and I unfortunately find ourselves engaged.

Mr. DAWES. What is the paper?

Mr. VOORHEES. The New York Times of March 15, not very late. It tells some truths. I would not pretend to ask for the reading of anything from a democratic paper; I would not expect the other side to believe it or to listen to it. I ask them hopefully to listen to a few suggestions, and if they do not believe in them the reading of them will do no harm; it may do some good. I ask the Chief Clerk to read this.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana for the purpose indicated?

Mr. VOORHEES. I can have it read to-morrow if you do not allow it now.

Mr. DAWES. The Senators on the other side do not treat the New York Times very fairly. This picking out of parts of editorials and writing them out on a sheet of paper does not look just right. The Senator from Kentucky never came so near being unfair in his life as he did a few days ago when he picked out part of an editorial from the New York Times and had it read here. If the Senator from Indiana insists upon it, he cannot appeal to my courtesy and have me refuse him. If the Senator does not insist——

The PRESIDING OFFICER. Does the Senator from Indiana insist on the request?

Mr. VOORHEES. Oh, yes; I should be very glad, because this is good literature.

Mr. DAWES. I will yield to the Senator long enough for that.

Mr. VOORHEES. This is republican literature, and I am very anxious to contribute to the richness of this debate, and I do not know how I can do it better than from republican sources. I ask that the article I send to the desk be read.

The Chief Clerk read as follows:

On the other hand, it cannot be forgotten that the particular doctrine on which General MAHONE has secured his success in Virginia is one with which republicans can have no possible sympathy. The integrity of the suffrage is no more a cardinal republican principle than is the inviolability of the public credit. General MAHONE has made his fight in his State professedly on the issue of repudiation. If his present co-operation with the republicans involves the use of patronage in Virginia to promote that doctrine, it will be very dearly bought. The party cannot sustain the public faith in the nation and nurse repudiation in a State.

Mr. DAWES. The Senator from Kentucky seems to have left. I was about to say, and I wanted the Senator from Kentucky to hear it, that this discussion did not commence on this side of the Chamber. The Senator from Kentucky has announced that he is tired of it, and threatens that unless it is stopped he will drive the American people out of the galleries and turn off the lights, and he proceeded as far as he was able to execute his own order. I wish to say to him that it will not do. He cannot keep this discussion from the American people by driving them out of these galleries. They have their eyes upon us and their ears are open to us, and they understand what all this means. I beg the Senator to give over the vain notion that this discussion, having been aroused on his side, can be put down in any other way than by proceeding to the public business in order and submitting to what the majority of the Senate shall determine. I move, Mr. President——

Mr. VOORHEES. Will the Senator yield to me for a moment?

Mr. DAWES. I yield.

Mr. VOORHEES. I desire to say that I was not at all seeking to make any personally unkind issue upon anybody in this Chamber—nothing was further from my nature or my thoughts—in having had read a somewhat lengthy article from a leading paper in the interest of the republican party in Pennsylvania. If there is anything there impinging upon any gentleman's sense of honor in this Chamber, as there may be upon the presiding officer, the Vice-President of the United States, which I thought possibly needed a disclaimer before I had it read, I desire to say that it has no indorsement from me in the way of making a personal attack.

I expect to present my views and my sentiments with all frankness, but without the slightest desire to reflect upon anybody else who may wish to present his in his own way. And if there is anything in that article—it did not occur to me that there was—to which anybody in this Chamber could except as of an unpleasant character—possibly the presiding officer could—of course it has no indorsement from me.

On the other hand, however, I produced it here as a response from what I conceived to be the strongest and best element of the republican party to the appeal which has been thus far made in favor of controlling a few offices here at the expense of the public business; and I heartily believe that the judgment of the country will go in the same direction, and that at last that side of the Chamber will have to submit that at this time it is not opportune or right to change the officers of this body, that it is contrary to the traditions of the Senate; and if it was not for fear of being charged with treason, I might say that we will stay here as long as you will on that subject.

Mr. MAHONE. Mr. President, I have just listened with some gratification to the Senator from Indiana, and I rise now to ascertain whether I correctly understand the Senator. He had previously sent to the desk to be read an article from a Philadelphia paper, which I understood him to say was his speech. In that article I am referred to as a renegade democrat; further on as a repudiationist; and further on, if I remember correctly what is said in the article, it is stated that I had engaged in a bargain with gentlemen representing the republican party on this floor in respect to its organization. Now, if I have recited correctly what is stated in that article, I rise to ask the Senator whether that is his speech, and I pause for a reply.

Mr. VOORHEES. Mr. President, I sent to that table an article from a leading republican newspaper edited by the allies of the Senator from Virginia. The Senator from Massachusetts [Mr. HOAR] came to me with that kindly relation which we have ever borne, and asked me to soften that article by disclaiming that it was my speech. I did so in response to that inquiry. If the Senator from Virginia expects anything further than that from me, he is mistaken; he is entirely mistaken. He will have to deal with the republican editor who edits that paper; and when he settles with him, if he has anything further to settle with me, he will find me here; he will find me not only here, but ready to respond. I do not mean that in any offensive sense whatever, but in a sense of absolute justice.

If the Senator from Virginia so early in this contest as now is complaining of the terms in which his republican allies in the newspapers speak of him, complaining of democratic Senators who simply ask that the terms in which he is spoken of by his republican friends may be known, he has a rougher road to travel than he has conceived of. He need not think for one moment that he can coerce or dictate the course of debate on this floor. I gave a large concession, and I did it from my heart, and with no possible disrespect to the Senator from Virginia—not the slightest. I did it because I thought it was right, when the distinguished and cultured Senator from Massachusetts called my attention to it. But if the Senator from Virginia supposes that he can trench one hair's breadth from the understanding between the Senator from Massachusetts and myself, and coerce me into a single concession beyond that, he is entirely mistaken.

I am just on this floor, Mr. President, and I intend to be just; but when I send to that desk to have read an editorial from one of the leading republican newspapers of the United States, am I to be called in question on that side of the Chamber? No, sir; no, sir. The Senator from Massachusetts has had my admiration for twenty years, and he knows not for my life would I do an act of injustice, neither would I do an act dictated to me in the spirit in which the Senator from Virginia now rises here.

Mr. MAHONE. Mr. President——

Mr. MITCHELL. If the Senator from Virginia will allow me only one moment at this time, I desire to say that the paper from which the quotation has been made is, if a republican paper, a republican paper with democratic tendencies, and more frequently democratic tendencies than republican. I understand that the editors of that paper may be republicans——

Mr. VOORHEES. They are.

Mr. MITCHELL. I do not know in fact as to that; it may be so; but I do know that the statement made by the Senator from Indiana is not correct when he says that it is recognized and known as a leading republican paper in Pennsylvania.

Mr. MAHONE. Mr. President——

Mr. HOAR. Will the Senator from Virginia allow me to make one statement before he proceeds? After the Senator from Indiana had closed his speech I took of my own motion, without anybody's suggestion whatever, the liberty to go to him and to say to him that, while it was no affair of mine in the least, that article seemed to me to contain a personality in regard to one of the Senators and to ask him to consider whether he had desired to adopt that as a part of his speech.

The Senator from Indiana with great promptness, as soon as he could get the floor, rose and said that the fact had been called to his attention that the article contained a personality, and that that personality he desired to withdraw and not to treat as part of his speech any longer.

Mr. VOORHEES. And then the Senator from Virginia rose here to catechise me beyond that. That effort will not be successful.

Mr. HOAR. I do not think the Senator from Virginia heard fully the statement that the Senator from Indiana made.

Mr. MAHONE. Mr. President, it is a very simple question. I stated the case to this Senate, I think clearly. I have stated that the Senator from Indiana had read to this House an article from a newspaper in which certain references to myself were made, the Senator having stated that that article was a part of his speech. Now, sir, what I have risen for, notwithstanding what the Senator has said to my friend the Senator from Massachusetts on the left, is to ask the Senator from Indiana whether or not he intended those personal references to me as of his own accord? That is the position; and that is the question I ask the Senator now.

The Senator has said that he does not mean to be dictated to, and that in the course of this debate the privilege will be exercised here of reading at the desk newspaper articles. Mr. President, I make no objection to that, none whatever; it is not that of which I complain; but when the Senator says that that is his speech, then he stands in the attitude of the man who wrote the article. The Senator also takes the liberty of referring me to the newspaper man for settlement. Now, sir, I shall select my own course in that particular.

Mr. VOORHEES. Select it whenever you please.

Mr. MAHONE. I will select you now. I have called on you in this House to say whether or not——

Mr. VOORHEES. Then I indorse every single word that was said in that article, every word.

Mr. MAHONE. I say then the references which you make to me are such as no honorable or brave man would make. I denounce you, sir, as such.

Mr. VOORHEES. That is a pure question of here and hereafter.

Mr. MAHONE. Hereafter will come just as soon as you like.

Mr. VOORHEES. I know exactly how to meet that. I indorse every word that was said in that article. I indorse the term "renegade democrat." I indorse everything else that may be construed as reflecting upon the course of the Senator from Virginia. And without his taking his time to put words back upon me, he can seek his redress. There is no use of making any mistakes about this matter at all. I heard the Senator from Virginia stand here and shout out that certain things had to stop. Suppose they don't? I know that they won't, with me, by your dictation. Suppose they don't, what then? That is cheap, very cheap. Let it rest there.

Mr. MAHONE. It is very cheap, Mr. President, to deal in such bravado as the Senator from Indiana here indulges in. But when the gentleman says that he indorses the sentiments of that newspaper, I undertake to characterize them here as such statements as no brave or honorable man would make in this Chamber. Now, let him take that and wear it.

Mr. DAWES. Mr. President, the motion I am about to make——

Mr. VOORHEES. As to the wearing of brands and such things, that will depend on "hereafter."

Mr. CONKLING. Is this in order?

The PRESIDING OFFICER. The Chair has been endeavoring to preserve order, but the rules of order must be largely enforced by members of the Senate.

Mr. DAWES. I was about to say, Mr. President, that the motion I am going to make is one that has no reference to the divisions between us here in the Senate, and arises from a common feeling of courtesy which I know all sides of the Senate will be very glad to cherish toward another, if not among themselves. I trust, therefore, there will be no opposition to a motion that the Senate do now adjourn until twelve o'clock on Monday.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate do now adjourn until Monday at twelve o'clock.

Mr. SAULSBURY. I hope that motion will not prevail. We came here to transact executive business; we were called here by the proclamation of the President for that purpose, and I am in favor of remaining here and attending to that business to-morrow. I therefore move that the Senate now go into executive session.

Mr. DAWES. Will the Senator allow me to say that he must know why I make my motion. It is not out of any disposition to try the endurance of the Senators on that side or on our own. It has reference to another matter, of which the Senator cannot be ignorant. I appeal to the courtesy of the Senator on this occasion. If the Senator does not desire to extend that courtesy I am quite sure that this side of the Senate is ready to meet here to-morrow. I trust that the Senator will not object. I shall withdraw the motion if it is objected to seriously.

Mr. SAULSBURY. I would not object to extending courtesy to the Vice-President, to be plain about it. I am perfectly willing that the Senate shall elect a President *pro tempore* for to-morrow and let us go on. Let us have sessions here every day and keep them up until late at night until we get through with this business.

The PRESIDING OFFICER. Does the Senator from Delaware insist on his motion?

Mr. SAULSBURY. I do, sir.

The PRESIDING OFFICER. The Senator from Delaware moves that the Senate do now proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. ROLLINS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDING OFFICER. The Secretary will suspend the call. The Chair was not aware at the time when this motion was put that a motion to adjourn to a day certain has precedence. The sense of the Senate must first be taken on that motion. The question recurs on the motion made by the Senator from Massachusetts, [Mr. DAWES,] that the Senate do now adjourn until Monday next at twelve o'clock. Senators in the affirmative will say "ay;" in the negative, "no." [Putting the question.] The ayes appear to have it.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Maryland, [Mr. GORMAN.] If my colleague were here, he would vote "yea."

Mr. BECK, (when his name was called.) I am paired on all questions with the Senator from Maine, [Mr. HALE,] and therefore decline to vote.

Mr. BROWN, (when his name was called.) I am still paired with the Senator from Colorado, [Mr. TELLER.]

Mr. BUTLER, (when his name was called.) Upon this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired on this question with the Senator from Mississippi, [Mr. GEORGE.]

Mr. WALKER, (when Mr. GARLAND'S name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. GROOME, (when Mr. GORMAN'S name was called.) My colleague [Mr. GORMAN] is paired with the Senator from Rhode Island, [Mr. ANTHONY.] If my colleague were here and unpaired, he would vote "nay."

Mr. HAMPTON, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. SEWELL.]

Mr. JOHNSTON, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. LOGAN, (when his name was called.) I am paired with the Senator from Missouri, [Mr. COCKRELL.] If he were here, I should vote "yea."

Mr. JONAS, (when Mr. MCPHERSON'S name was called.) The Senator from New Jersey [Mr. MCPHERSON] is paired with the Senator from New York, [Mr. PLATT.]

Mr. PENDLETON, (when his name was called.) Upon this question and all others this evening I am paired with my colleague, [Mr. SHERMAN.]

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES,] with the distinct understanding that I may vote if my vote shall be necessary to make a quorum. I withhold my vote until the fact of the presence or absence of a quorum is disclosed.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK. Perhaps it would be well to announce that my colleague [Mr. WILLIAMS] is detained at home by reason of serious illness, and is paired with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. VOORHEES, (after having voted in the negative.) It escaped my recollection that I am paired with the Senator from Wisconsin, [Mr. SAWYER,] and consequently I withdraw my vote.

The VICE-PRESIDENT. No quorum has voted, the Chair is informed by the Secretary.

Mr. HAMPTON. If no quorum has voted, I have a right to vote, and I vote "nay."

Mr. CAMERON, of Wisconsin. As no quorum has voted, I vote "yea."

Mr. KELLOGG. Under the same circumstances, I have a right to vote, and I vote "yea."

Mr. ROLLINS. I vote "yea," in pursuance of the understanding of my pair.

Mr. MCMILLAN. And I vote "yea" for the same reason.

The result was announced—yeas 22, nays 17; as follows:

YEAS—22.

Blair,	Edgerton,	Ingalls,	Miller,
Burnside,	Ferry,	Jones of Nevada,	Mitchell,
Cameron of Wis.,	Frye,	Kellogg,	Morrill,
Conger,	Harrison,	McDill,	Rollins.
Conkling,	Hawley,	McMillan,	
Dawes,	Hoar,	Mahone,	

NAYS—17.

Bayard,	Groome,	Jonas,	Saulsbury,
Call,	Hampton,	Maxey,	Slater.
Coke,	Harris,	Morgan,	
Fair,	Hill of Georgia,	Pugh,	
Farley,	Jackson,	Ransom,	

ABSENT—37.

Allison,	Edmunds,	Logan,	Teller,
Anthony,	Garland,	McPherson,	Vance,
Beck,	George,	Pendleton,	Van Wyck,
Brown,	Gorman,	Platt of Conn.,	Vest,
Butler,	Grover,	Platt of N. Y.,	Voorhees,
Camden,	Hale,	Plumb,	Walker,
Cameron of Pa.,	Hill of Colorado,	Saunders,	Williams.
Cockrell,	Johnston,	Sawyer,	
Davis of Illinois,	Jones of Florida,	Sewell,	
Davis of W. Va.,	Lamar,	Sherman,	

So the motion was agreed to; and (at seven o'clock and fifteen minutes p. m.) the Senate adjourned until Monday next at twelve o'clock.

MONDAY, *April* 4, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

OFFICERS OF THE SENATE.

Mr. DAWES. I call for the regular order.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the regular order. The Chair lays before the Senate the unfinished business of Friday last, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being upon the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. JOHNSTON and Mr. PENDLETON addressed the Chair.

Mr. PENDLETON. I was going to move to go into executive session.

Mr. JOHNSTON. I yield for that motion.

Mr. DAWES. I hope the Senator from Ohio will refrain from the usual motion of delay and let us proceed to the pending question.

Mr. PENDLETON. It was in order that we might not have delay that I have induced my friend from Virginia to yield to me a moment that I may move to proceed to the consideration of executive business.

Mr. DAWES. May not the Senator appeal to the Senator from Virginia to yield further to the public business and let us dispose of the pending question?

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is unable to decide as to the result.

Mr. PENDLETON. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FAIR, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.]

Mr. FARLEY, (when his name was called.) I am paired with my colleague, [Mr. MILLER,] who is not here.

Mr. TELLER, (when the name of Mr. HILL, of Colorado, was called.) My colleague [Mr. HILL] is paired with the Senator from Arkansas, [Mr. WALKER.]

Mr. ROLLINS, (when the name of Mr. INGALLS was called.) The Senator from Kansas [Mr. INGALLS] is paired with the Senator from Kentucky, [Mr. WILLIAMS,] it being a transfer of the pair of the Senator from Kentucky [Mr. WILLIAMS] with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were present, I should vote "nay."

Mr. MORRILL, (when his name was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Arkansas, [Mr. GARLAND.] I vote "nay."

Mr. SAUNDERS, (when his name was called.) I was paired on all political questions with the Senator from Kentucky, [Mr. WILLIAMS,] but that pair has for this day been transferred to the Senator from Kansas, [Mr. INGALLS,] who is unwell and could not be here. I vote "nay."

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call was concluded.

Mr. JONES, of Nevada, (after having voted in the negative.) I voted, forgetting that I am paired with my colleague, [Mr. FAIR.] I withdraw my vote.

Mr. PLATT, of New York, (after having voted in the negative.) I desire to withdraw my vote. I am paired with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. BECK. I desire to say that my colleague [Mr. WILLIAMS] is still absent from the Senate and his pair with the Senator from Nebraska [Mr. SAUNDERS] still continues. I announce that for the day.

Mr. HARRIS. The pair has been transferred to the Senator from Kansas, [Mr. INGALLS.]

Mr. MCMILLAN, (after having voted in the negative.) The Senator from Indiana [Mr. VOORHEES] is absent this morning, having been detained from the Senate, and in view of his absence I pair with him and withdraw my vote. I should vote "nay" if he were present.

Mr. BECK. I desire to ask if the Senator from Maine [Mr. HALE] is recorded as voting. I am paired with him generally.

The VICE-PRESIDENT. The Senator from Maine voted in the negative.

Mr. LAMAR. My colleague [Mr. GEORGE] is detained at his room by indisposition. On questions similar to this hereafter he will be paired with the Senator from Vermont, [Mr. MORRILL.]

The result was announced—yeas 26, nays 29; as follows:

YEAS—26.

Bayard.	Coke,	Jackson,	Pendleton,
Beck,	Davis of W. Va.,	Johnston,	Pugh,
Brown,	Gorman,	Jonas,	Ransom,
Butler,	Grover,	Jones of Florida,	Saulsbury,
Call,	Hampton,	Lamar,	Slater.
Camden,	Harris,	Maxey,	
Cockrell,	Hill of Georgia,	Morgan,	

NAYS—29.

Allison,	Dawes,	Logan,	Sawyer,
Anthony,	Edgerton,	McDill,	Sewell,
Blair,	Ferry,	Mahone,	Sherman,
Burnside,	Frye,	Mitchell,	Teller,
Cameron of Pa.,	Hale,	Morrill,	Van Wyck.
Cameron of Wis.,	Harrison,	Platt of Conn.,	
Conger,	Hawley,	Rollins,	
Conkling,	Hoar,	Saunders,	

ABSENT—21.

Davis of Illinois,	Groome,	McPherson,	Voorhees,
Edmunds,	Hill of Colorado,	Miller,	Walker,
Fair,	Ingalls,	Platt of N. Y.,	Williams.
Farley,	Jones of Nevada,	Plumb,	
Garland,	Kellogg,	Vance,	
George,	McMillan,	Vest,	

So the motion was not agreed to.

Mr. DAWES. I hope now, as the Senator from Ohio sees that there is a decided majority of the Senate insisting upon proceeding with the pending business, that he will feel it his duty to let the Senate take a vote on the resolution.

Mr. HARRIS. I move to lay the resolution of the Senator from Massachusetts on the table, as a means of disposing of it.

Mr. CONKLING. That cuts off debate.

Mr. HARRIS. Of course I will withdraw the motion if any Senator desires to occupy the floor.

Mr. JOHNSTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Tennessee withdraw the motion?

Mr. HARRIS. I withdraw the motion.

Mr. DAWES. I cannot refrain from expressing my surprise that the Senator from Tennessee will not yield to so decided a majority as has just expressed itself.

Mr. HARRIS. The motion is withdrawn, the Senator from Tennessee will state to the Senator from Massachusetts.

The VICE-PRESIDENT. The Senator from Virginia [Mr. JOHNSTON] has the floor.

Mr. JOHNSTON. Mr. President, before proceeding to say anything in regard to the merits of the question now before the Senate I must be permitted to express my warmest and sincerest thanks to my colleague [Mr. MAHONE] for a portion at least of the speech which he made a few days since.

By way of reproach or censure upon me my colleague read a letter which I wrote in the year 1869 to the then governor of Virginia, Governor Walker, and he had the greater portion of it spread upon the RECORD. It only showed that I was the pioneer in Virginia in counseling the restoration of the State to her place in the United States and in giving the colored race every means of making themselves good citizens; that some measures should be taken which would effect a real and just reconstruction in the Union. I hardly think that these sentiments will now be thought censurable by anybody, much less by the republicans of the Senate. At that time the thirteenth, the fourteenth, and the fifteenth amendments had been adopted, and I stated then that the whole Constitution of the United States should be supported, and for this my colleague makes an attack upon me for what he calls my Bourbonism, and upon the party to which I belong.

But, Mr. President, that is not all. I advocated in that letter the education of the colored people, and I have adhered to the same thing on every occasion since when I have had an opportunity to do so, and I say it now. I will read what I said then, in order that there may be no doubt about my sentiments either then or now. When speaking of the fifteenth amendment I said:

> I entirely approve of the principles of that amendment, and as we have invested the freedman with the right to vote, let us give him a fair opportunity to vote understandingly. He has civil rights, and it is our interest he should know their value.

In the month of October, 1869, I put upon paper the statement that it was right that the colored people of the South, having acquired civil rights, should be educated to know their value; that they should be protected in the exercise of those rights and be made good citizens. The welfare of both races demanded that.

A good deal has been said here about the politics of Mr. Riddleberger and of my colleague. Mr. Riddleberger edits a paper in Virginia called the Virginian, and I suppose neither he nor any one advocating him here would object to my reading a little from that paper to show what his sentiments were and what he advocated. I have here his paper of the 15th of October last. It is "The Virginian;" "H. H. Riddleberger, editor-in-chief."

For President:
Winfield S. Hancock, of Pennsylvania.
For Vice-President:
William H. English, of Indiana.
Electors at large:
Colonel William E. Cameron, of Petersburgh,
Captain H. H. Riddleberger, of Shenandoah.

This number of the paper was issued after the elections in the States of Ohio and Indiana, and I wish to read what Mr. Riddleberger said at that time in regard to those elections:

The news from Indiana and Ohio is of a character to sicken the stoutest heart. In 1876 the democrats carried Indiana in the elections of October and November, and we were illy prepared to expect less at this time, when the presidential candidate is a military man personally endeared to and trusted by all the people of the North and West.

On the 15th of October he declared that the defeat of the democratic party in the States of Indiana and Ohio was enough to sicken the stoutest hearts. In a subsequent issue of the paper, a short time after, on the 26th of November, 1880, this is the way in which he speaks of my colleague:

We can tell these funders, Bourbons, and brokers positively that General MAHONE *is a democrat*—more, *he is a Virginian, intus et in cute.* Further, *he is a southerner.* But above all, *he is an American and a patriot.* He is *not* a broker's man: he is *not* a funder; he is *not* a Bourbon.

The Riddleberger bill having become a factor in this controversy, I desire to say something in regard to some of its features. In the first place I will read a part of the preamble of the bill, which is entitled "a bill to re-establish the public credit:"

Whereas it is confidently believed that the people of this State will never acquiesce in any settlement which shall obligate them and their posterity to pay any part of the interest upon the public debt which accrued during the war and the period of reconstruction.

Observe that as a part of the bill itself and as a justification for throwing off the interest of a just debt for nine or ten years it assigns the pendency of the war and the passage of the reconstruction measures. The honorable Senator from Massachusetts [Mr. HOAR] announced two or three days ago on the floor of the Senate what the reconstruction measures were. He said they consisted of the thirteenth amendment, which manumitted the slaves, the fourteenth amendment, which declared the sancity of the public debt, and the fifteenth amendment, which gave the freedmen the right of suffrage. The Senator and the party to which he belongs consider these measures a second Declaration of Independence, a second Magna Charta—laying anew broad and deep the foundations of civil liberty; and we find them now supporting a man for an office who says in the bill which he prepared that the adoption of those measures by the Congress of the United States and by the people of the country were equal in their terrible, disastrous effects to the war itself, and equally exonerated the people of the State of Virginia from paying interest upon its debt. The Riddleberger bill makes announcement of two things which have occurred which shall excuse the people of the State from paying interest during those times; and what are they? The war and the reconstruction measures, putting upon the same footing with the war these measures claimed to be in the interest of liberty, of free government, of right, of justice, of everything that the republican party holds dear, and declaring that the horrors of the reconstruction period were equal to the horrors of the war, and therefore the people of the State of Virginia should no more pay interest during one of these periods than the other. That is the ground which the Riddleberger bill takes; and the man who announced that doctrine is now supported by the republicans in the Senate on account, as they say, of his support of a full vote, a fair count, and free ballot.

As I have been suffering under a cold, I do not wish to protract my remarks any longer than necessary, but I wish to put upon the records, standing by itself and separated from the rest of the bill, so that it may attract public attention, the fourteenth section of the Riddleberger bill. I ask the Secretary to read that section.

The Secretary read as follows:

The several tax collectors of this Commonwealth shall receive in discharge of the taxes, license taxes, and other dues, gold, silver, United States Treasury notes, national-bank currency, and the temporary-loan certificates as hereinafter provided, and nothing else: *Provided*, That in all cases in which an officer charged by law with the collection of revenue due the State shall take any step for the collection of the same, claimed to be due from any citizen or tax-payer, such person against whom such step is taken, if he concedes the same to be unjust or illegal, or against any statute, or to be unconstitutional, may pay the same under protest, and upon such payment the officer collecting the same shall pay such revenue into the State treasury, giving notice at the time of such payment to the treasurer that the same was paid under protest. The person so paying such revenue may, at any time within thirty days after making such payment, and not longer thereafter, sue the said officer so collecting such revenue in the county or corporation court in which said revenue was assessed and paid. If it be determined that the same was wrongfully collected, for any reason going to the merits of the same, then the court trying the case may certify of record that the same was wrongfully paid and ought to be refunded; and thereupon the auditor of public accounts shall issue his proper warrant for the same, which shall be paid in preference to other claims on the treasury. There shall be no other remedy in any case of the collection of revenue or the attempt to collect revenue illegally, or the attempt to collect revenue in funds only receivable by said officers under this law, the same being other and different funds than the tax-payer may tender or claim the right to pay than such as are herein provided, and no writ for the prevention of any revenue claim, or to hinder or delay the collection of the same, shall in anywise issue—either injunction, supersedeas, mandamus, prohibition, or any other writ or process whatever; but in all cases where for any reason any person shall claim that the revenue so collected of him was wrongfully or illegally collected the remedy for such person shall be as above provided, and in no other manner.

In all such cases if the courts shall certify of record that the officer defendant acted in good faith and diligently defended the action, the necessary cost incurred by him shall be taxed to and paid by the State as in criminal cases. The Commonwealth's attorney of the county or corporation in which suit is brought shall appear and represent the defense. In every case where judgment is rendered for the defendant a fee of $10 shall be taxed in favor of said attorney and against the plaintiff; and whenever the court shall refuse to certify the good faith and diligence of the officer defending the case, a like fee of $10 shall be taxed against the said officer. Any officer charged with the collection of revenue who shall receive payment thereof in anything other than that hereinbefore provided shall be deemed guilty of a misdemeanor and fined not less than $100 nor more than $500, in the discretion of the court, but nothing herein contained shall be construed to subject any officer of the State to any suit other than as hereinbefore provided for any refusal on his part to accept in payment of revenue due the State any kind or description of funds, security, or paper not authorized by this act.

Mr. JOHNSTON. That fourteenth section in substance takes away from the people their legal rights existing at the time the bill would have taken effect. If a tax is unjust, illegal, or unconstitutional, the party aggrieved has the right under the laws as they stand now to contest it by the legal remedies provided for the protection of the citizen; but this fourteenth section takes away from a poor man who is required to pay only one or two dollars of taxes the right to controvert it in the courts by the ordinary legal processes. No matter what his opinion or advice may be about it, no matter how much he may believe that it is illegal, that it is unjust, that it is unconstitutional, he nevertheless must pay it, and when paid his only chance for relief is to recover it by an action against the officers, which may be delayed months and years and which may cost fifty times or a hundred times more than the amount of the tax.

That is one mode in which this Riddleberger bill undertakes to protect the rights of the people of the State of Virginia, especially of the poor—to deprive them of existing legal rights and compel them to pay a tax, no matter how illegal or unconstitutional, giving them no remedy except the costly, protracted, troublesome, and perhaps inadequate one of a suit against the officer, which is a thing no poor man can afford to do; it is a denial of justice to him.

My colleague adverted the other day to what I said in regard to the unconstitutionality of the Riddleberger bill. He asked if it was unconstitutional for one reason or the other, reciting various alleged causes. It is unconstitutional in this, Mr. President: In 1871 the State of Virginia passed a funding bill which required that the coupons upon the bonds of the State should be received for taxes and for all dues and demands against the State of Virginia. In 1879 the Legislature passed another bill, called the McCulloch bill, in which the same provision was incorporated. Both those bills required that the State of Virginia should take the coupons upon the bonds funded under them in the payment of taxes and in the payment of debts and demands due the State. The Riddleberger bill abolishes all that. It declares that that feature shall not be observed. It substantially and was directly intended to repeal the McCulloch bill and the bill of 1871 in those respects. It is aimed exactly at that feature of those bills, and it does not propose to do this by the consent of the creditor at all; it does not ask him; it is a compulsory bill, and is intended to force the creditors of the State to surrender that right.

The Supreme Court of the United States in the case of Hartman *vs.* Greenhow, to which I have already referred, says this—the question was in regard to these very coupons, and the court speaking of the supreme court of appeals of the State of Virginia:

But the court said, among other answers to this, that no rightful power of the State was surrendered by the legislation, but simply a provision made for the payment of the debts of the State; that the annual accruing interest on the debt of the State was in all well-regulated governments deemed an essential part of their annual expenses, and was always annually provided for. The act only made provision for an annual appropriation of a portion of the revenue, derived from taxation, to the payment of existing debts; and such legislation could not be deemed a great stretch of power, when the organic law of the State not only contemplated the punctual annual payment of the interest of her entire debt, but imperatively required, on the creation of a debt, that a sinking fund should be at once established, to be applied solely to its extinction.

The cases above were cited by the court; and the provision of the funding act was shown, by reasoning perfectly conclusive, to be a contract founded upon valuable considerations and binding upon the State.

Under this act—

That is, the act of 1871 and the act of 1879—

a large number of the creditors of the State, holding bonds amounting, including interest thereon, to about thirty millions of dollars, surrendered them and took new bonds, with interest coupons annexed, for two-thirds of their amount and certificates for the balance. A contract was thus consummated between the State and the holders of the new bonds and the holders of the coupons, from the obligation of which she could not, without their consent, release herself by any subsequent legislation. She thus bound herself, not only to pay the bonds when they became due, but to receive the interest coupons from the bearer at and after their maturity, to their full amount, for any taxes or dues by him to the State. This receivability of the coupons for such taxes and dues was written on their face and accompanied them into whatever hands they passed. It constituted their chief value, and was the main consideration offered to the holders of the old bonds to surrender them and accept new bonds for two-thirds of their amount.

We have here the opinion of the Supreme Court of the United States declaring that the coupon feature of the McCulloch bill and of the funding bill of 1871 constitute a contract between the bondholder and the creditor, or the holder of the coupon, which could only be discharged by the consent of the creditors, and we have the Riddleberger bill, utterly disregarding the consent of the creditor, not even asking it. Therefore the Riddleberger bill is unconstitutional.

Mr. President, before I go any further I desire to advert briefly to one statement made by my colleague in regard to the arrears due the school fund of the State of Virginia. He said both in his speech on the floor, as I understood him, and in the printed interview which he embodied in his speech, that the State of Virginia is indebted to the school fund of the State $1,500,000 in round numbers; or, in other words, that funds which should have been applied to the schools of the State had been diverted to that amount and appropriated to other purposes. I intend to show that that is incorrect, and that there is no such sum due to the schools.

The first Legislature that assembled under the new constitution provided for the establishment of public schools. It began its session in October, 1869, but it was extended to the spring of 1870. The law could not go into effect until the latter part of the year 1870, and from that time to the present day it has been in force and operation. Any defalcation, therefore, or any plunder of the public-school fund must necessarily have occurred, if at all, from the year 1870 down to the present period. In the session of 1877–'78 the allegation was made that this plunder of the public-school fund had been accomplished and that large amounts had been diverted from the schools and appropriated to other purposes. To investigate this matter a committee was appointed, on which were Mr. Isaac C. Fowler, a friend of my colleague, and the editor of a readjuster paper, Mr. Lewis E. Harvie, another readjuster, a prominent man, and Mr. W. T. Taliaferro, of Norfolk, a debt-payer. I cannot recall the other names, but a majority were readjusters, and I shall take it for granted, without knowing the reason, that the object was to give the readjusters a fair opportunity of looking into this matter and making their own report. They made a report, and upon it the Legislature passed a law which Mr. Riddleberger was kind enough to publish in his paper and which he indorsed as most beneficent in its operation. This law was passed in the session of 1877–'78, and let us see what it is. I read the law as published, with approbation, in Mr. Riddleberger's paper, and his comments also:

> On Monday last, in the discussion at this place, Captain Paul claimed that the money recently paid by Auditor Massey to the schools, amounting to $160,000, was paid in pursuance of an act passed prior to the Henkel school bill, Judge Allen asserting that it was paid under the provisions of the Henkel bill. Below we give the bill in full under which these payments were made. It will be seen that Captain Paul was correct, and that this bill was passed one year before the Henkel bill was heard of.

Here is the bill, which I will read:

> An act requiring the auditor of public accounts to make quarterly payments to the second auditor on account of arrearages due the public-school fund.
>
> 1. Be it enacted by the General Assembly of Virginia, that the auditor of public accounts be, and he is hereby, required on the 1st day of July, 1878, and every three months thereafter, if practicable, to turn over to the second auditor the sum of $15,000 in currency, out of the proceeds of the license taxes, and to continue to make these quarterly payments without further order, demand, or requisition, until full payment shall have been made of all arrearages due from the capitation and property taxes set apart by mandate of the constitution and law of the State for the support of the public free-school system; that is to say, particularly of the sum of $382,732.26, which has been reported by the auditor of public accounts to be due from those sources for the years 1870, 1871, 1872, 1873, and 1874, which when paid in, as herein provided, shall be annually apportioned among the several cities, counties, and towns of the Commonwealth as other school funds are apportioned and applied: *Provided*, That the arrearages to the lunatic asylum shall first be paid.
>
> 2. This act shall be in force from its passage.

We have that act declaring that the amount due was $382,732.26 for the years down to and embracing 1874. The report went on to say that for the years 1875 and 1876 there were no arrearages. Then the only arrearages to be added were those accruing from the years 1877–'78, and 1878–'79, and I will presently show from the reports of the school superintendent how that was. So I insist, Mr. President, that the statement that the Bourbons of the State of Virginia had applied $1,500,000 of the school fund of that State is controverted by the act of the Legislature itself by the report of the committee, upon which it was based.

Mr. President, I was questioned very closely by the senior Senator from Massachusetts [Mr. DAWES] in regard to the debt of the State of Virginia. He wanted to know the amount of it, whether I was in favor of paying it, and a great many other things. He asked me whether or not all the interest had been paid up. I replied that it had not been.

Mr. DAWES. That was not what I asked the Senator. I asked the Senator if his party had made any provision for paying the interest.

Mr. JOHNSTON. Very well. I have something to say upon that point. In speaking on this subject it is of course necessary for me to advert to the condition of the State of Virginia at the end of the war. Everybody knows, it is not worth while to remind Senators, that at the end of the war the people of the State of Virginia were left without resources and property. They had nothing, almost literally nothing. All that remained to them were their lands, their naked lands. The subjects of taxation that are so abundant in Massachusetts, in Rhode Island, in Connecticut, in New York, and in Pennsylvania and in other States, were lacking in Virginia. Our bare lands without anything upon them were all we had to raise a revenue from, and these lands were impaired in value by the ravages of armies on both sides.

In that unhappy condition of our affairs we were confronted with a large debt. We had no means of knowing what the value of our lands was. How could we estimate, I ask any candid man, the worth of lands under such a state of things, without capital or stock to work them? We had no adequate standard to go by. We were left in that condition of impoverishment and uncertainty and our legislation to raise revenue had to be experimental. We had to feel our way; we had no previous records to go by as did the States that were not devastated by the war which threw everything out of gear. Other States had their previous year's assessment and expenditures as guides for their future operations. We had nothing of that. We were starting anew and had to explore our way, and if we made some mistakes it was not to be wondered at.

Then, no matter how earnest we might have been in our efforts, I submit to all candid men that we might have failed in accomplishing what we desired to do without any impeachment of our motives or anything wrong in our action. We were compelled to make some experiments. The revenue did not always turn out as was hoped or expected. We founded large expectations from what was called the Moffett bell-punch. We supposed we might realize a very large revenue from that experiment; but we could not tell until we put it in operation and tried it how it would result. It was found to be a disappointment and fell far short of what was calculated, and hence a deficiency in our revenues, our impoverished condition, our want of taxable subjects, miscalculation as to what a particular subject of taxation would produce, and the panic of 1873 combined to embarrass us in our efforts to provide for all that the State had to do.

Then, I say, fair-minded men will make due allowance if it appeared that we had been unable all the time to pay the interest in full on our whole debt. I am afraid that my friend from Massachusetts is not tolerant enough to admit even as an excuse for us what the United States made an excuse for its failure in revenue. I want to read now what the honorable Senator from Ohio, [Mr. SHERMAN,] now a member of this body, said in his last report as Secretary of the Treasury in regard to that very subject, and see whether or not the excuse which he makes for the default of the great Government of the United States and the apology offered for the falling off of its revenues ought not to be allowed the State of Virginia. Certainly, if comparisons are to be made between them, in that respect Virginia has far more justification for a defalcation, if any, than the United States. Here is an extract from his report made to Congress last December:

> The act of February 25, 1862, amended by the act of July 14, 1870, providing for a sinking fund for the payment of the public debt, is in conformity with the policy which has prevailed since the adoption of the Constitution, of regarding a public debt as a temporary burden, to be paid off as rapidly as the public interest will allow. The provisions of these acts have been substantially complied with.

Now I ask the Senator from Massachusetts to listen while I read this:

> They were executed literally, until the panic of 1873, by largely decreasing the revenues of the Government, rendered it impossible to meet their requirements. The deficiency on the sinking-fund account is as follows:

In the fiscal year 1874	$16,305,421 96
In the fiscal year 1875	5,996,039 62
In the fiscal year 1876	1,143,769 82
In the fiscal year 1877	9,225,146 63
In the fiscal year 1878	18,415,557 31
In the fiscal year 1879	36,231,632 87
Total amount due on sinking fund	87,317,568 21
Less the payment made during the past fiscal year in excess of the amount required, as above set forth	35,972,973 86
Leaving a balance still due on account of the sinking fund of	51,344,594 35

The late Secretary of the Treasury says that the panic of 1873, which largely decreased the revenue of the Government, rendered it impossible to meet the requirements of the sinking fund. That same panic prevailed in Virginia as well as in all other parts of the United States.

Mr. DAWES. I do not think the Senator does the late Secretary's language exact justice.

Mr. JOHNSTON. I read it; there it is.

Mr. DAWES. I do not think the Secretary meant to say that it was rendered necessary.

Mr. JOHNSTON. I read what he said.

Mr. DAWES. It may have been occasioned by that; but it does not follow that there was a necessity for it. I do not interrupt the Senator merely for the purpose of consuming his time; but the Senator is unfortunate in putting that statement of facts to me, because, if he will recollect, I happening to represent that sort of phase of public duty in the case referred to insisted upon it that the letter of the law should be complied with which required first that, before applying a dollar of revenue to anything else in the world but the interest on the public debt, the sinking fund should be provided for. That was my position, while the Senator's party in the other House introduced a bill to repeal and abolish the sinking fund altogether. That is the difference. I undertook to uphold it by compel-

ling the Secretary and everybody else to follow the law and not allow it to be suspended by reason of any panic or anything else whatever.

Mr. JOHNSTON. Now, sir——

Mr. DAWES. I am talking.

Mr. JOHNSTON. No; I am talking. I have the floor.

Mr. DAWES. If the Senator will not let me finish the sentence——

Mr. JOHNSTON. Finish your sentence; but you said you were talking.

Mr. DAWES. I did not want to read anything. I did not mean to forget that the Senator had the floor because he has tried to resume it, and it is only by his courtesy that I am permitted to be heard now.

The VICE-PRESIDENT. Does the Senator from Virginia consent to be interrupted?

Mr. JOHNSTON. A little while longer.

Mr. DAWES. I only wanted to remark that no one could say that any panic rendered that condition of things necessary because the law is absolutely clear that before a dollar of the public revenues can be devoted to current expenses the sinking fund must be provided for. Still the party of the Senator had a bill pending in the last Congress, and have had one so long as they have had control at the other end, to abolish the sinking fund altogether.

Mr. JOHNSTON. Mr. President, the Secretary of the Treasury says:

They were executed literally, until the panic of 1873, by largely decreasing the revenues of the Government, rendered it *impossible* to meet the requirements.

That is the language of the Secretary of the Treasury addressed to Congress and to the world at the beginning of the last session. The language is even stronger than "necessary"—"impossible" is the word used. That some panic prevailed in the State of Virginia; and when we find the great Government of the United States forced by the panic in 1873 to default $50,000,000 on the sinking fund, which the Senator from Massachusetts says ought to be held so sacred, and gives as an excuse for it the panic, I say that you ought to extend the same charity to the State of Virginia, and if we could not always make our revenue pay our interest, we ought to be indulged a little.

The report of the auditor who has control of the debt of Virginia shows that there are some arrears of interest due on the coupon portion, as it is called, and the other portion of the debt. How much of that is actually due and how much attaches to bonds which will never be presented, I do not know. I believe—and it is the belief in Virginia, and I think a justifiable belief—that a considerable part of that arrearage of interest will never be called for, because the bonds themselves upon which it has accrued have disappeared. How much that may be I do not know; nor do I know certainly that that is the fact; but as some of this interest has not been claimed for a long time back, I think we are justified in supposing that that portion at least of it will never be demanded. The same state of things happens here in regard to the debt of the United States. Here is the public debt statement of the United States for the month of March, 1881, and I find—

Interest due and unpaid $2,140,893.07.

This is outstanding against the United States, and the late Secretary of the Treasury told me last Friday that about a million of that extended back as far as the year 1840.

Mr. DAWES. Does the Senator understand that that is interest uncalled for?

Mr. JOHNSTON. Yes, sir; and what I mean to say is that a portion of this interest which is due from the State of Virginia is interest uncalled for just as that is.

Mr. DAWES. May I put another question to the Senator?

Mr. JOHNSTON. I will hear it.

Mr. DAWES. I do not desire to embarrass the Senator, but it was announced on the other side that the public owed me a debt of gratitude for the interrogatories I put to the Senator the other day, and I want to increase that debt, if I can, because I am after information as to this local question in Virginia. I wanted to inquire of the Senator if it was his opinion that the State of West Virginia ought to pay a part of the debt of the old Commonwealth?

Mr. JOHNSTON. Yes, it is my opinion.

Mr. DAWES. About what part?

Mr. JOHNSTON. About one-third.

Mr. DAWES. You agree with your colleague that one-third of your debt should properly stand over and be charged to West Virginia?

Mr. JOHNSTON. I do; and I agree with the Supreme Court of the United States in that and with the constitution of the State of Virginia and the constitution of the State of West Virginia.

Mr. DAWES. The Senator will allow me to say that I hope he will not feel that I am damaging him by bringing him in accord with his colleague.

Mr. JOHNSTON. Not on that point. The Senator must understand that the constitution of the State of Virginia provided for a settlement of the debt between the State of Virginia and the State of West Virginia, and the constitution of the State of West Virginia did the same thing.

Mr. DAWES. Somebody voted it out of the West Virginia constitution.

Mr. JOHNSTON. I do not know what they did there. I speak of the constitution they adopted first. They may have changed it for aught I know.

Mr. DAWES. I understand that the party that control West Virginia have voted that out of their constitution.

Mr. JOHNSTON. I do not live in West Virginia.

Then, Mr. President, I quote the late case in the Supreme Court of the United States on this subject, Hartman *vs.* Greenhow, from which I will read for the edification of the honorable Senator:

During the war a portion of her territory was separated from her, and by its people a new State, named West Virginia, was formed, and by the Congress of the United States was admitted into the Union. Nearly one-third of her territory and people were thus taken from her jurisdiction. But as the whole State had created the indebtedness for which the bonds were issued, and participated in the benefits obtained by the moneys raised, it was but just that a portion of the indebtedness should be assumed by that part which was taken from her and made a new State. Writers on public law speak of the principle as well established, that where a State is divided into two or more States, in the adjustment of liabilities between each other, the debts of the parent State should be ratably apportioned among them. On this subject Kent says: "If a State should be divided in respect to territory, its rights and obligations are not impaired; and if they have not been apportioned by special agreement, their rights are to be enjoyed and their obligations fulfilled by all the parts in common." (Commentaries, volume 1, 26.) And Halleck, speaking of a State divided into two or more distinct and independent sovereignties, says: "In that case, the obligations which have accrued to the whole before the division are, unless they have been the subject of a special agreement, ratably binding upon the different parts. This principle is established by the concurrent opinions of text-writers, the decisions of courts, and the practice of nations." (International Law, chapter 3, section 27.)

In conformity with the doctrine thus stated by Halleck, both States—Virginia and West Virginia—have recognized in their constitutions their respective liability for an equitable proportion of the old debt of the State, and have provided that measures should be taken for its settlement. The constitution of Virginia of 1870 declared that the General Assembly should "provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the States of Virginia and West Virginia," and should "provide that such sums as shall be received from West Virginia shall be applied to the payment of the public debt of the State." (Art. 10, sec. 19.)

We have the constitution of both States agreeing that it is proper that the State of West Virginia should pay a proportion of this debt. We have it laid down by the Supreme Court of the United States in this recent case that that is the general law and is right, and we have the creditors agreeing to it. The State of West Virginia accepted that principle, and agreed to it in her constitution.

While I am on that subject I have here, which I will ask be made part of my remarks at this point, a tabular statement showing the provisions of the McCulloch bill, of the Riddleberger bill, and at the same time what my colleague stated in the Mozart Hall convention about the debt, as already read by the Senator from Georgia:

The McCulloch or Bourbon bill	*The amount of the debt as stated by General Mahone, February, 1879, and what he was willing to do about it.*	*The Riddleberger bill.*
Was the result of a conference between the creditors and the State. It was acceptable to the bondholders, who funded under it as fast as possible, till arrested by the readjusters. It paid the whole debt, being in round numbers about $32,500,000, with interest at 3 per cent. for ten years, 4 per cent. for twenty years, and 5 per cent. for ten years. The coupons were to be received for taxes and demands due the State, and the bonds were not taxable. The third set aside for West Virginia was not embraced in the above sum.	I would use my best endeavors to secure a vote of the people sanctioning a settlement at 3 per cent. for forty-five years on the basis of $32,977,090.02. And this settlement being ratified, I would enforce it by the Legislature and courts, whose powers I believe to be fully adequate thereto. I would do so because I believe it to be right; because I believe it is the only way to avoid consequences we would all regret deeply; because I believe it is to the best interest of the bondholder and tax-payer, and because I believe it is a duty we owe to the Commonwealth of Virginia.	This bill not only threw off the one-third set aside by the funding bill of 1871 and the McCulloch bill for the share of West Virginia, but it threw off more than one-third of the remainder. It fixed the debt at the sum of $19,665,196, or about $13,000,000 less than the McCulloch bill. The bonds were to bear a uniform rate of interest at 3 per cent., and were not exempt from taxation. The usual legal remedies against an unjust, illegal, or unconstitutional tax were taken away from the people, but they were to be forced to pay the taxes, right or wrong, and then sue for their recovery. And the consent of the creditor was not to be asked, but he was to be compelled to take these bonds or get nothing. No interest was to be paid that accrued during the war or the period of reconstruction, thus putting the war and reconstruction on the same footing.

Now, Mr. President, I wish to ask the Senator from Massachusetts a question. He has asked me a good many, and I want to see if he is as ready to answer the question I will ask him as I have been to answer his. Here is what the Senator said a few days ago in his place on this floor:

I am not blind to the current of political events; I do not turn a deaf ear when those who have been clothed by the Constitution of the United States with the ballot have struggled in vain these long years for the exercise of that right, and whenever they have asserted it have had to wade through blood to the ballot-box; and when I see a body of men in one of these States asserting and maintaining that, however those men may vote, they shall have the free, untrammeled right to cast their ballots and assert their power, whether it be with them or against them, it is not necessary for me to inquire of the Senator from Virginia whence I learned these facts, or of the Senator from Tennessee where it is my duty to stand in any such struggle as that.

I ask the Senator whereabouts in Virginia and when in Virginia anybody ever had to wade through blood to get to the ballot-box? Will the Senator answer?

Mr. DAWES. At any time when it will be most acceptable to the Senator from Virginia I will answer.

Mr. JOHNSTON. Will the Senator answer the question now?

Mr. HOAR, (in his seat.) Petersburgh.

Mr. JOHNSTON. At Petersburgh, did I hear somebody say?

Mr. DAWES. Do you propose to have my answer now?

Mr. JOHNSTON. Answer at your own convenience, sir.

Mr. DAWES. I will answer now.

Mr. JOHNSTON. I want you to take time. I do not want to be interrupted now. You can answer after I sit down.

Mr. DAWES. Mr. President——

Mr. JOHNSTON. Go on, then.

Mr. DAWES. The Senator wants that I should take time. He was kind and gallant enough to serve this notice on me several days ago, and I wish to state to him in all frankness that if he thinks this question of the right of a poor, feeble man to cast his ballot unmolested is local and confined to the State of Virginia, he dwarfs the question amazingly.

Mr. President, what is called "the Mississippi plan" is a generic term, a specific name attached to all the different phases of it in the Southern States, but it is all one plan. It was announced lately at Richmond to be a question of the supremacy of the white race, and I see in leading publications that that at this moment is considered to be of greater importance even than the question of the public debt. It took on the phase of blood in one State; it took on the phase a little after of tissue ballots in another; and in another State it took on the phase of forging returns. The purpose, the object of it in all the States was one and the same. I saw it called in Virginia within a few days "an opposition to vagabond suffrage" from those who call themselves democrats. They worship one day at the shrine of Jefferson, and the next day at the shrine of those that hunt the poor negro.

Sir, the Senator will have to explain those phases of this general plan that they have brought out and developed themselves in Virginia before he arrogates to himself and his party any such assurance that they are holier in their politics than anybody else. Does the Senator know that in public judgment in one district of Virginia representation in the other House has not for two Congresses at least had any reference to the number of voters who desired to and actually did cast their votes in that district? Has the Senator forgotten that the Army of the United States was called out at Petersburgh——

Mr. JOHNSTON. Well, sir——

Mr. DAWES. To put down violence there; and does the Senator pretend to say that nobody got hurt in and about Petersburgh in the vain attempt of citizens to assert their rights as voters? I know what the Senator said about that. He has said already upon this floor that the United States was mistaken about any danger of any serious riot; but men got hurt.

When the plan was adopted that took the name of "the Mississippi plan" in one State and succeeded, it spread, and it is now in process silently in some States, in other States with more or less violence, pervading all those unfortunate States where there is a predominance of numbers of the weak and defenseless voters, and we are to meet it, and we meet it in Virginia just as the mathematician meets the solution of all the questions—he leaves nothing behind unsolved—and we are carrying it through Virginia into those States where that plan has been demonstrated more positively and more effectively to silence as dead men the voters; and that is what troubles my friend from Virginia. He sees the logic of events, and he knows that every voter is entitled to vote, and to be secured——

Mr. JOHNSTON. I yielded for an answer to my question, not to have a long speech made.

Mr. DAWES. I suppose the Senator did not measure out to me what should be the length of the answer.

Mr. JOHNSTON. No; but I want you to answer, not to make a speech.

Mr. DAWES. If the Senator has enough, I am satisfied. [Laughter.]

Mr. JOHNSTON. Quite enough for an interruption. [Laughter.]

Now, Mr. President, I want to say a few words in regard to that very charge about the vote of Virginia. It is easily disproved. I have here a statement of the vote of the State from 1872 down, which I propose to read and have spread upon the RECORD to show how false is the charge that there has been any smothering of the republican vote in that State. I will begin with 1872. In that year General Grant and Horace Greeley were the candidates—Horace Greeley nominated and supported by the democrats. The State government was in the hands of the democrats. Let us see what the vote was then. The vote for Grant was 93,468; for Greeley, 91,654, General Grant, the republican candidate, carrying the State. Then we come to the next election where there was a contest throughout the State which will afford anything like a fair indication of the vote, the election of 1873. That was between Kemper, the democratic or Bourbon candidate, if you choose to call him so, and Hughes, the republican candidate for governor. At that election Kemper got 120,747 votes and Hughes 93,490. You see at each of these elections the republicans got about the same vote. Then the year 1876 was the largest vote we have had since the war, I believe. In that year Tilden received 139,670 and Hayes 95,558, still preserving the uniformity of the republican vote and increasing it a little. The next general election in the State where there was a republican canvass all over the State was the year 1880, the last general election. In that year Hancock got 128,586 and Garfield 84,020. The falling off from 1876 to 1880 was about the same on both tickets. The democratic and republican tickets declined 11,000 about; the votes were relatively the same as in preceding elections. In 1876 and in 1880 there was the same proportion of republican votes. In 1872 the republican vote was 93,468; in 1873, 93,490; in 1876, 95,558, and in 1880, 84,020; the democratic vote falling off also at the election of 1880.

The population of the State, as shown by the last census, was—whites 880,376 and colored 631,827. Anybody who will take the trouble to look over the figures will see that the ratio of republican votes to the colored population is about the ratio of the other vote to the white population, and the parties in the State are divided very nearly upon that line. There are some white republicans in the State, I do not know how many, and some colored democrats. These various elections beginning in 1872 and coming down to 1880 show that the republican vote all the time has been the fair ratio of the colored population of the State, and all the time borne about relatively the same proportion to the democratic vote, except the year 1872, when the democrats did not relish Mr. Greeley very much, and did not turn out and vote for him fully, but the republicans turned out for Grant. That disposes, I think, of the charge in regard to the oppression on colored voters.

Mr. DAWES. Is it not just as effectual a way to suppress the vote by snowing it under with tissue ballots as any other way? I showed the Senator tissue ballots from Virginia the other day that were put by thousands in the boxes.

Mr. JOHNSTON. Whenever I heard of tissue ballots they were used in the district of my colleague. That is the only district I ever heard of such reports from.

Mr. MAHONE. What does my colleague say about his colleague?

Mr. JOHNSTON. I say I never heard of tissue ballots in Virginia but there. Where did the Senator from Massachusetts get his tissue ballots from?

Mr. DAWES. The State of Virginia.

Mr. JOHNSTON. Whereabouts in Virginia?

Mr. DAWES. They were so thick in the district to which I allude that anybody could pick them up.

Mr. JOHNSTON. What district do you allude to?

Mr. DAWES. The district of Norfolk was one.

Mr. JOHNSTON. Was not Petersburgh one?

Mr. DAWES. No; at Petersburgh they resorted to the other part of the method—"the Mississippi plan;" that was violence.

Mr. JOHNSTON. That is the district my colleague lived in.

Mr. DAWES. I know that was. He has seen the error of that. I wish my friend would.

Mr. JOHNSTON. My colleague took occasion the other day to advert to the fact that in the congressional district in which I live, which is bigger than several States in the Union, at a certain election held there the party to which I belong was badly beaten. That is a sort of *argumentum ad hominem* which does not have much, if any, weight. But if it has against me it ought to have against him also. My colleague lives in the city of Petersburgh, and on the 28th day of October, 1880, he appeared in the rôle of a prophet and published this card, addressed I suppose to his own party friends:

COMMITTEE-ROOMS, READJUSTER ORGANIZATION,
Richmond, Virginia, October 28, 1880.

Let me assure you, as I do confidently, that our electoral ticket, headed by Cameron and Riddleberger and pledged to Hancock, will carry the State by a plurality of 25,000; that it will beat either the funder or grip-sack tickets by this vote—not less. Rely on this.

WILLIAM MAHONE.

By the funder ticket my colleague means the ticket that I was for. By the grip-sack ticket he means the ticket of the party to which the Senator from New York belongs, the republican ticket. Now, let us see how my colleague came out as a prophet. Here is the vote of the State: The Bourbon-Hancock ticket, 96,912; the republican or grip-sack ticket, 84,020; for the readjuster ticket, 31,674; and in the town of Petersburgh, where my colleague lives, the whole vote was 3,383, out of which his ticket only got 725, the vote in that city being: Bourbon ticket, 1,045; republican ticket, 1,613; readjuster ticket, 725.

In connection with matters in the State of Virginia let me read what occurred on this floor some time since. Mr. SHERMAN, then Senator from Ohio, offered a resolution which is found on page 152 of the Globe for 1871-'72, and I ask the Clerk to read what I have marked.

The Chief Clerk read as follows:

Mr. SHERMAN. I move that the Senate proceed to the consideration of the resolution offered by me the other day.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. SHERMAN on the 16th instant:

"*Resolved*, That as organized bands of desperate and lawless men, mainly composed of soldiers of the late rebel armies, armed, disciplined, and disguised, and bound by oaths and secret obligations, have by force, terror, and violence subverted all civil authority in large parts of the late insurrectionary States, thus utterly overthrowing the safety of persons and property, and all those rights which are the primary basis and object of all civil government and which are expressly guaranteed by the Constitution of the United States to all its citizens, and as the courts are rendered utterly powerless by organized perjury to punish crime: Therefore,

"The Committee on the Judiciary is instructed to report a bill or bills that will enable the President and the courts of the United States to execute the laws, punish such organized violence, and secure to all citizens the rights so guaranteed to them."

Mr. LEWIS. The Senator says that this band exists in eleven States. Let me say

to him that there is no such band in my State, and that there is as much law and order in Virginia as in any State in this Union. If there is a band of Ku Klux there it is not known to me.

Mr. SHERMAN. I am perfectly aware that there is no testimony showing it to exist in Virginia.

* * * * * * *

Mr. JOHNSTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield further?

Mr. SHERMAN. I desire to make a regular, connected statement, but I will yield to my friend from Virginia if he desires me to do so now, before I have commenced to make my remarks.

Mr. JOHNSTON. I desire to make a single statement. If I understand the resolution—I have not had an opportunity of reading it and only heard it read—it declares that the state of things set forth in it exists in the late insurrectionary States. I presume the Senator who drew the resolution means to include the State of Virginia as one of the late insurrectionary States, and to declare by resolution that the Ku Klux Klan and organized perjury and resistance to the laws exist in that State. I do not desire to interrupt the Senator any further than to deny positively the statements of that resolution in regard to the State of Virginia and to declare that they are utterly untrue.

Mr. SHERMAN. Mr. President, I stated before that I have no testimony now bearing on the case of Virginia; but I intend to give to the Senate this day a connected statement of the evidence disclosed, not only in this document, but in other proof that I shall present, to show that there is a condition of society in nearly all, and I believe with the exception of Virginia the evidence will go to all, the lately rebellious States that is disgraceful to American civilization, that is so startling that although I had read the newspapers from time to time yet it startled me.

Mr. JOHNSTON. There is the testimony of the honorable Senator from Ohio, now again a member of this body, exonerating the State of Virginia from any complicity in all these matters.

About two years ago a charge was got up by somebody in Virginia, originating out of the Lee case, I believe, that the county court judges of the State did not do the colored men justice and excluded them from the juries upon which they were entitled to be put. Judge Rives, the United States district judge of that State, is a man whose character I do not mean to deny, but he is a very strong and decided republican and has as exalted an idea of the dignity of the United States and of the importance of enforcing its laws in all respects as any man in the whole country, North or South. This matter was brought before him, and these Virginia judges were indicted on this charge, several of them; I do not recollect their number. One of them was put to the bar and tried, and upon the trial entirely acquitted, and the prosecution against the others was dismissed by Judge Rives himself, as I am told.

Mention has been made, Mr. President, of that feature of the constitution of Virginia which requires the prepayment of a capitation tax in order to entitle a man to vote. This thing has been urged more by the Senator from Massachusetts than by anybody else. Now I want to read a portion of the constitution of Massachusetts adopted as late as the year 1857:

ART. 20. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upward at the time this amendment shall take effect.

The provision in our constitution is that no man shall vote who has not paid his capitation tax. That capitation tax goes to the schools. We have such regard for the schools that we wish to keep up the school fund in every possible way, and in order that we may do that we say that every man must pay that tax before he shall vote, no matter whether he pays the other taxes or not. We do not require him to pay taxes for the support of the State government, nor for the purpose of meeting the interest on the public debt, nor his county, town, or corporation tax; he may default in every one of them and still vote, but we do say that, "Here is a tax of one dollar only, which goes to the public schools, and you must pay that tax before you shall vote;" and we do it out of regard for the public schools, not to disfranchise the citizen. It is a sum that any hearty, able-bodied man can discharge with two days' work, or if he is a mechanic with one, and thus exercise the right of suffrage. It is no disfranchisement; it is a condition imposed on him that he can most easily remove, and it only applies to voters, not to the right to hold office. A man need not pay any tax to hold office there.

But how is it in the State of Massachusetts? In that State a man can neither vote nor hold office unless he can read the Constitution of the United States and write his name. In order to entitle him to vote there it takes six months or a year of hard work. It is not a thing to be removed in a short time by a little labor, but by work and study for a year or more; and if poverty intervenes, and a man must labor each day for his daily bread, if he has not time to go to school and learn these things, he can never vote or hold office in that State. And yet we bear attacks on the State of Virginia from Massachusetts that we are derelict and seek to disfranchise our citizens because we desire to increase the fund devoted to education by the constitution of the State, and require that tax, and that tax only, to be paid before any man shall vote, no matter what his color or previous condition.

Mr. DAWES. May I interrupt the Senator?

Mr. JOHNSTON. For how long?

Mr. DAWES. The Senator is citing constitutional law, and I thought perhaps I might aid him a little about the constitution of Massachusetts.

Mr. JOHNSTON. I have read the constitution; there it is.

Mr. DAWES. But you commented on it in a way to show you did not understand it.

Mr. JOHNSTON. The provision is very plain. If the Senator wants to ask a question——

Mr. DAWES. No; I should like to tell you what it means.

Mr. JOHNSTON. It does not require you to explain that; it is very clear.

Mr. DAWES. So it would seem, but it was evident when you came to talk about it that you did not understand it.

Mr. JOHNSTON. Now, Mr. President, this movement to elect Riddleberger is put upon the ground by the republicans of liberalism, breaking the solid South, giving the colored people all their rights, suppressing all these alleged outrages. I want to look into the sincerity of that a little, and see how true that is; see what this man Riddleberger, around whom the republican Senators are now rallying as a sort of champion, as they say, of a free ballot, has done and said to deserve their support for such a reason, and what the party that he belongs to in the State has done, and how true is their claim of progress and advancement.

I read what my colleague, who aspires to be Mr. Riddleberger's biographer, quoted from a late manifesto of that gentleman, and if I am not mistaken—if I am I can be corrected—Mr. Riddleberger said that he had opposed both in the Legislature and before the people the amendment to the constitution by which the prepayment of the capitation tax was required in order to vote. I have looked into Mr. Riddleberger's record on that subject, and let us see what it is. The law proposing this amendment to the constitution was passed on the 20th of March, 1875. Our constitution in Virginia provides how it may be amended. It is done by one Legislature passing a law proposing the amendment by a majority of the members elected to each house. Then public notice is given of that law three months in advance of the next election of members of the Legislature, and it has to be adopted by a second Legislature by the same vote, a majority of all the members of each house. Then that second Legislature provides that it shall be submitted to a vote of the people, and it only becomes a part of the constitution when it has passed two Legislatures and been ratified by the people.

Mr. Riddleberger and his party in the State had these three opportunities to contest this constitutional amendment, and let us see what they did. He was a member of the Legislature that passed it. I have the journal of that body, and here is the record of the question coming up on that particular constitutional amendment, and I find the yeas and nays recorded upon it. On page 455 you will see that Mr. Riddleberger was then a member of the Legislature from the county of Shenandoah. Now I will ask the Clerk to look among the yeas and nays and state whether he sees Mr. Riddleberger voting against it.

The Chief Clerk read as follows:

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, Alexander, Allen, Armentrout, Armstrong, Bagwell, Banks, Barnes, Beaton, Bohannon, Brooks, Campbell, J. A. Carter, A. L. Clark, Cockerille, Coghill, Crank, Critz, Davis, Dooley, Finney, Fitzpatrick, Flood, Foster, Friend, Gaines, Gardner, P. Gibson, Gilman, Graves, Griffith, Hale, Henderson, Hoenniger, Holbrook, William Hoskins, Howard, Hudgin, Hunter, James Jett, Jordan, B. W. Lacy, J. H. Lacy, Lamkin, Lee, Lewis, Lightner, Lovell, Lovenstein, Lybrook, Magruder, Massey, McMullan, Montague, Moore, Morrison, Ould, Pannill, Pendleton, Powell, Richmond, Scruggs, Shumate, Spratt, Strother, Stuart, Swann, Taliaferro, Taylor, Wallace, Webb, Wharton, Williams, Winn, Withers, and Yager—77.

NAYS—Messrs. Bickings, Branch, Jack Carter, Cecil, Matt Clark, Cox, Fulkenson, Gilliam, Goodwyn, Grayson, Hamilton, Harris, Hill, John T. Hoskins, P. K. Jones, R. S. Jones, Lemmon, Lipscomb, May, McGonigal, W. A. Nash, Nickens, Rains, Stovall, Syphax, Thomas, Turner, Webber, Whittaker, and Young—30.

Mr. JOHNSTON. You do not find Mr. Riddleberger's name there. Now turn over on the next page, and see if a little while after he did not vote on some little bill.

The Chief Clerk read as follows:

Special order No. 49. House engrossed bill for the management of land purchasers and actual settlers in Virginia, and to repeal an act approved March 29, 1873, entitled an act for the encouragement of immigration, came up.

The motion by Mr. Foster to reconsider the vote by which the bill was rejected was agreed to.

The question recurring on the passage of the bill was put, and decided in the affirmative—yeas 70, nays 37.

The vote required by the constitution was recorded as follows:

Yeas—Messrs. * * * Riddleberger.

Mr. JOHNSTON. There in the Legislature of Virginia, Mr. Riddleberger being present, as that journal shows, and this great measure about which so much is now said in regard to his position, and on which he is championed on this floor, being up, he sits there dumb—dumb when it was time to speak and now clamorous when the time has passed.

On this subject of what the readjusting party has done in the State of Virginia and what they propose to do to entitle them to what is now claimed for them, I shall have to give a little history, and I want to call attention to the fact, in the first place, that on the 5th day of January last the readjusters of Virginia issued an address signed "William Mahone, chairman," in which this statement is made:

And yet when the 1st day of January came—

That is, the 1st day of January, 1880—

though funderism had controlled the government without interruption to the very day, it was ascertained and disclosed by the auditor installed by your party that the treasury contained $22,497.09, &c.

Thus the readjusters, through their chairman, my colleague, not

only admit but charge that the funder party had held control of the government without interruption to the 1st of January, 1880, and were responsible for the previous legislation. At the Mozart Hall meeting the same declaration was made by Mr. Blair, the temporary chairman, who said:

The negroes have been freed and the State has been ravaged throughout her borders, and her territory has been rent in twain. Regard to these facts should be had in any readjustment. The conservative party had had control ever since reconstruction, and yet no relief has come.

Then if this was true, and if there was any legislation in the interest of reform, economy, and public education, it was the work of the funders or Bourbons and not of the readjusters. The readjusters came into possession of the Legislature in 1879. Here are the acts of their Assembly of 1879–'80, and they paid what was only a just and due compliment to the conservative party of the State, because in that whole volume there is not one single law for the protection of schools, or preserving the school-fund, or making any other reform. But the readjuster legislature found the work of the preceding conservative body so perfect and so complete and so good and so wise and so just that they did not even undertake to change or correct it. Here in the volume of their acts, they did not even pass a law imposing taxes for the support of the government, nor one improving the public revenues; they did not try to do it. They took everything as the Bourbon democrats had left it. They found the legislation of the Bourbons like a perfect statue from which nothing could be taken and to which nothing could be added. They virtually admitted that by their failure to perform that duty usual and proper in legislative bodies, to raise and appropriate the annual revenue, that they could not improve upon the laws as they found them. They accepted the work of the Bourbons, conceded its wisdom and fitness, and let it stand.

So when they complain of what the funders have done, there is their record. If what the funders have done, if what the McCulloch legislature did was wrong, if they had misappropriated public funds, if they had imposed improper taxation, if they had made taxes too high or too low, if they were unjust or illegal or unconstitutional, then it was the imperative duty of that Legislature to correct these things; but they did not even make the effort.

Now, on the subject of schools, about which so much clamor has been made. During the funder reign, in addition to the fact I referred to the other day that the Legislature, long before they were required to do so by the constitution of the State, put public schools into operation, the Bourbons passed what is called the Henkel bill, which protected the school fund in the counties. It was claimed that if all the money collected from the people was put into the treasury and mixed together there might be danger that some of it would be diverted from the schools; and to prevent that the Henkel bill was passed by one of those Bourbon-funder legislatures, by which it was provided that the school fund of each county should be kept in the county and never go to the treasury at all, so as to make it impossible that there could be any misapplication of the fund in the way charged.

That was one of the Bourbon measures; and if the schools now are efficient it is on account of that Henkel bill and other measures to which I will refer. I want to read what the superintendent of public instruction says about this Bourbon measure. The Henkel bill was passed in March, 1879, by the same Legislature that passed the McCulloch bill and who are now denounced as the enemies of the public-school system. I read from the last report of the superintendent of public instruction in Virginia:

Under the act of March 3, 1879, commonly called the Henkel act, the amount apportioned November 29, 1879, was $459,515.95.

That is the sum this Bourbon measure secured the schools, and the Riddleberger bill only claims for them under its provisions the annual sum of $431,700, for this is one of the recitals in its long preamble:

Whereas the necessary expenses of conducting the government, after adopting and applying every practicable measure of reform and economy, cannot safely be estimated below the sum of $900,000, and the proportion of such estimated revenue due to the public schools will be $431,700.

There on the face of the bill itself it is stated that the portion of the revenue going under it to the public schools is $431,700, and on the other hand the Henkel or Bourbon bill yielded to the schools the sum of $459,515.95, or twenty-odd thousand dollars more than the proposed Riddleberger bill.

But that is not all. There is another bill which Mr. Riddleberger himself has indorsed, as I have already read here, in the controversy in the congressional election last fall between Mr. Allen and Mr. Paul about this very question of the public schools—Allen claiming that what the public schools were then getting was due to the Henkel bill, and Paul and Riddleberger claiming that it was due also to another bill passed in 1877–'78, by which an amount was required to be paid quarterly out of the treasury to the counties. There, the readjusters say, is where the help came from. No matter where it came from, it was a Bourbon measure either way. The Bourbons had power, according to my colleague, until 1880. Both the Henkel bill and that of 1877–'78 were their measures, and the only question even among the readjusters is, which of these two acts did most for our schools?

That is not the only thing, Mr. President. During the time the Bourbons were in power let us see whether they made any reforms in the State. Recollect, as I said before, that when we started it was under difficult circumstances. Everybody will admit that the situation was one which required wisdom and in which difficulties might be expected to be encountered at every step. But when we got the government into operation and found what the troubles were, step by step these Bourbons sought to reform them and have done so successfully.

They have diminished the public burdens in more ways than one. In the first place, under acts of Bourbon legislatures biennial sessions of the Legislature were provided, and one-half the legislative expenses thus cut off. In the second place the number of members of the Legislature was reduced and thus a large saving was effected. In the next place their pay was cut down, and thus another economy practiced. Salaries generally through the State were reduced, and the bill to which I have alluded, the bill of 1877–'78, and the Henkel bill were passed, by which the school fund was put out of the reach of being captured for any other purpose. And by the operation of the McCulloch bill about two hundred and forty thousand dollars a year of the interest upon the public debt was saved.

These are the reforms made by the Bourbon legislature; and if now the State has more means at its control, if it has more money to apply to the public debt and to public education, it is because the Bourbons did these things.

Let me examine a little further this alleged progressive and free and liberal movement in the State of Virginia. I find some resolutions passed lately by republicans in that State. I have here a paper signed by John Callahan, chairman republican executive committee, Portsmouth, Virginia; Jacob E. Reid, chairman Norfolk County republican executive committee; T. F. Paige, jr., chairman Norfolk City executive committee; Richard Goodson, secretary of Portsmouth republican executive committee; Z. T. Hutchins, sr., secretary Norfolk County republican executive committee; and W. H. Mills, secretary Norfolk City republican executive committee, who certify to the adoption of certain resolutions, in which they say that they represent 6,000 republican voters, and it is resolved—

That as republicans we cannot conscientiously approve of the proceedings of the recent convention held in the city of Petersburgh, and we desire all good republicans to beware of those men who claim to be the champions of "liberalism."

Those gentlemen, occupying a conspicuous position in the republican party, and representing, as they say, 6,000 republicans, seem to think that this "liberal" movement is a wolf in sheep's clothing.

And now let me show something of the spirit which moves and animates this party in Virginia. I read now from what is a reported speech of Mr. John Paul, of Rockingham, a prominent readjuster, who has been elected to Congress from the seventh district. This speech is reported as having been made at the Mozart Hall convention, and I suppose it was made there. See how liberal this is:

The people are here in grand convocation, to take their own affairs into their own hands; and he was proud to see so vast a gathering. They had trusted too long to others, only to be deceived; and now there is to be an organization that shall secure discipline and carry out the will of the majority. There must be no truce with traitors; and a drum-head court-martial must await all deserters.

Some resolution was passed in the city of Norfolk only a few days ago by the readjusters, and I will read the first, and before reading it I wish to call attention to what you yourself, sir, [Mr. HOAR in the chair,] said on this floor within the last day or two, I believe. You, or the Senator from Maine, [Mr. HALE,] I do not now remember which, took occasion to warn us that this was a nation. A "nation" was the language that you used, not a mere aggregation of States and Territories, but a *nation*. Let us see whether the readjusters down in Virginia think that this is a nation or not, and what they would accord to people outside of the State. They enunciate stronger State-rights doctrines than anybody in the South ever uttered. Here is their resolution:

That we, the readjusters of the city of Norfolk, and others, heretofore acting with the so-called democratic and republican parties, hereby express our hearty approbation of the manly and independent course pursued by General MAHONE, Senator from Virginia, upon the floor of Congress, in refusing to co-operate with BAYARD, who had grossly misrepresented him and his party and who lacked the manliness to correct his misstatements when informed of them; or to go in caucus with HAMPTON, VANCE, and MORGAN, who came from repudiating States, to teach honesty to and defeat our party in Virginia who were striving for a just and equitable settlement of the State debt; or to act with JOHNSTON, whose interference with our debt question the people of the Commonwealth had emphatically repudiated at the polls.

It declared that it was a piece of insolence and intrusion in this nation to freemen from the other States to go into Virginia to speak in the presidential canvass. They absolutely deny in this nation, as you call it, sir, the right of a Senator from another State to raise his voice in Virginia in a presidential campaign. Not only that, but the Mr. JOHNSTON referred to there is myself, a man who was born in Virginia, and whose people have lived there for more than one hundred years. They spoke of my "interference" in the affairs of my own State. They are so intolerant as to denounce the fact that I ventured to express an opinion on the State debt, and ventured to do what other citizens of the State had a right to do, to vote and to speak. That is now the party of free speech and free opinion and free action, the party of the nation, that you gentlemen are defending so strongly here.

I will read now some extracts from some of the readjuster papers in order to see if we can get at what the principles of the party are.

My colleague the other day read with disapprobation, as I understood him, from a speech delivered by Major John W. Daniel, in which he talked about greenbacks, national banks, &c. Here is a leading editorial from the Richmond Whig of July 11, 1878. I will read what that paper says. Here is what he says the country wants:

1. A deluge of greenbacks. Our present sufferings are mainly due to the scarcity of currency and the apprehension that it may be still scarcer. The way to meet the evil is to drown out the money-changers as you would so many burrowed rats—flood them with greenbacks.

* * * * * * *

2. It is the credit system by which the money-dealer has his strongest hold upon the toiling millions. Abolish that, and humanity is free and stands on solid ground. It is by the credit system that the money-dealer gets interest on five times as much money as he has, and thereby makes the rest of the community hewers of wood and drawers of water for his benefit—in a word, his abject slaves. To this end all that is necessary is a clause in the State and Federal constitutions to the effect that *no contract between individuals shall be enforced in any court.* That will settle the matter.

Further this editorial says:

We shall then be able to make a bonfire of that law library in Washington of 40,000 volumes, and all other law libraries in which conclusive authority may be found for every rascality conceived by the human intellect.

That library contains the decisions of Marshall, of Taney, of Chase, and of Waite. Further, I read from a speech made by W. W. Newman on the 23d of September, 1878. This Newman was then a candidate for Congress in the Richmond district, and was elected a judge by the readjusters last winter, and is now a judge. They elected him judge after the sentiments that he delivered then. See how fit this man is for a judge. He said:

Now, gentlemen, before we resume a specie currency, I submit that according to all principles of equity and justice, it is the duty of this Government to go back to the origin of all contracts, see what the money was worth as compared with gold, and thus reduce all debts to a gold standard. Until this is done, specie resumption is the most gigantic swindle ever perpetrated on earth.

Further he says:

Sherman has turned the screw of contraction until it has produced 40,000 business failures, with a loss of one thousand millions to the country.

Still further on he says:

The Government, before returning to gold and redeemable paper, is bound by every principle of justice to reduce all contracts to a gold basis and scale them accordingly.

This man, elected a judge, advocates the scaling of all contracts; and, I suppose, as he was a candidate for Congress, that could only be done by Congress. These are some of the declarations of their journals and judges.

In the Mozart Hall convention Mr. Riddleberger made a speech; he was chairman of the committee that reported the resolutions:

At the night session Mr. Riddleberger, from the committee on business, submitted their report, consisting of a statement of our present condition, the objections to the McCulloch bill, and the following:

In view of all these facts—

Says Mr. Riddleberger—

beleaguered by a clamorous host without, and beset by a combination within.

That is the way in that published address he designates the creditors of the State who are only after their just debts, "beleaguered by a clamorous host without."

From the Richmond Whig of July 11, 1878, the leading readjuster paper of the State, and from the speeches of the candidates and one of their judges, I gather that this is their platform:

1. A deluge of greenbacks—to drown out the money-changers as you would so many burrowed rats—*flood them with greenbacks.*—*Richmond Whig*, of July 11, 1878, the leading readjuster paper in Virginia.

2. Put a clause in the State and Federal constitutions to the effect *that no contract between individuals shall be enforced in any court.*—*Same journal.*

3. We shall then be able to make a bonfire of that law library in Washington of 40,000 volumes, and all other law libraries, in which conclusive authority may be found for every rascality by the human intellect.—*Same journal.*

Then from the same journal of August 26, 1879:

4. The truth is that if Virginia should at once repudiate her whole debt it would be the most effective means possible to entice within her borders both capital and immigrants.

Mr. Frank Blair, temporary chairman, whom I have already quoted, said at the Mozart Hall convention:

Having achieved a great triumph in the State on our view of the debt issue, I now favor a vigorous application of the readjustment principle to the national debt.

Then follows the resolution, which I have already read, of the Norfolk City meeting and what I have read from the speech of Mr. Newman.

Then we gather this from the Riddleberger bill as one of their principles:

That in its direful operation upon Virginia the reconstruction period was equivalent to the war, and equally exonerated the State from the payment of interest on a just debt.

However, let me call attention to a little article that I believe appeared on Friday or Saturday in the National Republican of this city, edited by Mr. Gorham, whose name is before the Senate now for the Secretaryship, in which he said:

THE COURT DEMORALIZED.

It is a fact that all the business before the United States courts in this District is at a complete stand-still on account of the failure to nominate a United States marshal, and it seems decidedly unjust that the interests of 180,000 citizens should be so long jeopardized because the President is unable to come to a decision as to the proper person to appoint. It is to be hoped that some one of the many aspirants may be selected without further delay, and thus end the present dead-lock in the courts.

This is the condition of the business of this District and if that nomination should be sent in it would lie on that table and could not even be opened because we cannot get into executive session.

Now I want to say in conclusion that if the republicans in this body think it of more importance and interest to the country and a more imposing constitutional duty to persist in this effort to elect Senate officers where no vacancies exist rather than to fill the vacancies on the supreme bench in the fifth judicial circuit and the Court of Claims, to consider the important treaties known to be pending, and to act upon the numerous nominations already sent in by the President, well and good. They claim a constitutional majority in this body and they must take the responsibility.

The PRESIDING OFFICER, (Mr. BLAIR in the chair.) The question is on the motion of the Senator from Ohio [Mr. PENDLETON] that the resolution be indefinitely postponed.

Mr. SAULSBURY. Mr. President, I desire to appeal to our friends on the other side no longer to obstruct the public business by refusing to go into executive session.

Mr. DAWES. Mr. President, I cannot hear the Senator.

Mr. SAULSBURY. I desire to appeal to our friends on the other side of this Chamber no longer to obstruct the public business by refusing to proceed to the consideration of executive business. We have been here for a full month, and yet there has been scarcely any of the business performed for which we were convened in executive session. I have heard numerous motions made from this side of the Chamber to proceed to executive business, and the record will disclose the fact that we have been persistent in our appeals to the other side of the Chamber not to obstruct the public business, but to proceed to discharge the duties for which we have been called together. The Senator from Ohio, [Mr. PENDLETON,] with courteous bearing and language, has appealed in a manner that would have been heard and respected in almost any deliberative body in the world, and yet his appeals have been totally disregarded, and my friend the Senator from Tennessee, [Mr. HARRIS,] who has, with a persuasive manner and imploring voice, importuned and pleaded with the other side to come to the discharge of the duties for which they are here convened, and yet his language has fallen on deaf ears. So the Senator from Kentucky [Mr. BECK] has repeatedly tried to demonstrate to the Senator from Massachusetts who has this matter in charge [Mr. DAWES] that it was his imperative duty to proceed with the consideration of the public business; and yet he has been callous and deaf to the claims of duty upon him. These appeals have been made to the patriotism of the other side of this Chamber, to their sense of duty, but made in vain. I come now and appeal to republican Senators upon another ground. I appeal no longer to the sense of duty that ought to animate that side of the Chamber to progress with the public business; I appeal no longer to their patriotic feelings; but I come to ask them——

Mr. DAWES. Will the Senator allow me——

Mr. SAULSBURY. No, sir; I will make my appeal, and then you can speak.

Mr. DAWES. I wanted before the Senator departed from patriotism to respond to him.

Mr. SAULSBURY. I now come to appeal perhaps to a feeling which is more near to the hearts of the other side of the Chamber than that of patriotism or a sense of duty. I come to ask them in the name of party fealty to ground the weapons of their rebellion against their own administration.

Mr. DAWES. You have no business to speak on that point.

Mr. SAULSBURY. If there is any man in this land to-day who deserves commiseration and pity it is the President of the United States. Why, sir, no man ever occupied the presidential chair who has been treated with such marked disrespect by his own friends. I see the papers state that comparatively few persons now call at the White House. Even the great press of office-seekers have found that the President of the United States is unable to do anything for them, and they have ceased to pay their visits to the tenant of the presidential mansion. He may at this very hour be indulging in soliloquy and saying to himself, "I have been in this office for one month; I have been in this mansion, once occupied by Madison and Jefferson and Adams and all those great men who preceded me, and every man that has ever occupied this place has commanded the respect at least of his own party but myself. Even my immediate predecessor, Mr. Hayes, (whom nobody believed was elected to the Presidency,) did in the early days of his administration at least command some respect; and though his administration was broken down in the Senate Chamber before he went out of office, completely broken down, and his administration disgraced, disgraced by his own political friends, yet even he, in the early days of his administration, did command some respect, and I sit here unhonored and alone. I did not expect this treatment from my republican friends. I supposed that I would command respect enough on my own side of the Chamber at least to have their co-operation in the performance of my duties; but I have sent my messages to the Senate Chamber and they lie unopened; they are not even considered; no respect is paid to them; they are utterly disregarded by my republican friends in the Senate. Was ever a President treated as I am treated? Certainly it is not within the memory of living man that any other President was so contemptuously disregarded by his own political friends in the Senate."

Mr. HOAR and Mr. DAWES addressed the Chair.

Mr. SAULSBURY. I desire not to be interrupted. I want you to hear my appeal. I am making an appeal in behalf of your President, and I want you to listen calmly, for in the interest of your own party I now appeal to you.

Mr. DAWES. Good.

Mr. SAULSBURY. Perhaps he is saying, "There are some in the Senate Chamber from whom I did not expect much better treatment."

Mr. DAWES. We are pretty badly off now.

Mr. SAULSBURY. Perhaps he may be saying, "There is a portion of the republican party that I did not expect to give me much consideration, because I antagonized them and the third-term men in the Chicago convention; perhaps they are treasuring up some idea of avenging a wrong to them, and I might perhaps have expected to meet with some opposition from that quarter; but then there is the Senator from my own State, the man that I went to the Chicago convention for the purpose of nominating, and he, too, sits in silence and does not give respect to the messages which I send to the Senate. Perhaps he is dreaming that I was not loyal to him at Chicago—that I did not desire his nomination by the convention—that I was false and treacherous. Can it be such thoughts disturb his soul? If so, alas! he wrongs me. I despise treachery, and hate the man that betrays a trust—

> May life's unblessed cup for him
> Be drugged with treacheries to the brim;
> And when from earth his spirit flies,
> Just prophet, let the damned one dwell
> Full in the sight of Paradise,
> Beholding Heaven and feeling Hell.

"No, my own Senator does not, cannot believe that I was false to him at Chicago. Why, then, does he sit in silence? Then there is the Senator from Massachusetts [Mr. DAWES] that has charge of the resolution obstructing executive business. I served with him in the other House; we were friends then; but he has turned against me, and will not let my messages be opened and considered. And then there is the other Senator from Massachusetts [Mr. HOAR] who presided so conspicuously over the convention that gave me the nomination, and he, too, has turned against me; I did not expect that from him. I remember the joy that lit up his countenance when my name was announced as the nominee; but I begin to believe now that the satisfaction he manifested then was not so much on my own account as it was that he assisted to defeat the third-term candidate. He sat with me, too, on the electoral commission, he is privy to all the secrets of which I am cognizant with reference to that affair, and I had not expected that that Senator would have turned his hand against me.

"Then there are the Senators from Maine; I ought to have their co-operation, for we served together in the other House. There was perhaps some little jealousy, some little rivalry about the leadership of our party in the House of Representatives; but that should have passed away when I was called to another sphere. They ought to remember that I took my premier from their State, and whatever disgrace is brought upon my administration must be shared by their own particular friend, the Secretary of State; and one of them ought especially to remember that by so taking my premier from that State he had an opportunity given to him to be elevated to the Senate. I had not expected that kind of treatment from the Senators from Maine.

"Then there is the Vice-President, he whose name was inscribed with my own on every banner and whose image is now stuck up in almost every junk-shop beside my own; he ought not to turn his heel against me. By his casting vote he has assisted to put the Senate into such a position that they now will not give any respect to my messages sent to them. Was ever a President in such a lamentable condition?" Such perhaps are the thoughts, if not the language, of the President.

Now, I appeal to you, republican Senators, in behalf of your own President. Disgrace is being brought on his administration by the very fact that his party is seeking to make alliance with repudiation throughout the country. Disgrace is about to be entailed upon his party as well as upon the man himself by the contempt with which he is treated. I appeal to you, gentlemen, to stop—stop this greed for a few offices, and march up to the performance of public duty. Perhaps the Vice-President ought himself to go, being so near to the throne and the heir-apparent to it, he ought at once to go and tell the President in his despair that you are engaged in a more important duty; that the Senator from Virginia has assisted you to organize the Senate, and, animated by gratitude, that noblest feeling of humanity, you have a higher duty to perform than that which you owe to the President of the United States. Send your Vice-President, and let him pour into the executive ear the words of consolation and hope; tell him that after this more important function has been discharged then you will take up the messages he has sent here and act upon them.

Now, I appeal to you, my republican friends, if you have no patriotic sense of duty to prompt you, I ask you in the name of party fealty to give some attention to your President, and perform the duty for which you were called together in executive session. I hope this appeal will not be in vain. I have volunteered it as a friend to the President, whom I have known long, and for whom I have had a high regard, seeing the unfortunate position in which he is placed, and that his administration is in danger of sharing the same fate as that of his immediate predecessor, of being broken down.

I appeal to Senators to sustain the President of your own choice, and we on this side will co-operate with you, so that his administration shall not go down despised and neglected at its very beginning.

Mr. DAWES. Mr. President——

Mr. SAULSBURY. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Massachusetts was recognized before the motion was made.

Mr. DAWES. Let us continue the exercises of this solemn occasion by a few brief remarks. [Laughter.] The delusion into which the Senator from Delaware has fallen——

Mr. SAULSBURY. My motion was to go into executive session, and it is not debatable.

The PRESIDING OFFICER. The Senator did not submit the motion until the Senator from Massachusetts had asked for the floor and it had been awarded to him. The motion was then made, but it was not then in order.

Mr. DAWES. I was about to say, Mr. President, that the delusion into which the Senator from Delaware had fallen, that he was the President of the United States, was not the only delusion which seems to have got possession of him. He is greatly mistaken and does not seem to be aware of where he is, when he appeals to what he calls this side of the Chamber to regard the will of the majority and to evoke the assistance of the distinguished Senator from Tennessee in order to bring back what he calls this side of the Chamber to a sense of duty. The last distinguished effort of that Senator was rebuked by a considerable, certainly an emphatic and indisputable majority of the Senate. It is the Senate that the Senator from Delaware is quarreling with, not this side. The Senate is against him. The Senate decided, not by an even, but by a positive and pronounced majority on the very last record that they would not do what the Senator from Delaware, in the most solemn, I will not say psalm-singing, but devout tone, invoked what he called this side of the Senate to do. Will not the Senator from Delaware admit the a, b, c, the rudiment of principle upon which all this fabric rests, that the majority shall rule?

Mr. PENDLETON. Mr. President——

Mr. DAWES. I cannot be interrupted at this interesting moment.

Mr. PENDLETON. I only interrupt to make a statement of fact to the Senator which I am sure would interest him just at this particular moment.

Mr. DAWES. Well, I would not disappoint the Senator.

Mr. PENDLETON. I only desire to call the attention of the Senator from Massachusetts to the fact that the majority which he says was so decided this morning arose from the circumstance that two of the gentlemen on that side forgot their pairs and inadvertently voted.

Mr. DAWES. Ah, indeed! Mr. President, I will submit it at this moment—we will have no further question—just take the vote on the resolution, and if the resolution has not a majority at this moment I will hold my peace forever. Will the Senator accept the proposition? He questions the idea of a majority. I say to him I will submit that question, and, as the people say who distribute the Holy Writ, "without note or comment." I will submit the question now to the Senate, and as the majority shall be recorded, so shall he or I forever hold our peace. I say it is the majority, it is the Senate—for what the majority is is the Senate—that the Senator from Delaware who quotes Moore and Byron and all the ancient poets is quarreling with.

I went into an insane asylum a little while ago, and the first man I met came and shook hands and said to me, "I am the President of the United States." [Laughter.]

Mr. SAULSBURY. What was his name?

Mr. DAWES. I do not know his name. The man who gets that delusion into his head and undertakes to talk as if from the Executive Mansion would say anything. [Laughter.] Now, if my friends on the other side have any doubt about the majority and will just join me in settling it forever, I will ask for a vote on the resolution.

Mr. SAULSBURY. I submitted a motion to go into executive session.

The PRESIDING OFFICER. The Senator from Delaware moves——

Mr. DAWES. Why will not the Senator test the question of the majority by a vote on the resolution?

Mr. SAULSBURY. Because I want to carry you into executive session to perform your duty.

Mr. DAWES. If the majority say they will go into executive session, well and good; but they have just said they would not; and if you will just submit this question to the majority of the Senate, I will pledge you my word to move myself in ten minutes to go into executive session.

Mr. SAULSBURY. The question is on the motion I have made.

Mr. DAWES. I am afraid the Senator is not half as sincere as he thinks he is about this anxiety to go into executive session.

Mr. FARLEY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. That motion is now pending, made by the Senator from Delaware. The question is on that motion.

Mr. SAULSBURY and others called for the yeas and nays, and they were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN, (when his name was called.) On this question I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. FARLEY, (when his name was called.) I am paired with my colleague, [Mr. MILLER.] I do not see him in his seat, and therefore I decline to vote.

Mr. HARRIS, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING,] and upon all kindred questions. I should vote "yea" if at liberty to do so.

Mr. HAWLEY, (when his name was called.) For this afternoon I am paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. COKE, (when Mr. MAXEY's name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. MORRILL, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. TELLER, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. MAXEY.] If he were present, I should vote "nay."

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB,] and I announce the pair now for the day.

The roll-call was concluded.

Mr. ROLLINS. The Senator from Nebraska [Mr. SAUNDERS] is paired with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. HARRIS. I see the Senator from New York [Mr. CONKLING] in the Chamber, and I therefore record my vote. I vote "yea." I call the attention of the Senator from New York to the fact that I have recorded my vote.

Mr. CONKLING. If the honorable Senator allows his vote to stand, I will vote if that is agreeable to him.

Mr. ALLISON, (after having voted in the negative.) I desire to withdraw my vote, having voted under a misapprehension. I am paired with the Senator from West Virginia, [Mr. DAVIS.]

Mr. CONKLING. As the Senator from Tennessee [Mr. HARRIS] has voted, I vote "nay."

Mr. FAIR. I am paired with my colleague, [Mr. JONES, of Nevada.]

The result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Bayard,	Gorman,	Johnston,	Pugh,
Beck,	Groome,	Jonas,	Ransom,
Butler,	Grover,	Jones of Florida,	Saulsbury,
Call,	Hampton,	Lamar,	Slater,
Camden,	Harris,	McPherson,	Vance.
Cockrell,	Hill of Georgia,	Morgan,	
Coke,	Jackson,	Pendleton,	

NAYS—27.

Anthony,	Dawes,	Ingalls,	Platt of Conn.,
Blair,	Edgerton,	Kellogg,	Platt of N. Y.,
Burnside,	Ferry,	Logan,	Rollins,
Cameron of Pa.,	Frye,	McDill,	Sawyer,
Cameron of Wis.,	Hale,	McMillan,	Sewell,
Conger,	Harrison,	Mahone,	Sherman.
Conkling,	Hoar,	Mitchell,	

ABSENT—23.

Allison,	Farley,	Maxey,	Van Wyck,
Brown,	Garland,	Miller,	Vest,
Davis of Illinois,	George,	Morrill,	Voorhees,
Davis of W. Va.,	Hawley,	Plumb,	Walker,
Edmunds,	Hill of Colorado,	Saunders,	Williams.
Fair,	Jones of Nevada,	Teller,	

So the motion was not agreed to.

Mr. BUTLER. Mr. President, inasmuch as——

Mr. DAWES. I hope now, as the Senate have decided, they will take this vote——

The PRESIDING OFFICER. The Senator from South Carolina is entitled to the floor.

Mr. BUTLER. Inasmuch as our friends on the other side decline to go into executive session and attend to the business for which we were convoked, I move that the Senate do now adjourn.

Mr. DAWES. I hope we shall not abandon the business before the Senate.

Mr. BUTLER. The Senate very clearly declines to transact business, and therefore I wish to adjourn.

Mr. DAWES. The Senator from Massachusetts is willing to submit to the majority.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina, that the Senate do now adjourn.

Mr. JONES, of Florida. Mr. President——

Mr. BUTLER. My friend from Florida desires to submit some remarks, and therefore I withdraw the motion for the present.

Mr. DAWES. I am glad the motion is withdrawn.

Mr. JONES, of Florida. Mr. President, I was not in my seat the other evening when the honorable Senator from Illinois [Mr. LOGAN] took occasion to refer to some grave occurrence in my State in connection with the elections, some outrage perpetrated upon an animal. I do not know how much that might weigh with the country, but as we all have a very great disposition to keep up the character of that little Commonwealth for peace and order, I am not willing to let what the Senator said pass without a little notice from me. It is true my colleague [Mr. CALL] was here at the time and very properly put in a denial to the statement of the outrage; but after looking at the RECORD I felt that something more might be said in justice to my people; and I do not propose now to bring forward any democratic authority, but I propose to show from the very highest republican authority that these constant imputations which are being cast upon the people of the State which I partly represent here have no foundation in truth and are circulated in my opinion for nothing in the world but to warp the public mind of the North, the great body of whose people never have an opportunity of looking into the internal condition of things in the South.

I was a year or two ago very much delighted when the Senator from Maine, now the Secretary of State, (Mr. Blaine,) who always illuminated this Chamber by his presence, in speaking of the condition of things in Florida, took occasion to except that State from the number of Southern Commonwealths upon which he was willing to raise the charge of violence and wrong. While I believe with respect to the other communities of the South that all that has been said is just as far short of the truth as in regard to Florida, still I know from my own personal knowledge and observation that the public press of this country has been filled with slanders, vile and infamous, with respect to the condition of things there.

Now, Mr. President, I propose to read from the message of the governor of Florida, a republican governor, in 1874. Upon the assembling of the Legislature of that State he took occasion to speak to the representatives of the people, and indeed to the whole country, in regard to the internal condition of the Commonwealth over which he was called upon to preside as chief magistrate—Governor Stearns, whose republicanism I think will not be questioned by any gentleman on the other side of the Chamber. He said:

> During the past year peace, the offspring of contentment and harbinger of prosperity, has prevailed throughout the State. The laws have generally been well executed. Crime has perceptibly diminished, especially offenses of the higher grades. The election last November was passed with unprecedented order and quiet, and it is believed that a fair expression of the people's will was had. I have yet to learn of a single collision or disturbance at the polls between races or opposing parties growing out of that exciting contest.
>
> Freedom of political opinion and action has been accorded alike to all and recognized as an essential principle of free government. Equal civil and political rights are denied to none, and the most cordial good-will prevails among all classes of our people. We need no congressional enactment or other interference to secure to any class of our citizens the full enjoyment of their just constitutional rights.
>
> Since slavery and secession are things of the past, buried beyond the possibility of resurrection; since all the States are restored to their constitutional relations with the General Government, and a true and lasting peace has come; since equal civil rights and political privileges are guaranteed to all, irrespective of race, color, or previous condition of servitude—has not the time come when we may safely recur to fundamental principles which underlie our system of government as established by our fathers, and base our political action upon them? It is a sound political maxim that "a frequent recurrence to the fundamental principles of government is essential to civil liberty." I believe there is a strong feeling among all classes of our citizens for a radical reform in governmental affairs and a more economical expenditure of the public moneys. I believe there is a true desire for a more perfect restoration of friendly and fraternal relations and mutual confidence between all sections of our common country. The citizens of Florida are loyal to the Government, and would cheerfully render any assistance in their power to uphold and defend it. A patriotism as broad and comprehensive as the American Union possesses their hearts, and I doubt if any State has a more loyal and patriotic class of citizens than the people of Florida are to-day.

That is the evidence that I produce to support the character of the people of that State from the republican governor to the Legislature in 1874, written with full knowledge of the history of the past, in the midst, I may say, of some excitement and after we had passed through many exciting local contests in that State.

Now, need I say to Senators that there has been no material change in the condition of public sentiment in that Commonwealth, and that the situation as presented to the country and to the State by Governor Stearns in 1874 has been its condition from that day to this? And when gentlemen get up here and try to make it appear that we are lawless and ready to cut each other's throats over an election matter, it is an imposition on the intelligence of this people, and it brings to my mind some of the melancholy chapters in the history of darker days. I am reminded by it of a passage in Macaulay which I cannot forbear to read. It only shows that history repeats itself when the designs and purposes of men are the same. Those who have read the history of other countries and times will remember the condition of things in England in the reign of Charles II when party feeling, I suppose, ran higher than at any other time in its history and each resorted to every possible means to crush the other; the court was supposed to be in sympathy with the Catholics and under the leadership of France, and every falsehood that could possibly be taken hold of was nurtured by the opposition to crush the opposing party. The infamous history of Titus Oates is familiar to all. The tales that he invented and which were received by great statesmen as truths and put before the country to warp the English mind afford some instructive lessons that we ought to profit by. Speaking of the condition of things, Macaulay says:

> Meanwhile the courts of justice, which ought to be in the midst of political commotion sure places of refuge for the innocent of every party, were disgraced by wilder passions and fouler corruptions than were to be found even on the hustings. The tale of Oates, though it had sufficed to convulse the whole realm, would not, unless confirmed by other evidence, suffice to destroy the humblest of those whom he had accused. For, by the old law of England, two witnesses are necessary to establish a charge of treason. But the success of the first impostor produced its natural consequences. In a few weeks he had been raised from penury and obscurity to opulence, to power which made him the dread of princes and nobles, and to notoriety such as has for low and bad minds all the attractions of glory. He was not long without coadjutors and rivals. A wretch named Carstairs, who had earned a livelihood in Scotland by going disguised to conventicles and then informing against the preachers, led the way. Bedloe, a noted swindler, followed; and soon from all the brothels, gambling houses, and spunging houses of London, false witnesses poured forth to swear away the lives of Roman Catholics. One came with a story about an army of 30,000 men who were to muster in the disguise of pilgrims at Corunna and to sail thence to Wales. Another had been

promised canonization and £500 to murder the king. A third had stepped into an eating house in Covent Garden, and had there heard a great Roman Catholic banker vow, in the hearing of all the guests and drawers, to kill the heretical tyrant. Oates, that he might not be eclipsed by his imitators, soon added a large supplement to his original narrative. He had the portentous impudence to affirm, among other things, that he had once stood behind a door which was ajar, and had there overheard the queen declare that she had resolved to give her consent to the assassination of her husband. The vulgar believed and the highest magistrates pretended to believe even such fictions as these. The chief judges of the realm were corrupt, cruel, and timid. The leaders of the country party encouraged the prevailing delusion. The most respectable among them, indeed, were themselves so far deluded as to believe the greater part of the evidence of the plot to be true. Such men as Shaftesbury and Buckingham doubtless perceived that the whole was a romance. But it was a romance which served their turn; and to their seared consciences the death of an innocent man gave no more uneasiness than the death of a partridge. The juries partook of the feelings then common throughout the nation and were encouraged by the bench to indulge those feelings without restraint. The multitude applauded Oates and his confederates, hooted and pelted the witnesses who appeared on behalf of the accused, and shouted with joy when the verdict of guilty was pronounced.

This history, written with respect to an enlightened people, teaches us how far prejudice for a time may glow against the claims of justice. The man who created all that *furor*, who had succeeded in impressing the mind of the court, was afterward whipped at the cart's tail as an infamous scoundrel and villain who had sworn away the lives of his fellow-countrymen.

I say, Mr. President, when such grave accusations are brought forward here which impeach the character of your fellow-citizens in other portions of the Union, it is not proper in the Senate of the United States to let an accusation of that kind rest upon the simple statement of any one individual.

Mr. HARRIS. Mr. President, I move to lay the resolution of the Senator from Massachusetts on the table.

Mr. DAWES. Why not take a vote on the resolution itself?

Mr. HARRIS. The motion is not debatable, Mr. President.

Mr. DAWES. I know; but I inquire of the Senator.

Mr. HARRIS. Because I choose to move to lay it on the table. That is the shortest method of getting rid of it, and one quite satisfactory to myself.

Mr. DAWES. Oh, take the test vote on the resolution itself.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee to lay the pending resolution on the table.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired on this question with the Senator from West Virginia, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. BROWN, (when his name was called.) I am still paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. FARLEY, (when his name was called.) I am paired with my colleague, [Mr. MILLER,] whom I do not see in his seat.

Mr. COKE, (when Mr. MAXEY's name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] I make the announcement now for the day.

Mr. MORRILL, (when his name was called.) I am paired to-day with the Senator from Mississippi, [Mr. GEORGE.]

Mr. SAUNDERS, (when his name was called.) On another vote I announced the transfer of the pair between the Senator from Kentucky [Mr. WILLIAMS] and myself to the Senator from Kansas, [Mr. INGALLS.] The Senator from Kansas is now in his seat, and I shall not vote on this question on account of the pair.

The roll-call was concluded.

Mr. KELLOGG. I desire to inquire if any pair with me has been announced?

The PRESIDING OFFICER. The Chair thinks not.

Mr. HAWLEY, (after having voted in the affirmative.) I voted inadvertently. I am paired with the Senator from Indiana, [Mr. VOORHEES,] as I announced before. I ask that my vote be withdrawn.

Mr. McMILLAN. The Senator from Colorado [Mr. HILL] is paired with the Senator from Arkansas, [Mr. WALKER.]

The result was announced—yeas 23, nays 27; as follows:

YEAS—23.

Bayard,	Gorman,	Johnston,	Pendleton,
Beck,	Groome,	Jonas,	Pugh,
Butler,	Grover,	Jones of Florida,	Ransom,
Call,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Vance.
Coke,	Hill of Georgia,	Morgan,	

NAYS—27.

Anthony,	Dawes,	Ingalls,	Platt of Conn.,
Blair,	Edgerton,	Kellogg,	Platt of N. Y.,
Burnside,	Ferry,	Logan,	Rollins,
Cameron of Pa.,	Frye,	McDill,	Sawyer,
Cameron of Wis.,	Hale,	McMillan,	Sewell,
Conger,	Harrison,	Mahone,	Sherman.
Conkling,	Hoar,	Mitchell,	

ABSENT—26.

Allison,	Farley,	Maxey,	Van Wyck,
Brown,	Garland,	Miller,	Vest,
Camden,	George,	Morrill,	Voorhees,
Davis of Illinois,	Hawley,	Plumb,	Walker,
Davis of W. Va.,	Hill of Colorado,	Saulsbury,	Williams.
Edmunds,	Jackson,	Saunders,	
Fair,	Jones of Nevada,	Teller,	

So the motion was not agreed to.

Mr. DAWES. After so decided a vote of the majority of this body against these dilatory motions, I hope we may have a vote on the resolution itself.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely.

Mr. DAWES. I hope that will be withdrawn and a vote taken on the resolution.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I desire to state once for all to-day, that I am paired with the Senator from West Virginia, [Mr. DAVIS,] and therefore refrain from voting.

Mr. BROWN, (when his name was called.) As stated on previous roll-calls, I am paired for the rest of the day with the Senator from Nebraska, [Mr. VAN WYCK,] unless he should return to the Hall.

Mr. INGALLS, (when his name was called.) For the remainder of the day I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. MORRILL, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.] I shall not again repeat the announcement.

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call was concluded.

Mr. CAMDEN. I wish to announce the pair of my colleague [Mr. DAVIS, of West Virginia] with the Senator from Iowa, [Mr. ALLISON.]

The result was announced—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Farley,	Jackson,	Pendleton,
Beck,	Gorman,	Johnston,	Pugh,
Butler,	Groome,	Jonas,	Ransom,
Call,	Grover,	Jones of Florida,	Saulsbury,
Camden,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Vance.
Coke,	Hill of Georgia,	Morgan,	

NAYS—28.

Anthony,	Dawes,	Kellogg,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	McMillan,	Saunders,
Cameron of Wis.,	Hale,	Mahone,	Sawyer,
Conger,	Harrison,	Miller,	Sewell,
Conkling,	Hoar,	Mitchell,	Sherman.

ABSENT—21.

Allison,	Garland,	Maxey,	Voorhees,
Brown,	George,	Morrill,	Walker,
Davis of Illinois,	Hawley,	Plumb,	Williams.
Davis of West Va.,	Hill of Colorado,	Teller,	
Edmunds,	Ingalls,	Van Wyck,	
Fair,	Jones of Nevada,	Vest,	

So the motion was not agreed to.

Mr. HARRIS. Mr. President, the Senate has accomplished so little in the last few weeks that in the hope that we may get on with the public business more rapidly than we have done, I move that when the Senate adjourns to-day it be to meet at nine o'clock to-morrow morning, and upon that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Tennessee moves that when the Senate adjourns to-day it be to meet at nine o'clock to-morrow morning, and upon that motion he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. SLATER. I move to amend the motion by inserting "ten" instead of "nine" and on that I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon, upon which he calls for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Before these votes are taken, assuming that the Senator from Massachusetts is determined to make us sit to-night all night, as I hope he will, to test how much endurance there is on this side, as the Senator from Pennsylvania has been endeavoring for two weeks to see whether we will or not endure, and ten o'clock coming very early if we sit till five or six, I move to amend by making the hour "eleven," and on that I call for the years and nays.

The PRESIDING OFFICER. The amendment is not in order.

Mr. BECK. I think the amendment is in order.

Mr. DAWES. Is the question debatable?

The PRESIDING OFFICER. The Chair understands that it is in order. The Senator from Kentucky moves to amend the amendment of the Senator from Oregon by making the hour of meeting to-morrow eleven o'clock, and on that motion the yeas and nays are demanded.

The yeas and nays were ordered, and being taken resulted—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Camden,	Gorman,	Harris.
Beck,	Cockrell,	Groome,	Hill of Georgia,
Butler,	Coke,	Grover,	Jackson,
Call,	Farley,	Hampton,	Johnston,

Jonas,	McPherson,	Pugh,	Slater,
Jones of Florida,	Morgan,	Ransom,	Vance.
Lamar,	Pendleton,	Saulsbury,	

NAYS—28.

Anthony,	Dawes,	Kellogg,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	McMillan,	Saunders,
Cameron of Wis.,	Hale,	Mahone,	Sawyer,
Conger,	Harrison,	Miller,	Sewell,
Conkling,	Hoar,	Mitchell,	Sherman.

ABSENT—21.

Allison,	Garland,	Maxey,	Voorhees,
Brown,	George,	Morrill,	Walker,
Davis of Illinois,	Hawley,	Plumb,	Williams.
Davis of W. Va.,	Hill of Colorado,	Teller,	
Edmunds,	Ingalls,	Van Wyck,	
Fair,	Jones of Nevada,	Vest,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Oregon [Mr. SLATER] to the motion of the Senator from Tennessee, [Mr. HARRIS.]

Mr. GROOME. Mr. President, the question being now in the second degree, I move to amend the amendment by making the time of meeting 11.45 to-morrow, and on that I call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Maryland moves to amend the amendment of the Senator from Oregon by substituting the hour of "11.45" for "10" as the hour to which the Senate shall adjourn.

Mr. HOAR. Is that motion debatable?

The PRESIDING OFFICER. The Chair thinks it is not.

Mr. DAWES. I hope there will be no objection to my making an inquiry of the other side. If we can come to some arrangement as to the time when we shall take the vote on this resolution, I shall be very glad to accommodate the gentlemen on the other side.

Mr. HARRIS. The Senator from Massachusetts will have no difficulty if he will postpone the consideration of the resolution until next December, I imagine, in arriving at a conclusion.

Mr. DAWES. I might be willing, but the majority of the Senate seem to be otherwise. I would inquire of the Senator if he does not think we can come to some arrangement to dispose of it to-night, and then not meet so early in the morning?

Mr. COCKRELL. Postpone it until December, and you will have no trouble.

Mr. DAWES. The majority of the Senate have decided over and over again that they will not do that.

Mr. COCKRELL. Let us go on and try.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland [Mr. GROOME] to the amendment of the Senator from Oregon, [Mr. SLATER,] that when the Senate adjourns it be to meet to-morrow at 11.45 o'clock, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. DAWES. If Senators think we could take the vote in that fifteen minutes to-morrow morning, I should be very glad to agree with them.

The question being taken by yeas and nays, resulted—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Farley,	Jackson,	Pendleton,
Beck,	Gorman,	Johnston,	Pugh,
Butler,	Groome,	Jonas,	Ransom,
Call,	Grover,	Jones of Florida,	Saulsbury,
Camden,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Vance.
Coke,	Hill of Georgia,	Morgan,	

NAYS—28.

Anthony,	Dawes,	Kellogg,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	McMillan,	Saunders,
Cameron of Wis.,	Hale,	Mahone,	Sawyer,
Conger,	Harrison,	Miller,	Sewell,
Conkling,	Hoar,	Mitchell,	Sherman.

ABSENT—21.

Allison,	Garland,	Maxey,	Voorhees,
Brown,	George,	Morrill,	Walker,
Davis of Illinois,	Hawley,	Plumb,	Williams.
Davis of W. Va.,	Hill of Colorado,	Teller,	
Edmunds,	Ingalls,	Van Wyck,	
Fair,	Jones of Nevada,	Vest,	

So the amendment to the amendment was rejected.

Mr. PENDLETON. Mr. President, in response to a question that was asked by the Senator from Massachusetts a few minutes ago in relation to the time when the vote might be taken upon this resolution, I make to him the suggestion that we now go to the actual business before the Senate, the business of considering the names that are sent to us, and after we shall have cleared the table and done the business which the country is waiting for, we can determine when we will take a vote on this resolution. I therefore, and I hope with his concurrence, move that the Senate proceed to the consideration of executive business.

Mr. DAWES. Will the Senator allow me in order——

The PRESIDING OFFICER. The motion is not in order.

Mr. HARRIS. The motion is certainly in order under Rule 43:

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business.

The PRESIDING OFFICER. The pending motion is one relating to adjournment, and it has precedence of the motion of the Senator from Ohio.

Mr. COCKRELL. The Senator's motion is not now in order.

Mr. HARRIS. It may not be in order pending the motion to adjourn to an hour certain to-morrow.

The PRESIDING OFFICER. That is the motion pending, which by the rules of the Senate takes precedence.

Mr. HARRIS. I had forgotten that.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oregon [Mr. SLATER] to the motion of the Senator from Tennessee [Mr. HARRIS] by substituting as the hour of meeting to-morrow ten o'clock for nine o'clock.

Mr. DAWES. I should like to respond to the Senator from Ohio in the hope that we may come to some understanding. I reciprocate——

The PRESIDING OFFICER. Debate is not in order.

Mr. DAWES. I reciprocate the patriotic sentiment which has just been enunciated——

Mr. PENDLETON. I desire to interrupt the gentleman to say that the rules of order cut off my motion, and therefore debate is out of order upon it.

Mr. INGALLS. One moment on the question of order. The ruling of the Chair is incorrect. The motion was in order and could be properly made by the Senator from Ohio. The only question is one of precedence as to which motion should be first submitted.

Mr. BAYARD. The question of precedence is a question of order.

Mr. INGALLS. It is a question of priority in submitting the motions to the Senate.

Mr. DAWES. I hope the Senator from Ohio will not lose sight of his desire to proceed to the actual business before the Senate as soon as the pending motion is out of the way.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon [Mr. SLATER] to amend the motion of the Senator from Tennessee [Mr. HARRIS] so that when the Senate adjourns to-day it be to meet to-morrow at ten o'clock, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Farley,	Jackson,	Pendleton,
Beck,	Gorman,	Johnston,	Pugh,
Butler,	Groome,	Jonas,	Ransom,
Call,	Grover,	Jones of Florida,	Saulsbury,
Camden,	Hampton,	Lamar,	Slater,
Coke,	Harris,	McPherson,	Vance.
Cockrell,	Hill of Georgia,	Morgan,	

NAYS—28.

Anthony,	Dawes,	Kellogg,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Platt of, N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	McMillan,	Saunders,
Cameron of Wis.,	Hale,	Mahone,	Sawyer,
Conger,	Harrison,	Miller,	Sewell,
Conkling,	Hoar,	Mitchell,	Sherman.

ABSENT—21.

Allison,	Garland,	Maxey,	Voorhees,
Brown,	George,	Morrill,	Walker,
Davis of Illinois,	Hawley,	Plumb,	Williams.
Davis of W. Va.,	Hill of Colorado,	Teller,	
Edmunds,	Ingalls,	Van Wyck,	
Fair,	Jones of Nevada,	Vest,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] that when the Senate adjourn to-day it be to meet to-morrow at nine o'clock, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 27, nays 28; as follows:

YEAS—27.

Bayard,	Farley,	Jackson,	Pendleton,
Beck,	Gorman,	Johnston,	Pugh,
Butler,	Groome,	Jonas,	Ransom,
Call,	Grover,	Jones of Florida,	Saulsbury,
Camden,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Vance.
Coke,	Hill of Georgia,	Morgan,	

NAYS—28.

Anthony,	Dawes,	Kellogg,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Ferry,	McDill,	Rollins,
Cameron of Pa.,	Frye,	McMillan,	Saunders,
Cameron of Wis.,	Hale,	Mahone,	Sawyer,
Conger,	Harrison,	Miller,	Sewell,
Conkling,	Hoar,	Mitchell,	Sherman.

ABSENT—21.

Allison,	Davis of Illinois,	Edmunds,	Garland,
Brown,	Davis of W. Va.,	Fair,	George,

Hawley	Maxey,	Van Wyck,	Williams.
Hill of Colorado,	Morrill,	Vest,	
Ingalls,	Plumb,	Voorhees,	
Jones of Nevada.	Teller,	Walker,	

So the motion was rejected.

Mr. COCKRELL. I move to lay the resolution of the Senator from Massachusetts and all proceedings upon the table.

Mr. HOAR. Will the Senator withdraw that motion? I want to read one or two democratic speeches, and he will wish to hear them.

Mr. COCKRELL. There will be plenty of time for that before we get through.

Mr. HOAR. All right.

Mr. COCKRELL. I call for the yeas and nays on my motion to lay on the table.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the resolution of the Senator from Massachusetts and all pending proceedings upon the table, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. HARRIS. Pending that motion, I move that the Senate proceed to the consideration of executive business; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. GROOME. As there seems to be no probability that the public business for which we were called together can be transacted in the present temper of the Senate, I move that the Senate take a recess until noon this day two weeks; and upon that motion I call for the yeas and nays.

The PRESIDING OFFICER. Pending the motion of the Senator from Tennessee [Mr. HARRIS] that the Senate proceed to the consideration of executive business, the Senator from Maryland [Mr. GROOME] moves that the Senate take a recess of two weeks, upon which motion the yeas and nays are demanded.

Mr. HOAR. Is the motion to take a recess debatable?

The PRESIDING OFFICER. The Chair thinks it is not.

Mr. HARRIS. It is not debatable under the rule.

The PRESIDING OFFICER. The motion is not debatable.

Mr. GROOME. Rule 43 settles that.

The PRESIDING OFFICER. Upon the motion the yeas and nays are demanded.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. COCKRELL. Pending this motion, I move that when the Senate adjourns to-day it be to meet to-morrow at 11.30 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri, [Mr. COCKRELL,] that when the Senate adjourns to-day it be to meet to-morrow at 11.30 o'clock.

Mr. COCKRELL. I believe that is a debatable motion; and I hope that the Senator from Massachusetts will vote for it, as he wants to attend the exhibition going on.

Mr. HOAR. Does the Senator refer to me?

Mr. COCKRELL. No, to the other Senator from Massachusetts.

Mr. HOAR. I think the exhibition made by the democratic Senators is better than the circus. [Laughter.]

The PRESIDING OFFICER. Debate is not in order. Pending the motion to take a recess for two weeks, the Senator from Missouri moves that when the Senate adjourns to-day it be to meet to-morrow morning at 11.30 o'clock, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. HOAR. That motion cannot be in order.

Mr. HARRIS. I move to amend the motion of the Senator from Missouri by striking out "11.30" and inserting "eleven."

The PRESIDING OFFICER. The motion to amend is not in order. The question must first be taken upon the longest time.

Mr. HARRIS. So it may, but the amendment is in order pending the longer time.

The PRESIDING OFFICER. The Chair decides otherwise.

Mr. HARRIS. I yield to the decision of the Chair.

The PRESIDING OFFICER. The motion is to adjourn for the longer time, and the shorter time as an amendment cannot be in order. The question is on the motion of the Senator from Missouri, [Mr. COCKRELL,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MILLER, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

The roll-call having been concluded, the result was announced—yeas 25, nays 27; as follows:

YEAS—25.

Bayard,	Gorman,	Johnston,	Ransom,
Beck,	Groome,	Jonas,	Saulsbury,
Butler,	Grover,	Lamar,	Slater,
Call,	Hampton,	McPherson,	Vance.
Camden,	Harris,	Morgan,	
Cockrell,	Hill of Georgia,	Pendleton,	
Coke,	Jackson,	Pugh,	

NAYS—27.

Anthony,	Dawes,	Kellogg,	Platt of N. Y.,
Blair,	Edgerton,	Logan,	Rollins,
Burnside,	Ferry,	McDill,	Saunders,
Cameron of Pa.,	Frye,	McMillan,	Sawyer,
Cameron of Wis.,	Hale,	Mahone,	Sewell,
Conger,	Harrison,	Mitchell,	Sherman.
Conkling,	Hoar,	Platt of Conn.,	

ABSENT—24.

Allison,	Farley,	Jones of Florida,	Teller,
Brown,	Garland,	Jones of Nevada,	Van Wyck,
Davis of Illinois,	George,	Maxey,	Vest,
Davis of W. Va.,	Hawley,	Miller,	Voorhees,
Edmunds,	Hill of Colorado,	Morrill,	Walker,
Fair,	Ingalls,	Plumb,	Williams.

So the motion was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Maryland [Mr. GROOME] to take a recess for two weeks.

Mr. GROOME. As I find that several democratic Senators have not yet abandoned the hope that if we remain in continuous session our republican brethren within two weeks will agree to proceed to the consideration of executive business——

Mr. HOAR. Is the question debatable?

The PRESIDING OFFICER. It is not.

Mr. GROOME. And as I think my motion is more likely to delay than expedite the public business, I ask leave to withdraw it.

The PRESIDING OFFICER. The Senator from Maryland cannot withdraw the motion, the yeas and nays having been ordered.

Mr. HARRIS. By unanimous consent the motion can be withdrawn.

Mr. GROOME. I ask unanimous consent to withdraw the motion.

Mr. LOGAN. I object.

Mr. DAWES. I hope unanimous consent will be given to withdraw all dilatory motions. I should like to know who objects.

Mr. COCKRELL. The Senator from Illinois objects.

Mr. GROOME. Then I ask Senators to join me in voting down the motion.

Mr. LOGAN. In voting your own motion down?

Mr. GROOME. I do.

Mr. DAWES. I hope no Senators will object to the withdrawal of these dilatory motions.

The PRESIDING OFFICER. The Senator from Illinois objects. The roll will be called on the motion of the Senator from Maryland, that the Senate take a recess for two weeks.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when Mr. BUTLER'S name was called.) The Senator from South Carolina [Mr. BUTLER] is paired with me on all these votes.

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas [Mr. PLUMB] but have transferred it for the present to the Senator from South Carolina, [Mr. HAMPTON.]

The roll-call having been concluded, the result was announced—yeas 2, nays 47; as follows:

YEAS—2.

Camden,	Vance.

NAYS—47.

Anthony,	Edgerton,	Jonas,	Platt of Conn.,
Bayard,	Ferry,	Jones of Florida,	Platt of N. Y.,
Beck,	Frye,	Kellogg,	Ransom,
Blair,	Gorman,	Lamar,	Rollins,
Burnside,	Groome,	Logan,	Saulsbury,
Call,	Grover,	McDill,	Saunders,
Cameron of Wis.,	Hale,	McMillan,	Sawyer,
Cockrell,	Harris,	McPherson,	Sewell,
Coke,	Harrison,	Mahone,	Sherman,
Conger,	Hill of Georgia,	Mitchell,	Slater,
Conkling,	Hoar,	Morgan,	Vest.
Dawes,	Jackson,	Pendleton,	

ABSENT—27.

Allison,	Fair,	Ingalls,	Pugh,
Brown,	Farley,	Johnston,	Teller,
Butler,	Garland,	Jones of Nevada,	Van Wyck.
Cameron of Pa.,	George,	Maxey,	Voorhees,
Davis of Illinois,	Hampton,	Miller,	Walker,
Davis of W. Va.,	Hawley,	Morrill,	Williams.
Edmunds,	Hill of Colorado,	Plumb,	

So the motion was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. VEST, (when Mr. HAMPTON'S name was called.) The Senator from South Carolina [Mr. HAMPTON] is paired with the Senator from Kansas, [Mr. PLUMB.]

Mr. MILLER, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

Mr. WALKER, (when his name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were present, he would vote "yea" and I should vote "nay."

The result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Bayard,	Groome,	Jonas,	Pugh,
Call,	Grover,	Jones of Florida,	Ransom,
Camden,	Harris,	Lamar,	Saulsbury,
Cockrell,	Hill of Georgia,	McPherson,	Slater,
Coke,	Jackson,	Morgan,	Vance,
Gorman,	Johnston,	Pendleton,	Vest.

NAYS—25.

Anthony,	Edgerton,	McDill,	Saunders,
Blair,	Ferry,	McMillan,	Sawyer,
Burnside,	Frye,	Mahone,	Sewell,
Cameron of Wis.,	Harrison,	Mitchell,	Sherman.
Conger,	Hoar,	Platt of Conn.,	
Conkling,	Kellogg,	Platt of N. Y.,	
Dawes,	Logan,	Rollins,	

ABSENT—27.

Allison,	Edmunds,	Hawley,	Plumb,
Beck,	Fair,	Hill of Colorado,	Teller,
Brown,	Farley,	Ingalls,	Van Wyck,
Butler,	Garland,	Jones of Nevada,	Voorhees,
Cameron of Pa.,	George,	Maxey,	Walker,
Davis of Illinois,	Hale,	Miller,	Williams.
Davis of W. Va.,	Hampton,	Morrill,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Missouri [Mr. COCKRELL] to lay the resolution of the Senator from Massachusetts [Mr. DAWES] and all pending proceedings on the table, upon which motion the yeas and nays have been ordered.

Mr. HOAR. How can that motion be in order? I object——

Mr. PENDLETON. I move that the Senate adjourn.

The PRESIDING OFFICER. Pending which the Senator from Ohio [Mr. PENDLETON] moves that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.] Were he present, he would vote "yea" and I should vote "nay."

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call was concluded.

Mr. BECK. I am paired on all questions with the Senator from Maine, [Mr. HALE.]

The result was announced—yeas 25, nays 26; as follows:

YEAS—25.

Bayard,	Groome,	Jonas,	Ransom,
Call,	Grover,	Jones of Florida,	Saulsbury,
Camden,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Vance.
Coke,	Hill of Georgia,	Morgan,	
Farley,	Jackson,	Pendleton,	
Gorman,	Johnston,	Pugh,	

NAYS—26.

Anthony,	Edgerton,	McDill,	Rollins,
Blair,	Ferry,	McMillan,	Saunders,
Burnside,	Frye,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman.
Conkling,	Kellogg,	Platt of Conn.,	
Dawes,	Logan,	Platt of N. Y.,	

ABSENT—25.

Allison,	Edmunds,	Ingalls,	Vest,
Beck,	Fair,	Jones of Nevada,	Voorhees,
Brown,	Garland,	Maxey,	Walker,
Butler,	George,	Morrill,	Williams.
Cameron of Pa.,	Hale,	Plumb,	
Davis of Illinois,	Hawley,	Teller,	
Davis of W. Va.,	Hill of Colorado,	Van Wyck,	

So the Senate refused to adjourn.

Mr. PENDLETON. I notice that my friend from Massachusetts [Mr. DAWES] voted "nay" on the motion to adjourn. I take this as an evidence, however slight, that he intends to abandon his ways of obstruction to the public business; and in order that I may meet him half way and encourage him in that laudable disposition, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. HARRIS and Mr. ROLLINS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when the name of Mr. BUTLER was called.) I am paired with the Senator from South Carolina, [Mr. BUTLER.]

The roll-call having been concluded, the result was announced—yeas 25, nays 26; as follows:

YEAS—25.

Bayard,	Groome,	Jonas,	Ransom,
Call,	Grover,	Jones of Florida,	Saulsbury,
Camden,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	McPherson,	Vance.
Coke,	Hill of Georgia,	Morgan,	
Farley,	Jackson,	Pendleton,	
Gorman,	Johnston,	Pugh,	

NAYS—26.

Anthony,	Cameron of Wis.,	Dawes,	Frye,
Blair,	Conger,	Edgerton,	Harrison,
Burnside,	Conkling,	Ferry,	Hoar,
Kellogg,	Mahone,	Platt of N. Y.,	Sewell,
Logan,	Miller,	Rollins,	Sherman.
McDill,	Mitchell,	Saunders,	
McMillan,	Platt of Conn.,	Sawyer,	

ABSENT—25.

Allison,	Edmunds,	Ingalls,	Vest,
Beck,	Fair,	Jones of Nevada,	Voorhees,
Brown,	Garland,	Maxey,	Walker,
Butler,	George,	Morrill,	Williams.
Cameron of Pa.,	Hale,	Plumb,	
Davis of Illinois,	Hawley,	Teller,	
Davis of W. Va.,	Hill of Colorado,	Van Wyck,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Missouri [Mr. COCKRELL] to lay the resolution of the Senator from Massachusetts [Mr. DAWES] and all pending proceedings on the table.

Mr. HOAR. I rise to a question of order. We cannot lay more than one thing on the table at a time. The motion to lay all pending proceedings on the table is out of order.

The PRESIDING OFFICER. There are no pending proceedings but the resolution of the Senator from Massachusetts, [Mr. DAWES.]

Mr. HOAR. There are half a dozen resolutions introduced by my colleague, and they are all pending of necessity.

Mr. DAWES. While the suggestion of my colleague is correct, in point of fact there are no pending proceedings except the motion to lay on the table, as I understand.

The PRESIDING OFFICER. The motion was made in the form in which the Chair has stated it.

Mr. COCKRELL. What is the point of order raised by the Senator from Massachusetts, [Mr. HOAR?]

The PRESIDING OFFICER. The junior Senator from Massachusetts raises the point of order that the motion of the Senator from Missouri to lay the resolution of the senior Senator from Massachusetts and all pending proceedings on the table is out of order, the latter clause being surplusage.

Mr. COCKRELL. If it is surplusage and does not mean anything, it cannot be out of order.

The PRESIDING OFFICER. The Chair rules it out of order, and will put the question on the motion of the Senator from Missouri to lay the resolution of the Senator from Massachusetts on the table, upon which motion the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were here, he would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 24, nays 26; as follows:

YEAS—24.

Bayard,	Groome,	Johnston,	Pendleton,
Call,	Grover,	Jonas,	Pugh,
Camden,	Hampton,	Jones of Florida,	Ransom,
Coke,	Harris,	Lamar,	Saulsbury
Farley,	Hill of Georgia,	McPherson,	Slater,
Gorman,	Jackson,	Morgan,	Vance.

NAYS—26.

Anthony,	Edgerton,	McDill,	Rollins,
Blair,	Ferry,	McMillan,	Saunders,
Burnside,	Frye,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman.
Conkling,	Kellogg,	Platt of Conn.,	
Dawes,	Logan,	Platt of N. Y.,	

ABSENT—26.

Allison,	Davis of W. Va.,	Hill of Colorado,	Van Wyck,
Beck,	Edmunds,	Ingalls,	Vest,
Brown,	Fair,	Jones of Nevada,	Voorhees,
Butler,	Garland,	Maxey,	Walker,
Cameron of Pa.,	George,	Morrill,	Williams.
Cockrell,	Hale,	Plumb,	
Davis of Illinois,	Hawley,	Teller,	

So the Senate refused to lay the resolution on the table.

Mr. DAWES. The Senate has now decided by a majority that it will not lay aside the resolution pending before it for the transaction of other business. It has also decided upon a test vote that it will not reject the resolution. Further resistance to it, therefore, becomes resistance to the will of the majority. I desire to call the attention of the Senate and of those who are thus obstructing public business by resistance to the will of the majority to the fact that it is the old struggle in which they have been engaged before, and in which they lost. The will of the majority in this matter must prevail. Whatever that will, honestly and fairly expressed, it is the law to which all good citizens must bow.

I trust that we shall come here to-morrow forgetting all differences and resolve solely to conform to the known and expressed will of the majority of this body, and no longer any portion of us obstruct the regular order of public business and the government of that order by the majority. I hope we shall come prepared to stay here to-morrow until we shall have accomplished that fact and illustrated to the country that this great body, the Senate of the United States, will no longer set the example of factious resistance to a majority.

I move that the Senate do now adjourn.

Mr. BECK. I knew all day that the Senator wanted to go to the circus. [Laughter.]

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts, that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and forty minutes p. m.) the Senate adjourned.

TUESDAY, *April 5*, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DEATH OF THE CZAR OF RUSSIA.

The VICE-PRESIDENT laid before the Senate the following communication, which was read:

DEPARTMENT OF STATE, *Washington, April 4*, 1881.

SIR: I have the honor to transmit herewith, for the information of the Senate, a copy of the response of the Russian Government to the communication made to it, by the United States minister at St. Petersburg, of the Senate resolution of the 15th ultimo on the death of the late Emperor Alexander II.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

Hon. CHESTER A. ARTHUR, *&c., &c., &c.*,
President of the Senate.

[Inclosure.]

Mr. De Giers to Mr. Foster.

ST. PETERSBURG, *March* 5, (o. s.,) 1881.
[*March* 17, 1881.]

[Translation.]

ST. PETERSBURG, *March* 5, 1881.

SIR: I have submitted to His Majesty the Emperor the letter you addressed to me in order to transmit to me the vote of the Senate of the United States of America on the occasion of the horrible crime under which has fallen the benefactor-sovereign whom all Russia weeps for to-day.

My august master has been profoundly touched by this mark of respect for his beloved father, and of sympathy with himself, coming from the high assembly of a country for which the deceased emperor always professed a sincere esteem and warm friendship. It is a legacy which he leaves to the Emperor Alexander III, and which his majesty, in accord with the Russian nation, accepts from the bottom of his heart.

Will you, sir, give this assurance to the Senate of the United States, while transmitting to it the thanks of my august master.

Receive at the same time, &c., &c.,

GIERS.

Mr. ANTHONY. I move that the communication lie on the table and be printed.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That William C. Dodge be allowed to withdraw the papers in his claim from the files of the Senate.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday's session, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is unable to decide as to the result.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.] If he were here, I should vote "yea."

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. ROLLINS, (when Mr. CONKLING's name was called.) The Senator from New York [Mr. CONKLING] is paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. FARLEY, (when Mr. FAIR's name was called.) The Senator from Nevada [Mr. FAIR] is paired with his colleague, [Mr. JONES.]

Mr. MORRILL, (when Mr. GARLAND's name was called.) The Senator from Arkansas [Mr. GARLAND] is paired with my colleague, [Mr. EDMUNDS.]

Mr. HARRIS, (when his name was called.) Yesterday I agreed to pair with the Senator from New York, [Mr. CONKLING.] The Senator from Indiana [Mr. VOORHEES] being confined to his home by indisposition, I have transferred the pair for the day to the Senator from Indiana. I therefore vote "yea."

Mr. COKE, (when Mr. MAXEY's name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] If my colleague were here, he would vote "yea." I make this announcement for the day.

Mr. FARLEY, (when Mr. MILLER's name was called.) My colleague [Mr. MILLER] has just sent word to me asking me to pair with him. I therefore withdraw my vote.

Mr. SAUNDERS, (when his name was called.) The pair which has been existing between the Senator from Kentucky [Mr. WILLIAMS] and myself has been transferred for the present to the Senator from Virginia, [Mr. MAHONE.] I therefore vote "nay."

Mr. BECK. I desire to say that that transfer is not made with the consent of my colleague. He referred to me all matters of transfers of that kind; and while the Senator from Nebraska has a right to vote if he likes, I protest against the transfer of that pair in that way.

Mr. ROLLINS. Does the Senator from Kentucky object? We transferred certainly one pair this morning for the accommodation of our friends on that side.

Mr. MAHONE entered the Chamber.

Mr. ROLLINS. The Senator from Virginia [Mr. MAHONE] is present, and there is no occasion for a transfer.

Mr. SAUNDERS. I withdraw my vote. I announce the withdrawal of the pair between the Senator from Kentucky [Mr. WILLIAMS] and the Senator from Virginia [Mr. MAHONE] and will not vote, leaving my pair to stand with the Senator from Kentucky, [Mr. WILLIAMS.]

The roll-call having been concluded, the result was announced—yeas 26, nays 30; as follows:

YEAS—26.

Bayard,	Gorman,	Jonas,	Saulsbury,
Brown,	Groome,	Jones of Florida,	Slater,
Call,	Hampton,	McPherson,	Vance,
Camden,	Harris,	Morgan,	Vest,
Cockrell,	Hill of Georgia,	Pendleton,	Walker.
Coke,	Jackson,	Pugh,	
Davis of W. Va.,	Johnston,	Ransom,	

NAYS—30.

Allison,	Ferry,	Logan,	Plumb,
Anthony,	Frye,	McDill,	Rollins,
Blair,	Harrison,	McMillan,	Sawyer,
Burnside,	Hawley,	Mahone,	Sewell,
Cameron of Wis.,	Hill of Colorado,	Mitchell,	Sherman,
Conger,	Hoar,	Morrill,	Van Wyck.
Dawes,	Ingalls,	Platt of Conn.,	
Edgerton,	Kellogg,	Platt of N. Y.,	

ABSENT—20.

Beck,	Edmunds,	Grover,	Miller,
Butler,	Fair,	Hale,	Saunders,
Cameron of Pa.,	Farley,	Jones of Nevada,	Teller,
Conkling,	Garland,	Lamar,	Voorhees,
Davis of Illinois,	George,	Maxey,	Williams.

So the Senate refused to proceed to the consideration of executive business.

Mr. McPHERSON. I ask the privilege of presenting a petition of certain citizens of New Jersey and New York, which I should like to have read by the Secretary——

Mr. HOAR. I object.

Mr. McPHERSON. And referred to the Committee on Foreign Relations.

Mr. HOAR. I object.

The VICE-PRESIDENT. Objection is made.

Mr. McPHERSON. Do I understand the Senator to object to the presentation of a petition?

Mr. HOAR. What the Senator understands he knows himself. I object.

Mr. HARRIS. I suppose the propriety of receiving the petition depends altogether upon its character. If it be in respect to executive business, I should think it would be in order to receive it; if it be upon a legislative subject, it would not be in order.

Mr. HOAR. What is the pending question?

The VICE-PRESIDENT. The pending question is the motion of the Senator from Ohio [Mr. PENDLETON] to postpone indefinitely the resolution of the Senator from Massachusetts, [Mr. DAWES.]

Mr. McPHERSON. I have not yet yielded the floor. This is the first time I have ever known the right of petition to be denied here.

The VICE-PRESIDENT. The Senator from New Jersey has the floor.

Mr. McPHERSON. The Senator from Massachusetts, I understand, objects to the presentation of a simple petition on the part of certain citizens of New Jersey and New York, calling attention to the fact that an American citizen is in confinement in a foreign country without process of law or right; and it is simply the desire of the petitioners to call the attention of the Congress of the United States to that question:

Whereas one Michael Boyton, a citizen of the United States, has been arrested and thrown into prison by the British Government on vague charges of inciting to crime and violence; and

Whereas the said Michael Boyton has been denied the right guaranteed even to British subjects, the right to a trial before a jury of his peers:

Resolved, That we, as American citizens, call upon our representatives in Congress to demand that the United States Government interfere for his protection.

That is the petition in the form of resolutions of the bodies sending it here. It is signed by members of certain land leagues, two or three in the State of New Jersey and two or three, I think, in the State of New York. Does the honorable Senator still object to the presentation and reference of the petition?

Mr. HOAR. I will say to the Senator that the Senate desires to elect an officer to record all the business, and has manifested its desire repeatedly to do so. As soon as that thing is disposed of, which can be done in five minutes, this petition can be received. The Senator is the person who by filibustering prevents the doing of this business.

Mr. McPHERSON. I should like to ask the honorable Senator from Massachusetts if there is not a recording officer already who can take cognizance of this fact? Is there any lack of officers of the Senate to record the business of the session?

Mr. HOAR. The difference between the Senator and me is this: I think that is a thing to be determined by the Senate; the Senator thinks that the thing is to be determined in violation of the Constitution of the United States by a minority of the Senate. The Senate has decided that question. If the Senator will submit to permit the Senate to proceed to its business, the petition can be reached in five minutes.

Mr. McPHERSON. I do not understand that my action is in violation of the Constitution of the United States. I believe the Constitution of the United States recognizes the rights of minorities and protects them. I believe the rules of the Senate were arranged, organized, and passed by the Senate for the purpose of protecting legislation.

Mr. President, under the rules I submit a petition signed by certain citizens of New Jersey and certain citizens of the State of New York calling attention to the fact that a citizen of the United States is held in a foreign prison contrary to law, contrary to justice; and the honorable Senator from Massachusetts refuses to have that petition considered. I asked the Senate to allow the petition to be read from the Secretary's desk in order that Senators might understand its true import and meaning. Then I asked that the matter of the petition might be referred to any appropriate committee of the Senate. The committees have been formed; we are all ready, so far as I know, to consider any subject-matter that may properly be brought before the attention of the Senate; and the honorable Senator from Massachusetts rises in his place and declares that even the case of this poor citizen who is held in prison in the British realm, as I said before, contrary to law and justice, shall not be considered until it pleases the majority upon that side of the Chamber to first disorganize this Senate and then proceed to reorganize it, that we may have somebody to record the fact that these land-leagues have petitioned the Congress of the United States for justice to one of their own number and an American citizen. This is the strangest proceeding that I have yet seen in these most singular of all proceedings that have been going on in this Chamber for the past two weeks.

Mr. DAWES. Mr. President, what is the question before the Senate?

The VICE-PRESIDENT. The Chair is of the opinion that the petition cannot be received, objection being made, except by a vote of the Senate. The pending question is on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution before the Senate indefinitely, on which the yeas and nays have been ordered.

Mr. DAWES. I hope we shall take a vote on that question and proceed to the business before the Senate.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. The Senate has decided that it will not do that, over and over again.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. PENDLETON called for the yeas and nays, and they were ordered.

Mr. COCKRELL. Pending that motion, as the Senator from Massachusetts says the Senate has refused to go into executive session, I move that the Senate do now adjourn.

Mr. DAWES. They have refused to adjourn, too.

Mr. COCKRELL. But I think you will all consent to that motion yet.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri, [Mr. COCKRELL,] that the Senate adjourn. [Putting the question.] The Chair is unable to decide as to the result.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS, (when his name was called.) I announce once for all, for the day, that the Senator from New York [Mr. CONKLING] is paired with the Senator from Indiana [Mr. VOORHEES] by a transfer. I vote "yea."

The roll-call having been concluded, the result was announced—yeas 29, nays 32; as follows:

YEAS—29.

Bayard,	Farley,	Johnston,	Saulsbury,
Brown,	Gorman,	Jonas,	Slater,
Butler,	Groome,	Jones of Florida,	Vance,
Call,	Grover,	McPherson,	Vest,
Camden,	Hampton,	Morgan,	Walker.
Cockrell,	Harris,	Pendleton,	
Coke,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

NAYS—32.

Allison,	Edgerton,	Kellogg,	Platt of Conn.,
Anthony,	Ferry,	Logan,	Platt of N. Y.,
Blair,	Frye,	McDill,	Plumb,
Burnside,	Harrison,	McMillan,	Rollins,
Cameron of Pa.,	Hawley,	Mahone,	Sawyer,
Cameron of Wis.,	Hill of Colorado,	Miller,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Dawes,	Ingalls,	Morrill,	Van Wyck.

ABSENT—15.

Beck,	Fair,	Jones of Nevada,	Teller,
Conkling,	Garland,	Lamar,	Voorhees,
Davis of Illinois,	George,	Maxey,	Williams.
Edmunds,	Hale,	Saunders,	

So the Senate refused to adjourn.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. TELLER, (when his name was called.) On this question and on all others of a similar character I am paired with the Senator from Texas, [Mr. MAXEY.] I make this announcement now, and will not repeat it during the day.

The roll-call having been concluded, the result was announced—yeas 28, nays 32; as follows:

YEAS—28.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Pugh,
Brown,	Farley,	Jackson,	Ransom,
Butler,	Gorman,	Johnston,	Saulsbury,
Call,	Groome,	Jonas,	Slater,
Camden,	Grover,	Jones of Florida,	Vance,
Cockrell,	Hampton,	Morgan,	Vest,
Coke,	Harris,	Pendleton,	Walker.

NAYS—32.

Allison,	Edgerton,	Kellogg,	Platt of Conn.,
Anthony,	Ferry,	Logan,	Platt of N. Y.,
Blair,	Frye,	McDill,	Plumb,
Burnside,	Harrison,	McMillan,	Rollins,
Cameron of Pa.,	Hawley,	Mahone,	Sawyer,
Cameron of Wis.,	Hill of Colorado,	Miller,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Dawes,	Ingalls,	Morrill,	Van Wyck.

ABSENT—16.

Beck,	Fair,	Jones of Nevada,	Saunders,
Conkling,	Garland,	Lamar,	Teller,
Davis of Illinois,	George,	McPherson,	Voorhees,
Edmunds,	Hale,	Maxey,	Williams.

So the motion was rejected.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the pending resolution indefinitely, on which the yeas and nays have been ordered.

Mr. MORGAN. What was the ruling on the petition offered by the Senator from New Jersey, [Mr. McPHERSON?]

The VICE-PRESIDENT. The petition was not received, the Chair deciding that there being objection it could not be received except by a vote of the Senate.

Mr. MORGAN. Then would not the question be whether the Senate shall vote on the petition being received?

The VICE-PRESIDENT. No motion was made to receive the petition. The Chair understood that the Senator from New Jersey withdrew the request for its reception and reference.

Mr. McPHERSON. The Senator from New Jersey did not withdraw the request. The Senator understood the Chair to rule the petition to be out of order, objection having been made by the Senator from Massachusetts, [Mr. HOAR.]

The VICE-PRESIDENT. The Chair decided that the petition could not be received except by a vote of the Senate, when the Senate should so order.

Mr. McPHERSON. That being the case, while I have no disposition to press the matter further to-day for reasons personal to myself, it seeming to be the desire of the Senate that this matter should be brought up for consideration and decision at the present time, I again offer the petition, and ask that it be received and referred to the Committee on Foreign Relations.

Mr. DAWES. What is the business before the Senate?

The VICE-PRESIDENT. The pending question is on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone indefinitely the pending resolution, on which the yeas and nays have been ordered.

Mr. DAWES. That is the business before the Senate, is it?

The VICE-PRESIDENT. That is the business before the Senate.

Mr. DAWES. I call for the regular order.

The VICE-PRESIDENT. The Senator from New Jersey asks consent for the reception of the petition which has been read by him.

Mr. HOAR. Does he move to lay aside the regular order?

The VICE-PRESIDENT. The petition can only be received by laying aside the regular order.

Mr. McPHERSON. Then I move to lay aside the regular order for the purpose of presenting the petition submitted by me this morning.

Mr. INGALLS. That motion cannot be made under the rule. If the Chair will consult Rule 43 he will see what motions can be made while a question is pending.

The VICE-PRESIDENT. The Chair decides the point of order well taken.

Mr. COCKRELL. I suggest to the Senator from New Jersey that he move to lay aside the pending order.

Mr. INGALLS. That motion is not in order.

The VICE-PRESIDENT. The Chair decides that that motion is not in order.

Mr. COCKRELL. A motion to postpone would be in order.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone indefinitely the pending resolution.

Mr. MCPHERSON. I do not exactly understand the ruling of the Chair. Do I understand the Chair to rule that no motion is in order to lay aside or to postpone the pending resolution?

The VICE-PRESIDENT. The Chair will have Rule 43 read for the information of the Senate.

The Chief Clerk read as follows:

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business,
To lay on the table,
To postpone indefinitely,
To postpone to a day certain,
To commit,
To amend;
which several motions shall have precedence in the order in which they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to executive business, and to lay on the table, shall be decided without debate.

Mr. MCPHERSON. I now move that the pending resolution be postponed until to-morrow at twelve o'clock.

Mr. DAWES. Which motion has precedence? I call the attention of the Chair to the rule.

The VICE-PRESIDENT. The motion to postpone indefinitely has precedence, and that is the pending question. The question is upon the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the pending resolution indefinitely, on which the yeas and nays have been ordered.

Mr. MCPHERSON. Pending that motion, I move to lay the whole matter upon the table.

The VICE-PRESIDENT. The Senator from New Jersey moves that the pending resolution be laid on the table.

Mr. MCPHERSON. On that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FARLEY, (when Mr. FAIR's name was called.) I am requested by the Senator from Nevada [Mr. FAIR] to announce that he is paired for the day with his colleague, [Mr. JONES.] I make the announcement now so that I shall not have to renew it.

The roll-call having been concluded, the result was announced—yeas 29, nays 32; as follows:

YEAS—29.

Bayard,	Farley,	Johnston,	Saulsbury,
Brown,	Gorman,	Jonas,	Slater,
Butler,	Groome,	Jones of Florida,	Vance,
Call,	Grover,	McPherson,	Vest,
Camden,	Hampton,	Morgan,	Walker.
Cockrell,	Harris,	Pendleton,	
Coke,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

NAYS—32.

Allison,	Edgerton,	Kellogg,	Platt of Conn.,
Anthony,	Ferry,	Logan,	Platt of N. Y.,
Blair,	Frye,	McDill,	Plumb,
Burnside,	Harrison,	McMillan,	Rollins,
Cameron of Pa.,	Hawley,	Mahone,	Sawyer,
Cameron of Wis.,	Hill of Colorado,	Miller,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Dawes,	Ingalls,	Morrill,	Van Wyck.

ABSENT—15.

Beck,	Fair,	Jones of Nevada,	Teller,
Conkling,	Garland,	Lamar,	Voorhees,
Davis of Illinois,	George,	Maxey,	Williams.
Edmunds,	Hale,	Saunders,	

So the motion was not agreed to.

Mr. MCPHERSON. I wish to give notice, sir, that to-morrow morning under the rules it is my intention to offer this petition in order that the honorable Senator from Massachusetts may be able to state to the country the reasons which actuate him in preventing justice to an Irish-American citizen held in durance vile in an English prison without warrant of law, unjustly, and interposes as a reason for it that the majority of the Senate desire that the Senate should be reorganized. In other words, this man must remain in prison until such time as Mr. Gorham and Mr. Riddleberger are elected as officers of the Senate. It is impossible to proceed with business, it is impossible for a committee of the Senate which has already been organized, is ready for business, to consider this poor man's claim until Mr. Gorham and Mr. Riddleberger have been elected to their respective stations in the Senate. I hope the honorable Senator will be prepared to state to the Senate and to the country exactly his position upon that question and justify it, if he can.

Mr. HOAR. Mr. President, I give notice——

The VICE-PRESIDENT. The Senator will suspend to allow the Chair to receive a message from the President of the United States.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. HOAR. Mr. President, I give notice of a purpose to take up that petition a good deal earlier than the time fixed by the Senator from New Jersey. I am astonished that he should keep the American citizens waiting till to-morrow morning. I give notice that to-day, as soon as we have acted upon the pending resolution, which need not take five minutes, I will ask the Senate to take up this matter. This pretense that the delay till to-morrow is our doing is the merest and sheerest piece of humbug and demagogy.

Mr. SAULSBURY. I tell the Senator from Massachusetts that we shall not act on this resolution to-day, and he knows it.

Mr. MCPHERSON. If there was any ground whatever upon which the Senator from Massachusetts could stand, he might possibly have some excuse for such an argument, but there is not the least. The Senate is already organized; we have an efficient Secretary to record the action of the Senate; we have the Committee on Foreign Relations already organized and waiting for some matters to reach them through the channel of the Senate, and for the honorable Senator from Massachusetts to say that there is any necessity for further action before this man's claim can be considered is an absurd proposition.

Mr. HOAR. I understand, Mr. President, to be serious for a moment, that the Department of State has already taken this matter in hand, and that the action of the American Government will be made known long before the tardy and limping sympathy of the Senator from New Jersey gets around.

Mr. PENDLETON. I give notice that I want all these irrelevant matters now to stop; and therefore I move that we proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. HARRIS and others called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 32; as follows:

YEAS—29.

Bayard,	Farley,	Johnston,	Saulsbury,
Brown,	Gorman,	Jonas,	Slater,
Butler,	Groome,	Jones of Florida,	Vance,
Call,	Grover,	McPherson,	Vest,
Camden,	Hampton,	Morgan,	Walker.
Cockrell,	Harris,	Pendleton,	
Coke,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

NAYS—32.

Allison,	Edgerton,	Kellogg,	Platt of Conn.,
Anthony,	Ferry,	Logan,	Platt of N. Y.,
Blair,	Frye,	McDill,	Plumb,
Burnside,	Harrison,	McMillan,	Rollins,
Cameron of Pa.,	Hawley,	Mahone,	Sawyer,
Cameron of Wis.,	Hill of Colorado,	Miller,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Dawes,	Ingalls,	Morrill,	Van Wyck.

ABSENT—15.

Beck,	Fair,	Jones of Nevada,	Teller,
Conkling,	Garland,	Lamar,	Voorhees,
Davis of Illinois,	George,	Maxey,	Williams.
Edmunds,	Hale,	Saunders,	

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the pending resolution indefinitely, upon which the yeas and nays have been ordered.

Mr. MORGAN. Mr. President, the people of the United States witness the unusual spectacle of a Senate evenly divided between the political parties. There is in this fact, considering that it is a political division, something that is very ominous to the future of this country. The fact is we shall not be able to disguise it from ourselves, that this contest is but the initial point in many of a similar character that must occur hereafter during this Congress unless the temper of the Senate on both sides shall be altered. Hitherto I have not participated in this debate, and I have scarcely made a motion now for a month having any reference to the question in hand. My purpose has been to give to this matter an impartial, fair, just, and cool consideration, for it has occurred to me that this matter being presented in this form for the first time, it becomes a matter of the utmost importance that it should be considered wisely and gravely by Senators on both sides of this Chamber.

I can very well understand how if the spirit that pervades the Senate to-day is to continue for another two years we may find ourselves in the presence of difficulties of the most serious character relating to all the different, varied, and important duties of the Senate of the United States; and I cannot understand by what power this difficulty is to be removed otherwise than by a just and honorable consideration of all questions as they may arise relating to the welfare of the country.

It is not an absolute certainty, considering the ways of Providence toward us, that the Senate of the United States will be in possession of the constitutional means of unlocking its difficulties for two years to come, and of having the casting vote given by the officer who now presides over it. In such an unfortunate event as his death, or in the unexpected event of his resignation, or in the proba-

ble event of his absence from the Senate, it may be from sickness or from the necessities of private business, the Senate of the United States would find itself thirty-eight Senators on one side and thirty-eight on another, arrayed according to the existing political conditions and without the power to elect a presiding officer.

What would be the condition of the people of the United States, to say nothing of the condition of this august body, if either of the events should occur to which I have alluded, and it should become impossible for the Senate to elect its presiding officer without the one party or the other abandoning some of the ground that has been taken for the past month? And in such an event the question would arise who will give way? Who will show the disposition to serve the country patriotically by giving up a mere question of party predominance in the Senate and assisting, as duty would require, in the execution of those high constitutional purposes and powers for which this body was ordained? Senators who look upon this matter lightly and regard it as a mere exploit for the purpose of gaining a temporary political advantage here or in one of the States of this Union undervalue the question and undervalue their responsibilities to the American people.

Until this morning I had not fully appreciated, or rather I had not fully realized the true measure of the situation. Until this morning I had not become thoroughly convinced that it was the intention of those gentlemen who claim to have a majority of this body to press the power of that majority in every emergency and under all conditions and in every event, so as to cut off not merely the balance of the Senate from discharging its constitutional duty for which it was assembled here, but also to cut off the privileges of the American people, it makes no difference how sacred they may be.

The point was presented this morning, Mr. President, that there is no guarantee in the Constitution of the United States in favor of the humblest and most down-trodden citizen of our country that is worthy of consideration against the power of a majority which, in its imperious demands, claims that it shall ride down all that opposes it. We have the stigma of treason put upon us because in days that are past during this debate we have not seen proper to become the assisting parties to what we conceive to be a gross and an unmanly fraud. Whether that be so in fact or not, time must prove; but we believe it, and having that impression indelibly fixed upon our minds we have been taunted with treason to the Government of the United States because we dared to undertake on this floor to prevent its being carried into effect through our assistance and consent.

I will take a question just like it, if you please, in executive session; I will suppose that the President of the United States may have been a party to a scheme like that which has been laid before the Senate of the United States, and I will suppose that in the execution of that purpose he has made a nomination to this body which he asks us to advise and consent to as a part of the appointing power of this Government, who is it that will charge us with treason if believing as we do that the nomination would be a reward for a corrupt undertaking we should refuse to advise and consent to the confirmation?

Suppose it goes further than that and gets into legislation; it finds its way into bills introduced into the House and into the Senate, and laws are to be enacted here for the purpose of carrying into effect other parts of such a combination, are we to be taunted with treason if we do not give our consent to the enactment of laws like that? And yet those who charge us with this sort of treason, who seem to take a delight in making imputations upon the motives of gentlemen as worthy as they are, or some of them arise on this floor and interpose an objection to the receiving of a petition when a Senator states that it is in behalf of a naturalized American citizen who now languishes in a foreign prison under an unjust accusation and without the authority of law. If that be stalwartism, or if that be republicanism, it is not that sort of action provided for by the Constitution of the United States.

The first article of the amendments of the Constitution of the United States, adopted within two years after the time of the adoption of the original body of the instrument, reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

And yet it seems that Congress is required here to remove something out of the way before a citizen of the United States can have the right to petition this body for the redress of grievances, and those grievances inflicted upon him by a powerful foreign government. What are we to do to give the right of petition virtually to our adopted citizens in the United States? Elect George C. Gorham Secretary of the Senate, and Mr. Riddleberger Sergeant-at-Arms of this body, and another person Chief Clerk, and so on, before the right of petition guaranteed under the first article of the amendments to the Constitution can be exercised in favor of a citizen whom we have invited here and made a citizen upon the pledge of his allegiance to this country, and of our protection. We must remove officers who are now in place and elect some others in their stead; and gentlemen who rise on the floor of the Senate and declaim in favor of liberty and freedom and right and justice, in favor of the negro population of this country, until we would suppose their hearts were going to melt in their bosoms, refuse to halt for a moment until a petition can be presented from citizens of New York and New Jersey in behalf of a foreign man who has been transferred to a British prison and pines there to-day, it is stated, without redress and without hope.

And, sir, if we are to stay here until December that man must suffer the pains of unjust imprisonment until December, and the hearts that burn and glow with love to the negro, who they say is cheated at the South, will not throb with one generous and manly impulse in favor of an American citizen incarcerated in a foreign prison.

I did not believe, sir, that party zeal and party demands could be pressed to that unworthy degree. I have been now four years in the Senate of the United States, and before this morning I have never heard it intimated that there was a man in this body who would interpose in his place to shut off the right of petition because he did not intend anything else to be done in the Senate until something was done to gratify his party preferences, to say nothing of satisfying his party contracts and party arrangements.

Here stands the great tribunal of the people, charged with the duty of defending the rights of millions of citizens of the United States; and this is proposed to be done, not by hearing their complaints, but how? By the election of men to office in this Senate because they have expressed false and uncandid sympathy for one race while the Senate is informed that an American citizen is languishing in a foreign prison. They refuse to relax their demand for a moment, and charge that men are unpatriotic who desire to have the action of the Senate upon a petition of this character.

This right of petition is one that has been very tenderly nursed, especially in the American Senate, since the adoption of the first amendment to the Constitution. Indeed nothing has been allowed to prevent its operation; and I have never yet heard on the floor of the Senate an objection made to the introduction of a petition. There were objections made in former times to the introduction of petitions in reference to the abolition of slavery; but the settled doctrine of the United States of America approved and acquiesced in by all people now, in which a celebrated gentleman from Massachusetts in the House of Representatives led, is that the right of petition was sacred, and that whatever you did with the petition after it got here you were bound to receive it. In the ordination of rules for the government of this body, the very first business after the reading of the Journal in the morning hour is that the President of the Senate is required to consider the presentation of petitions. Here stands the rule that has prevailed in this Senate for a great many years without modification or alteration in any respect, requiring the presiding officer of this body to receive petitions and to have them referred to the proper committees.

Now, it is asserted that in this extraordinary session of the Senate a petition cannot be received except by a vote of the Senate. The right of petition ceases to be a constitutional right; the right of a Senator to get up here and present a petition, stating its contents for the information of the Senate, is one that it appears is now dependent not upon the Constitution and its direct guarantee, but it is dependent upon the will of the Senate as it may happen to express itself at the moment. Ah, how degenerate have become these days, or else how degenerate have become the rights of American citizens under the auspices and under the control of those who set themselves up as the peculiar guardians of the liberties of the people of this country!

It is not for me to characterize conduct like this, Mr. President. Let the country characterize it, and let posterity spurn and spit upon it, as it will. It cannot be hid beneath a bushel. This is a flagrant crime against justice and the Constitution which may be justified in the minds of Senators by their desire to press something else to a conclusion; but the crime consists in its absolute trampling under foot one of the plain guarantees which the Constitution of the United States makes in favor of the liberty and of the rights of the humblest individuals. If there be in that Constitution provisions that are more valuable than all the rest they are those provisions which relate to the personal rights of the citizen, which give to the American citizen that high plane upon which he may assert his constitutional right through his representative in either of these Houses in spite of opposition, and may command a respectful hearing on the part of either branch of the legislative body of this country.

Men may be willing to see the rights of States trampled out, the rights of great corporations even invaded, the rights of powerful political communities or combinations stricken down; but that man who plants himself upon the ground that he has the right to deny to an American citizen, a private man, a plainly guarranteed right set forth in the Constitution, is a man who uses his powers for the purpose of crushing out private rights and of putting the weak underfoot. It has been frequently asserted here of late, but never more emphatically than this morning, I believe, that the will of the majority was to prevail in this body; and for the purpose of getting before the Senate a clear definition of that doctrine and of the connection in which it has been stated, I will read from the remarks of the honorable Senator from Massachusetts [Mr. DAWES] delivered so facetiously yesterday evening at the moment of the adjournment of the Senate, when he was in such a happy frame of mind that the Senator from Kentucky [Mr. BECK] imagined he must be preparing himself to go to the circus:

> The Senate has now decided by a majority that it will not lay aside the resolution pending before it for the transaction of other business.

I did not know that the Senate had made up its mind that it would shut the doors to the right of petition until his colleague arose this morning and made the objection against this Irish-American citizen sending his petition to this body and having it referred to a committee of this body, already organized, and organized also by democratic consent and by democratic assistance, for without our consent and assistance you could not have done it.

It has also decided upon a test vote that it will not reject the resolution.

That vote has not yet been taken; Senators have not yet been put upon their oaths before the country in casting votes "yea" or "nay" on the rejection of that resolution, and we do not know how far conscience may yet be awakened so as to enable the Senate of the United States to reject that resolution, for the resolution, allow me to say to the Senator without any imputation of his motives, is a fraud on its face, and there are reasons upon the face of it, as well as in the surrounding circumstances, that make it still more a fraud. There may be yet virtue enough in this body to rise to the truth of the occasion and to do right though the heavens might fall; and until the body has solemnly recorded its vote upon the very merits of the resolution itself, I shall be one of those who will continue to hope, if not to believe, that there will be virtue enough found in this Senate to refuse its passage.

It has also decided upon a test vote that it will not reject the resolution. Further resistance to it, therefore, becomes resistance to the will of the majority.

It may be obedience to the constitutional will of the minority; and when resistance to the will of the majority becomes obedience to constitutional duty by the minority, then the minority under the Constitution has the right to decide against and to protest against the action of the majority.

I desire to call the attention of the Senate and of those who are thus obstructing public business by resistance to the will of the majority, to the fact that it is the old struggle in which they have been engaged before, and in which they lost.

Was that the struggle, the old one, that occurred just at the close of the Forty-sixth Congress, when the democrats of this body spent a whole night here trying to force the republicans to go into executive session to consider over one hundred nominations laid before this body by a republican President? Is that the ancient occasion to which the honorable Senator refers? Or was it the occasion in the House of Representatives when, for the purpose of passing a resolution which the Senate had passed, not by a strict party vote, the members of the democratic party in that body in the last Congress were trying to have a rule adopted for the counting of the electoral vote for President and Vice-President, and when the minority by refusing to vote, not by voting and making motions under the Constitution, sat still in their seats and broke a quorum, destroyed the body so far as they could destroy it? Are these the ancient examples to which we are commended by the honorable Senator from Massachusetts? Let me say to that honorable Senator that there is a marked distinction between our voting "nay" or voting "yea" upon motions that we make to prevent you from doing something that we think is wrong, and our sitting here and destroying the Senate by refusing to comprise a part of a quorum.

But the republican Senators at the close of the last session of Congress, and in many instances before—the precedents are numerous and will not be forgotten—did not content themselves by representing a minority, and undertaking to vote against the majority, even by dilatory motions, but they sat in their seats as dumb as stocks and stones, refusing to exercise the power conferred upon them and made obligatory upon them by the Constitution when they took their oaths to support it. No, sir; there is a great difference between making motions to adjourn and motions to proceed to the consideration of the business legitimately before the Senate and that sort of obstinacy which will enable a man to sit in the presence of the President of this body, and within the precincts of this Chamber, and deaden himself in voice and sense as if he had never existed and as if he had no State to represent; for the man who sits here and refuses to vote refuses to allow his State to vote, takes upon himself to interpose himself between the Senate and the power of the State that sent him here and silence his State in the councils of the country for the sake of getting a temporary advantage, it may not be over his opponents or antagonists, but, as it was on that occasion, over his own President.

There was a time when Senators seceded from this body, giving notice that they would secede, seceding some of them under the instructions of their States and others without instructions. After they had made up their minds and delivered their farewell addresses they left this body and never more appeared. These Senators withdrew their States from the councils of this nation so far as they are uttered in the body of the Senate, and after they had gone their States were voiceless here. When a Senator finds himself in a condition not to withdraw from the Chamber, not even so much as to the cloak-room, but sits here and stifles the voice of his own State and refuses to vote, what else does he do but secede from this body for the moment? He may return or he may not; he considers it optional with himself; he considers that he has the privilege of doing that, and if he may exert that privilege for a half hour why may he not exert it for a half year or for a half century, if he lives so long and holds the position? That is the example which the Senators on the other side set to us in the close of the last Congress, which is the precise equivalent in effect and in principle of a secession from this body. You set the example of saying to us that your States shall not be heard in these councils, because if heard they will give to this body the requisite majority, so that its voice when expressed shall be the voice of the law.

And after this brilliant example in the olden times the sincere and frank Senator from Massachusetts whom we so thoroughly admire, the leader in this body of this great movement in favor of George Gorham and Mr. Riddleberger—that honorable Senator essays to get up here and taunt us with the idea that there are some old examples left—by which I infer he did not mean the examples which he himself had set, but perhaps the examples which had been set in the days of secession.

Sir, a more revolutionary spirit never possessed a body of men than that which gives to them the power to say to themselves, "We will sit in the Senate of the United States representing States and yet these States shall be voiceless." If the men who seceded from the American Union had sat here in that way, if they could have made up their minds that honor would have justified them under such circumstances in retaining that sort of relation to the Government of the United States, there might not have been war, and there might not have been that idea carried out which the Senators on that side of the Chamber now espouse so lovingly, the abolition of slavery; the man who claims his rights under the Constitution, under the thirteenth, fourteenth, and fifteenth amendments which you advocate with so much zeal and eloquence, would to-day with your consent have been plowing and hoeing in the fields of the South; because there are not more than two or three gentlemen on that side who can rise here and declare in the presence of Almighty God that in 1860 they were abolitionists any more than I was. If we had concluded to sit here instead of seceding absolutely from the Government of the United States, there would have been difficulty in the situation which perhaps you may not have very deeply reflected upon; beware how you teach examples like this, beware how you lay down precedents which shall justify men carrying on what you call revolutionary proceedings in the name and in conformity also to the provisions of the Constitution of the United States. These examples may return to plague you. I do not speak a threat; I speak a deprecation; I speak, sir, what I conceive to be a lesson that is now being brought forward in the twilight of the early dawn which when it is fully completed before this country will perhaps teach some gentlemen that the Government of the United States is a thing not to be trifled with by those who have sworn to sustain the Constitution, but it is something to be supported in a manly, firm, honest, and brave spirit.

Mr. President, I have been led to look over some of the minority powers in the Constitution of the United States, and I desire to call attention to them because I am persuaded that the minority powers conferred by the express language of the Constitution are of as much importance, if not of greater importance than the majority powers or the powers of majorities. At the time that this Government was formed—I speak of the present constitutional government—we had the articles of confederation, in which the minority powers were not so well defined as they are in the present instrument, and yet they were very well defined there. But after nine years of experience under that form of government, and after a still longer and a more painful experience of one hundred years in our colonial state, we discovered that those who comprised minorities in this country were the people to be taken care of, and not those who comprised majorities. The majority powers, especially in a government which is popular in all its essential parts, both in the States and in the federal sense, is a power that is almost absolute in its authority. In States communities yield their traditions to it; people yield up their prejudices to it. Honest men may be compelled oftentimes to yield their dearest rights to it. But it tramples under its feet whatever it chooses to go over. So when our fathers came to ordain the present Constitution of the United States, and especially the amendments thereto for the perfecting of that instrument, they found themselves compelled by considerations which history had forced severely upon their attention to look after the rights of minorities, and the Constitution of the United States in its most express form may be denominated a constitution for the protection of minorities.

Now, sir, I will turn to article 5 of the Constitution and read that. In respect to the amendment of the instrument itself, there was a purpose on the part of the framers of this Constitution to keep the instrument itself intact. They thought it was necessary to preserve the Constitution while they were preserving other things. They thought it was one of the highest duties they owed to posterity to preserve the Constitution from fraudulent and ill-considered attack and assault, and so they provided as follows:

Provided, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

There is the absolute veto of a State upon its being deprived of its equal suffrage in the Senate. One State, by its mere objection and by withholding its consent in its own favor, preserves its equality with the most powerful State in the country. How about the amendments to the Constitution?

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures

of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Now, therefore, the minority power is protected by the requirement of a two-thirds majority to inaugurate an amendment, and a three-fourths majority for the purpose of its ratification; and whoever will look at that feature of the Constitution of the United States and rise in his place in the Senate and undertake to disparage minorities because they are minorities shows that he has no just appreciation of the value of this grand ordination. Why, sir, if in rising in the Senate I had to open my mouth the one way or the other upon a question of doubt and dispute between a majority and a minority, I would always start with the proposition that the minority should be protected because the majority always has the capacity of taking care of itself.

In section 2, article 2 of the Constitution of the United States, is found the power that, in the government from which we draw our traditions and a large part of our constitutional system belonged as one of the prerogatives of the Crown the power of making treaties. When our fathers came to ordain and distribute that power they did it in the following words:

He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

There one-third or a little in excess of one-third of the Senate is given a veto upon the prerogative of the President to make treaties. The President can appoint embassadors, foreign ministers, and he can enter into negotiations; he can commit this country as far as the Queen of England can commit Great Britain to a treaty, until you come to the question of ratification, and then there is a peculiar body of men, not a legislative body merely, not a treaty-making power, but the Senate of the United States, in which you have to get the consent of two-thirds of that body before your treaty can be ratified. What does that mean except to give to the Senate of the United States the power of the minority, the great minority power, so that Senators in excess of one-third may prevent the President of the United States, representing the majesty of this country in all the foreign relations, from ratifying a treaty until our consent is obtained. Who would like to see that minority power removed or scandalized by a demand that the majority of this body had the right to rule? Grant you, sir, that they have the right to rule in many cases and in many circumstances, but they have not the right to rule in respect to the peculiar powers of the Senate. The Senate has its peculiar powers, just as distinct as can be from the Congress of the United States, because it can sit here after being convoked by the President of the United States and exercise those powers without the slightest relation to the other great legislative branch of the Government.

Suppose this that we are discussing in the form of the resolution offered by the Senator from Massachusetts, instead of being a treaty between members of different political organizations and men committed or supposed to be committed definitely by their avowals of principle and by the support given to them; also making between themselves, as is alleged and believed, an agreement or contract between each other—suppose it were a treaty with some foreign power by which in consideration of our receiving something we should be called upon to give up something; in consideration of our receiving a grant of land from Nicaraugua, it might be, we were called upon to make a treaty with that government to advance them $100,000,000 to pay for building a canal across the isthmus, and you brought your treaty not before the Congress of the United States, but before this body, the Senate, and you addressed it to the treaty-making power of this body, and the minority, a little more than one-third, should rise and say, as was said in respect of another treaty that was made by a President of the United States in reference to Santo Domingo, and as was said by the most remarkable and influential man that ever sat in the national councils from Massachusetts, "There is fraud in the bargain;" suppose we should arise and say it, then should we hear the honorable Senators from Massachusetts in this body demand imperiously as they do now that the majority must rule. Would it not be a question whether that be a free or a fair ballot, a priceless ballot, or a ballot paid for by some dirty contrivance?

In reference to another minority power I will read from the Constitution of the United States, section 7 of article 1:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively.

There is another minority power given to whom? Exercised in the first instance by the President of the United States but only *pro forma*, not exercised absolutely. He cannot take a bill and put it in his pocket if the Congress lasts ten days, and say "I will hold it because I do not like it." He must return it. But what is the object of the veto power there? It is to strengthen the hands of the minority. A majority passes it in the House and a majority in the Senate. The President comes in with his veto and strengthens the power of the minority and the bill is reconsidered; it cannot be thrown aside; it cannot become a law; it must be reconsidered. Reconsidered by whom? By the Houses, commencing with the House in which it originated, and then the President's veto requires that in order to pass the bill a majority of two-thirds shall be given for it. Thus you see is given to the great executive head of this Government the power to increase the minority influence so that upon a reconsideration of a measure in due course of parliamentary proceeding it may be loaded with his objections that the measure ought not to be passed.

Since 1874 the democratic party of the United States has been in a majority among the people of this country; and if the President had yielded to the power of that majority as quietly as even the monarch of Great Britain yields to the popular voice in that great country, we should have had democratic measures in force through this land, and the people would have got that for which they voted. But there were forces that prevented it constitutionally. The late President of the United States interposed his veto, and he prevented that from taking place which the people had so often decreed at every popular election. He obstructed their will as expressed by their representatives on the floor of the House and of the Senate time and again. He prevented the people of the United States from restoring unto themselves a government which should stand for the protection of their personal liberties and rights. This was done by that power given to him through which he represented the will of the minority. We had naught to say to this except, "You have the power and have constitutionally exercised it." That was all we could say. We respected the will of the minority, represented by the veto of a minority President. That is our record.

I do not wonder at Senators on that side, some of them at least, claiming that the power of the majority is absolute and imperious. When we come to remember the great tribunal in which "eight to seven" prevailed; when we come to remember the fact that they snatched out of the hands of a great popular majority and out of the hands of a majority of the States and of the electors the presidential office, and appropriated it to themselves, by one vote, after three States, or two at least, had been virtually disfranchised, we ought not to wonder that they should stand on the floor of the Senate to-day and in an imperious way, after having enjoyed the spoils that they took to themselves as judges on the bench, demand further concessions and further contributions from the minority—the minority which they affect to despise. Because the American people submitted without strife and without struggle to that, the broadest, most comprehensive, and only immortal fraud of this age, they believe now that by getting up on the floor of the Senate and crying out in the same spirit to us "Submit to the majority" we shall do it merely because there falsely appears to be a majority.

No, sir, we will stand here, and will appeal to the minority powers. We will protect the guardianship that this Constitution gives to minorities, and in a constitutional way, until we are satisfied that the motives of Senators on that side are better than they were when they forced upon us that fraud of "eight to seven." "Cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye." We are not a forgetful people, but we are a forbearing people, I must admit, when the same men with the same methods come back to us and undertake to charge us with treason because we stand by the minority provisions of the Constitution of the United States. They must remember that history is easy to make and very hard to forget, and that the people of this country have treasured up in their minds and hearts reflections which all the powers on that side of the Senate can never remove, which will stand by us and the generations that follow us and will encourage us hereafter, I hope to God, to stand by the Constitution of the United States in all its provisions, as well those that make for minorities as those that make for the protection of majorities.

Mr. President, what has become of that provision of the Constitution which authorizes one-fifth of this body to demand to have a vote recorded by yeas and nays on its Journal? That is all we have done. We have had various motions here, and all that we have done is that sixteen or more of us, the proper number, have required the yeas and nays to be recorded. The Constitution plainly provides for it. Why was it put there? Was it merely to make a record? Senators on the other side cannot assert that, for they have often refused to vote and refused to make a record. If the object of calling the yeas and nays is merely to get the names of Senators *pro* and *con* in the record, what have those Senators to say to the country who have refused to put their names on the record, and have therefore refused to obey the Constitution in that particular? I have no accusation to make upon that ground; but it seems to me to be an imperative duty to vote. But the power and privilege and the right goes far beyond that; it goes to the point that one-fifth may stand here and cause Senators to vote and to vote until they shall have ample time to hear from their own consciences and yet also have time to hear from the people.

What becomes of that provision of the Constitution for the protection of minorities, that no business can be transacted except in the presence of a majority of each House?

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

What is the use of that provision? Why do you require that a

majority of all the sworn and qualified members of this Senate shall be necessary to constitute a quorum to do business? It is that there shall be a majority; and that is done for the protection of the minority rather than for the assistance of a bare majority.

Now, Mr. President, I come to another constitutional provision, the third section of the first article:

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

On some occasion or other, I do not now exactly remember when, I heard the remark fall from the lips of the senior Senator from Georgia [Mr. HILL] that in his opinion the question as to the powers of the Vice-President of the United States had never been authentically settled by this body, for the reason that they had never been thoroughly discussed; judgments had been pronounced which were in a sense *obiter dicta* because of the fact that full discussion had not been had on both sides of the question. In my investigations into that subject I have come to the same conclusion with the Senator from Georgia. I believe that this question has not been considered in that sedate sense which the Senate of the United States owes to itself when we come to consider its various powers of jurisdiction.

When assembled in Congress the Senate has legislative powers; when assembled in extraordinary session it has power to participate in appointments. I do not call it an executive power, for really it is not an executive power, because the Constitution of the United States says that the executive power of the United States is lodged in the President. Therefore I cannot assent that the power of participating in appointments by the Senate of the United States is strictly an executive power. It has also the treaty-making power, in which it participates with the President to ratify or to disaffirm his treaty engagements with foreign governments.

Here are three very distinct powers; three very distinct jurisdictions. They are peculiar to the Senate, not merely as a Senate of the United States in the ordinary and broad acceptation of the word, but to the Senate of the United States exercising the particular functions ascribed to it and prescribed to it in the Constitution of the United States.

Whether or not the language "The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided" applies to all these different functions I am perhaps at this time unprepared to state further than in argument, because the precedents are neither the one way nor the other conclusively and definitely settled; but I will say that this is a very lame government if the Vice-President can stop its operations by refusing to sit in this Chamber. If he retires to his room, not far distant from this spot, and sequester himself, who is to bring him back? Who is to compel him to preside, or when he presides, who is to compel him to vote? Who is to compel him to take the key of power and unlock the Senate when it gets into a tie? What power have you got over him? Sir, you can take me and by a two-thirds vote you can expel me from this body for cause sufficient in your own judgment, and thereby you can disfranchise the State of Alabama, because I am subject to your power; but all the power of the Senate cannot remove the Vice-President from his place. He is not a Senator; he therefore is not a constituent part of this body, but is a mere presiding officer, having powers conferred upon him by the Constitution of the United States.

When a man who is not a Senator, who cannot be controlled by the Senate, who cannot be expelled by the Senate, against whom the Senate cannot lock its doors and instruct its Sergeant-at-Arms to keep him out, comes to preside in this body, he does what? Upon the organization of committees, in case of a tie, he casts the vote; upon the question of the indefinite postponement of these resolutions he casts the vote; upon questions of legislation he casts the vote. He may vote and he may not.

In this body to-day, divided thirty-eight to thirty-eight, the whole power of the Senate of the United States is conferred on one man and he not a member of the body. He is, as my friend from South Carolina [Mr. BUTLER] remarks, the absolute arbiter, not of legislation merely, but all action in reference to the organization of the Senate, and to appointments and treaties. Point to me that feature of the Constitution of the United States which intrusts him with these vast powers. Show me how it was that when the people of the country voted for him for Vice-President of the United States they had an intelligent thought that they were voting for a man who had powers of the kind that I have mentioned rising above the powers of every Senator here.

Sir, it is a most desperate and dangerous deduction from very meager facts. It is a deduction which some of these days will give to this country more trouble than any other one thing that has ever risen to vex us. A Constitution absolutely silent in respect of all the powers which he may thus exercise, by a mere inference to be drawn from one of its provisions is made to confer upon one man the right to decide absolutely and without restriction all that belongs to the administration of the Government of the country. He can say to the President of the United States, "Your nominations shall not be considered." Suppose that he desired to drive the President out of his office so as to take it himself. Suppose he wanted to force the President of the United States to resign, as he would be obliged to do in self-respect if the Senate should support the Vice-President in the enterprise, and the Vice-President should say to him, "I am sustained by thirty-eight Senators here and by my casting vote. No law shall be passed, no appropriation bill shall be passed, the Army shall not be supplied, the judiciary shall not be sustained, no foreign minister shall be appointed or supplied with the means of subsisting in foreign countries; I will put a dead-lock upon all the administration of this Government, because I conceive that you are not the real choice of the people of the United States, and I intend to smoke you out of your office." How is this to be prevented? But some one will say, "We are too good for that; our men of this day and generation are too pure for that." We may be; but if we are, we are purer than the generations of men in the ages that have passed. We are not making provision for saints and angels to rule on earth, for the millennium has not yet come. We are making provision for vile and base men to rule, for they sometimes get into power.

Then I will ask, was it ever contemplated that the Vice-President of the United States should exercise powers like these, or that you should open the door of opportunity through which he might exercise such powers? Senators will find themselves I think constrained by a just sense of respect for their own high character and office, after mature consideration, not to arrive at a conclusion like that.

But there is another phase of this matter, Mr. President, a still more remarkable phase. The fifth article of the Constitution, which I read to the Senate just now, relates to the equality of the States in the Senate of the United States. No State shall be deprived of its equal suffrage in the Senate without its own consent. The Senate is composed of two Senators elected from each and every State by the Legislatures thereof. Let me take the case of a Vice-President who was elected by the republican party or by the democratic party, and let us consider how much power he adds to a State, and then draw from that some deductions which will be practical perhaps in a few days to come; for there is no use presenting questions or issues to the people of the United States in these days of practical enterprise unless they have got something practical in them.

Here is the great State of New York, which has thirty-three Representatives in the House, the body which has the power to originate money bills, which has the power to regulate the taxation of this country to a large degree. It has thirty-two times more power than its little neighbor, Rhode Island, in the House. The Vice-President of the United States happens also to come from New York State, that great State which has got within its bosom more of commercial power than many other States of the Union, more of political influence than half a dozen or a dozen that could be named. That power in the House is here supplemented with the power of three Senators, because the Vice-President of the United States does not hesitate, as he has shown in several votes which have been taken here, to cast his vote every time with his State.

Perhaps Senators representing smaller constituencies might get their consent to look through the glamour of party influence that surrounds them like a glory in this moment of their great success, and consider the condition which may result in the Senate from giving to the most powerful State of the American Union, the Empire State, not only the ascendency in the House, but three votes in the Senate of the United States. Do I say three? I mean more than that, because in the event of a controversy in the Senate about the confirmation of a man for some great office in that State the casting vote of the whole country is thrown in his favor or against him.

The Senator from Massachusetts, [Mr. DAWES,] in comprising that majority about which he has spoken so frequently, counts the Vice-President as part of the constitutional majority. Why? Of course, because he was elected here as a republican; and it is supposed that while he will not be allowed to utter his voice on the floor of the Senate in any respect except to make decisions from the chair, and while he could not be welcomed into the caucus over which the Senator from Massachusetts now presides in such distinguished style, he feels himself as much bound by the caucus action as the Senator from Virginia [Mr. MAHONE] seems to be, who detests all caucuses, according to his expression.

Here, then, we have the power of one man in this country, which is as near "the one-man power" as can be described, under the absolute control of a caucus which must be a minority of this body, because, as I have understood, the Senator from Virginia has always disclaimed the disgrace of having appeared in a republican caucus. I believe he has said that that is one thing that cannot attach to him.

Mr. DAWES. Will the Senator allow me a moment? If the Senator thinks that the proposition I make represents a minority, what is the objection to trying the judgment of the Senate on it?

Mr. MORGAN. It represents the sort of majority which the Senator has been able to make up, if it represents a majority at all, through his very remarkable arts of persuasion and his tricks of trade. There is no man who excels the honorable Senator from Massachusetts in his manipulation of a little game. He is a saint to look at; but whoever undertakes to bet against him stakes his money against the "heathen Chinee." [Laughter.]

Mr. DAWES. I suppose it represents the sort of majority which the Senator dreads. If it is a minority he need not be afraid of it, any more than those recorded majorities over and over again here are afraid of the minority which he represents. Minorities are harmless except when they are revolutionary, and they never did accomplish anything as revolutionists; and sooner or later my dear friend from Alabama will wake up to a realizing sense of it.

Mr. MORGAN. Mr. President, there are some majorities that I do dread. When a fire gets the majority of a man in his house and he cannot get water enough to put it out, there is no reason why he should put more fuel under it in order to consume the house the quicker. Sometimes disease gets the majority of a man's bones, muscles, and nerves; and there is no reason why he should abuse himself so as to let the disease get a stronger hold upon him. Sometimes fraud gets the upper hand of a man in his affairs; and there is no reason why he should sit down simperingly and put his fingers in his mouth and take what comes merely because the man who perpetrated the fraud happens to be a great or a splendid man. There is no reason why a man should lose his manhood when he understands that his rights are snatched from him, not by a legitimate majority but by one that has been manufactured. There is a reason why men on the floor of the Senate of the United States should try to set honest examples to the people of the United States and show that they are willing to make some little sacrifice for the cause of honor, truth, and justice, it makes no difference how able or splendid the advocate of the other side may appear to be.

I have looked at that honorable Senator for the last month with much admiration. Indeed in the four years that I have been here his character before this body was never thoroughly revealed to me. I find in him now a great Spartan leader; yes, sir, a Spartan in the highest sense of the word; a Spartan who trains his thews and his sinews by abstaining from food, if necessary, by long sessions and at times by overexercise, and who manages in the presence of all difficulties to keep up the most benign and cheerful face that the galleries ever smiled upon. Indeed when I have seen him lift his lofty brow imploringly to the cerulean blue that rests above us, I could oftentimes fancy what beautiful pictures he must see in heaven, especially when his vision raked the galleries as it came down to earth, and with a magnificent bow and laugh he again beamed before the Senate. It was a lovely picture. It reminded me of an incident in history which, if the Senator will pardon me, I will relate, of the Spartan youth, a Lacedemonian boy, you remember, described by Plutarch in the biography of Lycurgus. The boy, following out the requirements of his Spartan education to steal something whenever he got a chance, had stolen a fox. He had hid the little "varmint" under his single shirt of hair, and he paraded about among his playmates with it, keeping that beautiful and serene face upon him that the Senator from Massachusetts has been able to do for a month, while the little animal was gnawing upon his vitals, and finally the boy, still smiling, dropped dead in the presence of his comrades. I do not charge the Senator from Massachusetts with having stolen a fox or with having stolen anything else, but he in some way got a fox under his garment, or something equally annoying, and for twenty days or more that fox has been gnawing at his vitals, and yet he has sat smiling before the Senate of the United States with a beaming and serene expression of countenance which must commend him to the photographer if not to the historian.

The Senator will find more trouble in getting rid of his fox than he had in capturing him. He is harder to let loose than he was to capture. The Senator will be like my friend, Mr. Dougherty, of Alabama, who, one morning taking a bath in the Alabama River, found an alligator asleep. He fancied it was a sick one, and as it was not a large one he concluded that he would turn it over on its back and tie his pocket-handkerchief over its mouth until he got some assistance. He seized it and it commenced whipping him with its tail. He tried to let it go and could not do it. Finally, however, by the use of a chunk of wood which he found near, he beat its brains out and went back to make his report. He said that that was one of the beasts which it was very much easier to catch than to hold. The Senator will find after a while that he has got something under his jacket which it is much easier to catch than it is to hold. I commend him to cherish that beautiful serenity of mind which he has so magnificently displayed here for a month, it being the very last time that he will ever enjoy the opportunity of appearing in that character before these glaring, brilliant footlights, for the time will come when the Senator from Massachusetts will see that that which he supposes he has captured will be a Tartar that he cannot control.

The Senator from Massachusetts, the Senator from Pennsylvania, and the Senator from Virginia have disclosed the real purpose of this movement. I pass over the question of the contract, of the supposed bargain and sale, of the treaty between the treaty-making powers, for I do not know the circumstances. I can only say this: if I should happen here to be involved in such combinations of circumstantial evidence the grass would never grow under my feet until I demanded a court of inquiry to sit upon it and to inquire into it, for I could not sit upon the floor of the Senate and keep my countenance before the people of the United States after so many things had been said and so little demand for inquiry had been made. Gentlemen who have used themselves to the acquirement of political power, it makes no difference by what methods, may be able to justify the means by the result; but I confess that I could not wear the honorable character of a Senator of the United States and for one moment have it supposed by any man in the world who had a right to speak, newspaper or Senator, that I had been concerned in a villainous bargain about the offices of this body.

With the patronage of this immense Government in the hands of the President of the United States and of the Senate, it does seem to me to be the smallest and falsest of all feeble and false pretenses that the alleged majority of the Senate of the United States should find itself necessitated to proceed to distribute the little patronage of the body into the hands of its friends. This Government collects and expends a million dollars a day. It has the largest revenue and makes the largest disbursement of any government in the world to-day, unless it be the Empire of Russia. It throws out its bounties and its largesses into the hands of at least 105,000 paid officials. In the midst of this magnificent outflow of the treasure taxed out of the people of the United States, is it to be believed that this body can be kept in session for a month, and the public business continually obstructed, for the mere purpose of putting a few pennies into the pockets of some necessitous retainer of the republican party, whether he is an old-line republican or a new convert? No, sir; that pretense will not be received by the American people as having a feather's weight in it.

The honorable Senator from Mississippi [Mr. LAMAR] the other day, with the eye of prescience, saw that which has been since confessed on the floor of the Senate. The whole purpose of this movement is to undertake to control the politics of Virginia in the coming fall election and in the next senatorial election, it being determined by some means or other to acquire the power of a majority in this body. This act on the part of the republican party in the Senate of the United States reveals more thoroughly than did ever an act before reveal the real animus and the real purpose of that party. It is not a party that designs to govern through the consent of the people, no matter how expressed. It is a party that has shown its willingness on various occasions to reverse the sentiment of the people, no matter how expressed. It is a party that intends to govern by eight to seven, by a majority of one; by any power that is enough to keep a minority in check. But in governing in that way remember that you must govern according to the Constitution. In those tribunals of the country where the Constitution prevails and where the minority has the power to enforce its protective principles, you must remember, gentlemen, that in governing us you must govern according to the Constitution. Our consciences point us to that instrument and to its protection and defense and the use of every means that it places in our power to prevent injustice, fraud, and wrong.

I said in the opening of my remarks that the resolution of the Senator from Massachusetts was fraudulent on its face. I did not mean by that to convey the impression that the Senator was trying to put a fraud upon the Senate or upon the country, but I meant to convey this idea. As I remember the language it is about this:

Resolved, That the Senate of the United States will now proceed to elect certain officers—

naming them. That may be in due form. It may be in a form that has received the sanction of authority heretofore and has become a precedent. I am not prepared to say whether it is or whether it is not; but how can the Senate of the United States proceed to elect its officers without proceeding to eject officers who are now in place? It has its officers, it has all that are required, and from the humblest man who sweeps the floors in the very cellar of this Capitol up to the highest official in the service of the Senate there has not been one word of complaint made that I remember as to inefficiency or incompetency or indisposition to do the whole duty of those officers. It has been a most remarkable success in the selection of officers. Here we have men who, as we all well understand, have so thoroughly taken care of the police of this end of the Capitol that it has at last become a respectable place. It was about as much as a man could say for it four years ago that it was a place where respectability could afford to be found. Now under the discipline of this corps of officers every obstruction has been removed to the comfortable, pleasant, regular, methodical, and proper exercise of our functions and powers in this body, and we are called upon now to do what? Says the Senator's resolution, "to proceed to the election of officers." What does that imply? Necessarily that we have no officers; necessarily that there are vacancies; that by the expiration of legal or constitutional tenure there are officers who have passed out whose places have to be supplied.

There is where I say the resolution is a falsehood. You proceed to do that which is unnecessary to be done, which is not required by the law or by the usages of the Senate to be done; you proceed to do that which on the other hand is a wrong to men who hold their offices in virtue of a tenure that you yourselves prescribe, and which you permitted them to accept. We have gentlemen engaged here as officers of the Senate who are capacitated to take care of themselves and to transact business in any of the avocations of life. They are men of ability, men of influence and character. What did you do? You persuaded these men, or at least you permitted them to come here and accept office upon the idea that they should remain during at least the period of time when they performed their duty according to law and with correctness, and until the period of time when the sessions of Congress should recur in which a majority opposed to them in politics should be found within this body. You take from these men that which you promised, and gave them, and you take it from them without a proper regard for their rights under the law and Constitution of the country. You commit toward these men an act of wrong, not for the purpose of organizing the Senate—(no matter how often that plea has been put forward it has never for a moment had the semblance of truth in it,) but you do it in order that you may have the ability to gratify somebody under some arrangement or agreement,

who has either a past, a present, or a future benefit to confer upon you in consideration of that arrangement.

Under such circumstances, what is the country to infer as the real motive of this proceeding? Do you expect by distributing a dozen or more offices among the readjusters of Virginia that you will be able to hold the 31,000 people who voted with them last year in favor of Hancock and English, and that they will turn over to the republican party? In order to get what modicum you may be able to control of that party, do you propose to give up the 81,000 republicans who stood against the readjuster party and voted for the regular Garfield ticket? Gentlemen are calculating without their host, I think, when they expect to produce results like this. You are crying, "Give! give!" to these people; but the answer will be, "We have nothing to return." You are piping in the market-places to them; but you will find that there are no dancers to your music. The 31,000 men who stood in the readjuster party for Hancock and English during the last presidential campaign are not men to be sold. They are not led in the leashes by any man who lives. When it is expected that by the dispensation of offices to a few of them you are going to hold the rest of them together and, like cattle, drive them to the shambles, you will find that you have mistaken your men.

If the republican party in the Senate to-day expects to work a result of that sort and through such result to extend what I would call the contamination into other Southern States, they are very wide of the mark. Senators do not make a calculation upon a basis so narrow as that which involves such tremendous consequences to our country. Unless you can see a prize ahead of you more promising than that, allow me to say in good faith to you as a Senator, Do not allow yourselves to differ with us and become antagonized to us, as you seem to have become, in the expectation that you will have the power through this agency of returning from Virginia a readjuster to take a place in your ranks after the next Legislature shall have assembled there. That time is two years off. Half of Mr. Garfield's administration will have expired by the time that such a Senator could take his seat. What is to become of him and his administration in the mean time? To what feast do you invite us? What do you ask us to do? If we should accept that which you labor to force us to do, if we should do that to which you would not only invite us but endeavor to provoke us, your President of the United States would not turn a wheel in his administration in two years.

But, sir, I am not for a course like that. You have elected a President by a constitutional majority, and I am in favor of upholding his hands by all constitutional methods; and in order to uphold his hands now under the present circumstances the case is too plain for argument that one thing is left to us to do, and that is to proceed to the consideration of the nominations that he has sent to us. What message has he sent to us about the reorganization of the Senate? What advice has he given us? That after we have yielded the committees so that the business of the public may go on we should also yield to Mr. Riddleberger and Mr. George Gorham. Has Riddleberger been nominated by the President of the United States? I have heard no message of the kind; but if this matter goes on for a day or two longer, I mean to offer a resolution in the Senate to invite the President of the United States to meet us in executive session and see what he has to say about it. I want to hear from him.

Mr. HILL, of Georgia. The President has a right to come to an executive session.

Mr. MORGAN. As a matter of course; and it is his duty to come if invited. General Washington used to meet the Senate in executive session; so did Jefferson, and so did other Presidents; and if this matter goes on I intend for one to give the Senate an opportunity to understand whether or not the President of the United States wishes the Government left in a state of abeyance in order that the Senate may give out a little patronage to the hands of the Riddlebergers in Virginia to be distributed in the purchase of votes to help on the next election. If the President sends his nominees here upon that same ground there is no telling what might happen.

Now, Mr. President, the Senate of the United States will bear me witness that since I have been here I have not indulged in acrimonious political debate. Time and time again I have given my votes in this body in direct antagonism to Senators from my own section, believing that I was required to do it by either considerations of public policy or by the Constitution of the United States. I have abstained from mingling in this debate because it seemed to have taken a very decided political turn. I have desired that the Senate of the United States should rise to the occasion and should comprehend the great duty resting upon us now. Gentlemen, when you bring us a proposition in aid of the Government backed by a majority on that side which we believe is not founded on some corrupt bargain, we will go to its consideration with you to the sacrifice of our private judgment; but when you touch us with that proposition and command us to yield to you, when we believe that you are wrong in principle and in practice, and that your conduct is derogatory to the honor of this body, you may cry out against us and charge treason, if you please, upon us until doomsday, and still you will find us on the floor resisting such a movement. [Manifestations of applause in the galleries.]

Mr. HARRIS. Mr. President——

The PRESIDING OFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the resolution offered by the Senator from Massachusetts [Mr. DAWES] be indefinitely postponed, upon which the yeas and nays have been ordered.

Mr. HARRIS. Mr. President, if no Senator desires to occupy the floor I will move that the Senate proceed to the consideration of executive business. Of course I will withdraw the motion if any Senator desires to be heard.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business. The question is upon that motion. [Putting the question.] The noes appear to have it.

Mr. COCKRELL and Mr. HARRIS called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE.]

Mr. MILLER, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

Mr. PLATT, of Connecticut, (when his name was called.) I am paired for the day with the Senator from West Virgina, [Mr. CAMDEN.] It will be unnecessary to repeat the announcement.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call having been concluded, the result was announced—yeas 25, nays 28; as follows:

YEAS—25.

Bayard,	Davis of W. Va.,	Jonas,	Ransom,
Beck,	Gorman,	Jones of Florida,	Slater,
Brown,	Groome,	Lamar,	Vance,
Butler,	Grover,	McPherson,	Vest.
Call,	Hampton,	Morgan,	
Cockrell,	Harris,	Pendleton,	
Coke,	Jackson,	Pugh,	

NAYS—28.

Allison,	Dawes,	Ingalls,	Morrill,
Anthony,	Edgerton,	Kellogg,	Platt of N. Y.,
Blair,	Ferry,	Logan,	Plumb,
Burnside,	Hale,	McDill,	Rollins,
Cameron of Pa.,	Harrison,	McMillan,	Sawyer,
Cameron of Wis.,	Hawley,	Mahone,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman.

ABSENT—23.

Camden,	Frye,	Jones of Nevada,	Teller,
Conkling,	Garland,	Maxey,	Van Wyck,
Davis of Illinois,	George,	Miller,	Voorhees,
Edmunds,	Hill of Colorado,	Platt of Conn.,	Walker,
Fair,	Hill of Georgia,	Saulsbury,	Williams.
Farley,	Johnston,	Saunders,	

So the motion was not agreed to.

Mr. DAWES. Mr. President, after that vote I should think the Senators would be satisfied and willing to proceed to a vote upon the resolution itself.

Mr. COCKRELL. We are perfectly satisfied, and therefore I move to lay the resolution on the table, and call for the yeas and nays on that motion.

Mr. DAWES. I wish the Senator would indicate what judgment of the Senate against him would satisfy him.

Mr. COCKRELL. Mr. President, this is not a debatable motion.

The PRESIDING OFFICER. It is not. The Senator from Missouri moves that the resolution offered by the Senator from Massachusetts and now pending be laid upon the table, and upon that motion asks for the yeas and nays.

The yeas and nays were ordered.

Mr. GROOME, (at two o'clock and fifty minutes p. m.) As there does not seem to be any probability that we can make any progress to-day, I move that the Senate do now adjourn, and on that motion I call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate adjourn and asks for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from Georgia [Mr. BROWN] on this vote.

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE.]

Mr. MILLER, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

The roll-call was concluded.

Mr. DAVIS, of West Virginia. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut, [Mr. PLATT.]

The result was announced—yeas 23, nays 27; as follows:

YEAS—23.

Bayard,	Davis of W. Va.,	Jackson,	Ransom,
Beck,	Gorman,	Jones of Florida,	Saulsbury,
Butler,	Groome,	McPherson,	Slater,
Call,	Grover,	Morgan,	Vance,
Cockrell,	Hampton,	Pendleton,	Vest.
Coke,	Harris,	Pugh,	

NAYS—27.

Anthony,	Cameron of Pa.,	Dawes,	Hale,
Blair,	Cameron of Wis.,	Edgerton,	Harrison,
Burnside,	Conger,	Ferry,	Hawley,

Hoar,	McDill,	Morrill,	Sawyer,
Ingalls,	McMillan,	Platt of N. Y.,	Sewell,
Kellogg,	Mahone,	Plumb,	Sherman.
Logan,	Mitchell,	Rollins,	

ABSENT—26.

Allison,	Farley,	Jonas,	Teller,
Brown,	Frye,	Jones of Nevada,	Van Wyck,
Camden,	Garland,	Lamar,	Voorhees,
Conkling,	George,	Maxey,	Walker,
Davis of Illinois,	Hill of Colorado,	Miller,	Williams.
Edmunds,	Hill of Georgia,	Platt of Conn.,	
Fair,	Johnston,	Saunders,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question now is upon the motion of the Senator from Missouri, [Mr. COCKRELL,] that the resolution offered by the Senator from Massachusetts [Mr. DAWES] lie on the table, upon which the yeas and nays have been ordered.

Mr. DAVIS, of West Virginia. Pending that, I move that the Senate proceed to the consideration of executive business. I think that business is more pressing than any other.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. DAVIS, of West Virginia, Mr. COCKRELL, and others called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE.]

Mr. MILLER, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call was concluded.

Mr. DAWES, (after having voted in the negative.) Has the Senator from Louisiana on the left [Mr. JONAS] voted?

The PRESIDING OFFICER. He has not.

Mr. DAWES. I wish, then, to withdraw my vote. I would like to inquire also whether he voted on the last vote or not.

The PRESIDING OFFICER. The Chief Clerk informs the Chair that he did not.

Mr. DAWES. I ask unanimous consent, then, to withdraw my vote on that vote, and I withdraw it on this, for I have paired with him. I see the Senator has just come in, and I leave my vote on this call, but I trust the Senate will give me unanimous consent to withdraw my vote on the last call. I ask it.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. LOGAN. I was paired with the Senator from Mississippi, [Mr. GEORGE,] and on the last vote I forgot the fact that I had agreed to pair with him and voted. I ask unanimous consent to withdraw my vote on the last vote. I had forgotten entirely the fact that I had agreed this morning to pair with the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator has leave to withdraw his vote on this motion and the preceding one.

The result was announced—yeas 25, nays 26; as follows:

YEAS—25.

Bayard,	Davis of W. Va.,	Jonas,	Ransom,
Beck,	Gorman,	Jones of Florida,	Saulsbury,
Brown,	Groome,	Lamar,	Slater,
Butler,	Grover,	McPherson,	Vance.
Call,	Hampton,	Morgan,	
Cockrell,	Harris,	Pendleton,	
Coke,	Jackson,	Pugh,	

NAYS—26.

Allison,	Dawes,	Ingalls,	Platt of N. Y.,
Anthony,	Edgerton,	Kellogg,	Rollins,
Blair,	Ferry,	McDill,	Sawyer,
Burnside,	Hale,	McMillan,	Sewell,
Cameron of Pa.,	Harrison,	Mahone,	Sherman.
Cameron of Wis.,	Hawley,	Mitchell,	
Conger,	Hoar,	Morrill,	

ABSENT—25.

Camden,	Garland,	Maxey,	Vest,
Conkling,	George,	Miller,	Voorhees,
Davis of Illinois,	Hill of Colorado,	Platt of Conn.,	Walker,
Edmunds,	Hill of Georgia,	Plumb,	Williams.
Fair,	Johnston,	Saunders,	
Farley,	Jones of Nevada,	Teller,	
Frye,	Logan,	Van Wyck,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Missouri, [Mr. COCKRELL,] that the pending resolution do lie upon the table.

Mr. DAVIS, of West Virginia. Mr. President, it is very plain that the other side of the Chamber do not intend to do any business this session, but I will give them a chance to vote and see whether they intend to do anything between this and December. I move that the Senate now adjourn until the first Monday in December, upon which I ask for the yeas and nays.

Mr. DAWES. Will the Senator allow me to make an inquiry?

Mr. DAVIS, of West Virginia. Oh, yes.

Mr. DAWES. What will become of the public business if we adjourn till the first Monday in December?

Mr. DAVIS, of West Virginia. What does the Senator say?

Mr. DAWES. What will become of the public business that has distressed the Senator so much for weeks that he could not submit to the majority?

Mr. DAVIS, of West Virginia. Why, Mr. President, this side of the Chamber has been for a month endeavoring to do the public business and has been obstructed by the leadership of the Senator from Massachusetts. We were called here for a purpose, and that purpose was——

The PRESIDING OFFICER. The motion is not debatable, and the debate is proceeding by unanimous consent.

Mr. DAVIS, of West Virginia. If the Senator will agree to adjourn, I will not speak.

Mr. DAWES. Mr. President, by unanimous consent I desire to suggest to the Senator that I am so anxious for the public business to proceed at once that I am willing to submit to any vote the majority of the Senate shall indicate.

Mr. GROOME. Then, Mr. President, I move that we proceed to the consideration of executive business, if my friend from West Virginia will withdraw his motion.

Mr. DAVIS, of West Virginia. No, Mr. President, I prefer my first motion, and I believe that has preference. I will say to my friend from Maryland that I will vote for his motion as soon as this is voted on; our friends ought to have a chance to record themselves on this vote.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate do now adjourn to the first Monday in December next.

Mr. ALLISON. That is the day of the regular meeting of Congress; it is unnecessary to make that motion.

Mr. DAVIS, of West Virginia. I ask for the yeas and nays on my motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE.]

Mr. LOGAN, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. MILLER, (when his name was called.) I am paired with my colleague, [Mr. FARLEY.]

Mr. HAWLEY, (when the name of Mr. PLATT, of Connecticut, was called.) My colleague [Mr. PLATT] desired that his pair with the Senator from West Virginia [Mr. CAMDEN] be again announced.

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.]

Mr. WALKER, (when his name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call having been concluded, the result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Beck,	Davis of W. Va.,	Jonas,	Ransom,
Butler,	Grover,	Jones of Florida,	Slater,
Call,	Hampton,	Lamar,	Vance.
Cockrell,	Harris,	McPherson,	
Coke,	Jackson,	Pendleton,	

NAYS—30.

Allison,	Conger,	Hoar,	Morrill,
Anthony,	Dawes,	Ingalls,	Platt of N. Y.,
Bayard,	Edgerton,	Kellogg,	Rollins,
Blair,	Ferry,	McDill,	Sawyer,
Brown,	Groome,	McMillan,	Sewell,
Burnside,	Hale,	Mahone,	Sherman.
Cameron of Pa.,	Harrison,	Mitchell,	
Cameron of Wis.,	Hawley,	Morgan,	

ABSENT—28.

Camden,	Garland,	Logan,	Saunders,
Conkling,	George,	Maxey,	Teller,
Davis of Illinois,	Gorman,	Miller,	Van Wyck,
Edmunds,	Hill of Colorado,	Platt of Conn.,	Vest,
Fair,	Hill of Georgia,	Plumb,	Voorhees,
Farley,	Johnston,	Pugh,	Walker,
Frye,	Jones of Nevada,	Saulsbury,	Williams.

So the motion was not agreed to.

Mr. GROOME. I voted "nay" upon the motion of the Senator from West Virginia for the reason that I have not yet abandoned all hope that sooner or later the majority of this Senate will realize that it is their duty to proceed to the consideration of the business for which this session was called.

Mr. HAWLEY. On which side is that majority?

Mr. GROOME. The majority made up of all those Senators, whether democrats or republicans, who feel like sustaining the President of the United States by transacting the business for which this session was convened. In order to test——

Mr. DAWES. I voted the same way for the same reason.

Mr. HAWLEY. So did I.

Mr. GROOME. I believe I have the floor. In order to test whether a majority of the Senate has yet come to that view of the case, I now move that the Senate proceed to the consideration of executive business.

Mr. DAWES. It would be a great deal better that we should proceed with the pending business.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate proceed to the consideration of executive business.

Mr. GROOME. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. DAWES. The Senator has a queer way of getting at business.

The Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB,] and I announce the pair now for the entire day.

The roll-call having been concluded, the result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Bayard,	Davis of W. Va.,	Jackson,	Pendleton,
Brown,	Gorman,	Jonas,	Pugh,
Butler,	Groome,	Jones of Florida,	Ransom,
Call,	Grover,	Lamar,	Saulsbury,
Cockrell,	Hampton,	McPherson,	Slater,
Coke,	Harris,	Morgan,	Vance.

NAYS—25.

Allison,	Dawes,	Kellogg,	Rollins,
Anthony,	Edgerton,	McDill,	Sawyer,
Blair,	Ferry,	McMillan,	Sewell,
Burnside,	Harrison,	Mahone,	Sherman.
Cameron of Pa.,	Hawley,	Mitchell,	
Cameron of Wis.,	Hoar,	Morrill,	
Conger,	Ingalls,	Platt of N. Y.,	

ABSENT—27.

Beck,	Frye,	Jones of Nevada,	Teller.
Camden,	Garland,	Logan,	Van Wyck,
Conkling,	George,	Maxey,	Vest,
Davis of Illinois,	Hale,	Miller,	Voorhees,
Edmunds,	Hill of Colorado,	Platt of Conn.,	Walker,
Fair,	Hill of Georgia,	Plumb,	Williams.
Farley,	Johnston,	Saunders,	

So the motion was not agreed to.

Mr. BURNSIDE. Mr. President, I have not thirsted for this fight and I have never felt like going for the scalps of the present officers of the Senate. I felt, very impressively, the mistake made by the majority of the Senate two years ago when they made a clean sweep of the elective officers of this body and I resisted it as long as I thought it right and proper to resist, and then I not only gave in myself, but I counseled others to give in, because I felt that the majority should rule, and they became responsible for the results. I do not claim that the majority then inflicted any great wrong upon us or upon the public service. They gave us officers who have performed their duties honestly and intelligently. These officers have kept many of the republican employés in the service of the Senate whose appointment or retention depended on them. I think they were wise in pursuing this course. But it is a fact that the democratic majority removed every elective officer of this body. I have felt no disposition to dismiss those officers. But, Mr. President, a precedent was established then which I shall observe as long as I am in the Senate, unless by common consent it shall be reversed. It was decided then that the majority had a right to change the chairmen of committees and the officers of the Senate whenever they desired to. To that precedent I shall bow, as long as I am a member of the Senate, until some other course of action is taken by general consent of the two parties. When it shall be agreed that all efficient officers shall remain in our service during good behavior, I will hail the decision with great delight.

Mr. President, when the committees were turned over to the republicans, they received them from the hands of the democrats and with their acquiescence. If we secured the committees by fraud, the democrats are guilty of fraud, because they were participants, they were accessories to the fraudulent act by which we obtained possession. They have no right to shield themselves in the position they are in now and say they are not guilty of fraud. If we obtained these committees by fraud they are guilty of fraud, because they could have kept us from getting them just as they are now preventing the election of officers by the majority. There is no getting behind that.

Mr. HILL, of Georgia. If the Senator will allow me a moment——

Mr. BURNSIDE. I am willing to be interrupted. I am only trying to get at what is right and proper——

Mr. HILL, of Georgia. The Senator says there is no getting behind the fact that if we allowed the other side to get the committees of the Senate we were parties to the fraud if there was fraud. The Senator will remember that we submitted to the appointment of committees because that was an indispensable act to the transaction of the business of the Senate. We considered that an indispensable act to the transaction of the business of the Senate for which it was convened in special session, and therefore we thought it our duty to discharge the business for which this body was convened. The appointment of officers is not necessary for that purpose; and if we do in our opinion yield now to the appointment of officers we should become what the Senator says, a party to whatever bargain exists, and without any excuse or reason for it.

Mr. BURNSIDE. Mr. President, I would sit here for the remainder of my term without transacting one single particle of public business before I would consent to fraud in any way whatever. Fraud vitiates everything, and the man who consents to it for a single moment becomes accessory to it.

Mr. President, as I have before said, I have not thirsted for this fight, but we are in it, and I want to say now that the other side of this Chamber took a step in the direction of removing officers, and are now trying to occupy the opposite position.

One of the Senators, on whom they relied to strengthen their side and give them the majority, the Senator from Illinois, [Mr. DAVIS,] has said to the Senate in plain terms that, having granted to us the committees, the other side should grant to us the organization of the Senate, and that it has been decided that we have a constitutional majority. He has gone to his home unpaired, and we now have a majority without reference to the Vice-President. The Senator referred to was recently a member of the supreme bench of the United States, and his opinion is worth something. No matter what we may think of him and his independent position in politics, we all know him to be a man of high integrity and of great mental capacity and undoubted patriotism, and we must give great weight to his opinion. He has told you and he has told the country that we, having gained the committees, are entitled to the organization, and the country will understand it. While some of our constituents and newspapers, notably the New York Times, are getting a little impatient and criticising us, it will be but a few days before the country will know from one end of it to the other who is obstructing business here. I say for myself that I will stay here to the end of my term before I will consent to be governed by a minority, and I believe as much as I believe there is a God in heaven that we are fairly in the majority.

Mr. BECK. Will the Senator allow me to interrupt him for a moment?

Mr. BURNSIDE. Certainly.

Mr. BECK. I see by the morning papers that the people of Cincinnati did not see it so yesterday. They have elected a democratic mayor by about 1,500 majority. The Senator says the people of the country will see that his side is right.

Mr. BURNSIDE. But that was on a question between whisky and anti-whisky, beer and anti-beer, and even if that was the case, the people are not always right. A new administration as a rule always has a hard row to hoe.

Mr. SHERMAN. Will the Senator from Rhode Island permit me to say a word in response to the Senator from Kentucky?

Mr. BURNSIDE. With pleasure.

Mr. SHERMAN. My friend from Kentucky knows as well as I do that some of the leading men of Cincinnati, including the editor of one of the principal republican papers of that city, supported the democratic candidate for mayor because they were not satisfied with the enforcement of the Sunday laws, not so much the liquor laws as the Sunday laws of the city of Cincinnati. I can assure him that there is no division of opinion among the republicans of Ohio, so far as I know, on the question that we cannot allow the minority, although it may be but a minority of one, to dictate the course of business in the Senate.

Mr. DAWES. Do you mean that the democracy of Ohio are Sabbath-breakers?

Mr. BECK. Will the Senator allow me to suggest another fact, that in the Legislature of Pennsylvania yesterday an endeavor was made to secure an indorsement for the combination you have just made; and they were glad to lay it on the table.

Mr. CAMERON, of Pennsylvania. How does the gentleman know they were glad to lay it on the table? My own impression is that the body is sorry for its action to-day, and that before long it will indorse every act of both its Senators in this body.

Mr. BECK. It did not do so yesterday.

Mr. CAMERON, of Pennsylvania. They will do it in the future.

Mr. BECK. After you get there you may make them do it. [Laughter.]

Mr. CAMERON, of Pennsylvania. No.

Mr. BECK. They will not do it without.

Mr. BURNSIDE. Mr. President, I have been silent during this debate, but when I noticed in the papers of this morning a statement that I was one of the conservatives who rather advocated in the republican caucus yesterday that we should back down, I thought I would take occasion to say that I have no right to tell what I did say in caucus, but I have a right to tell what I did not say, and I now tell you, Mr. President, that I have no disposition to back any on the present issue, nor have I ever had any. As long as I live I will never by any act of mine consent to the adoption of any act or rule which recognizes the theory that the majority does not rule in this country. The principle that the majority must rule lies at the very foundation of the theory of our government.

The duty which we are trying to do now is a constitutional duty. The Constitution of the United States says we shall elect our officers. I would have been glad had the present officers been left in their places. I would be glad, indeed, if the other side would admit the right of the majority to rule, to yield them the chairmanship of my committee. Mr. President, I would not hold the chairmanship of my committee if I felt that I held it in an improper way.

Mr. BECK. One other suggestion. Does the Senator remember how persistently he sat with his arms folded the three last nights of the recent session of the last Congress rather than allow an executive session?

Mr. BURNSIDE. Yes; I remember it.

Mr. BECK. Have you repented since then? [Laughter.]

Mr. BURNSIDE. Yes. [Laughter.] There are many members on your side of the Chamber and on this side to whom I have said that I would never do such a thing again as long as I held a seat in the Senate. I was very much ashamed of it.

Mr. HILL, of Georgia. I wish to ask the Senator from Rhode Island a question, because there is no man in this country, republican or democrat, for whom I have more respect. The Senator says that he will adhere to the rule that majorities must always govern. Now, I will not deny the correctness of that proposition. I think this is a constitutional government and not a majority government; but concede it to be true as a general proposition that majorities ought to govern, I put this question to the Senator: If he honestly believed in his conscience that this side of the Chamber had obtained one majority by illegitimate means would he then consent to the government of that majority?

Mr. BURNSIDE. I would not have consented to the formation of committees; I would have contested the question to the end of my term if I thought there was fraud.

Mr. HILL, of Georgia. Suppose the Senator should come to the conclusion that as the Senate was called together for the transaction of certain executive business, and that executive business could not be transacted without the appointment of committees, and he should yield whatever feeling he might have on the question of the morality of the thing in deference to the public interest and the public business, would that obligate him to consent to the consummation of what he believed—not what I will say is—to be a bargain in the appointment of the officers of the Senate to interfere with a State election? Would he yield to it?

Mr. BURNSIDE. I will answer the Senator from Georgia. His question is a long one; but I will say that if I sat on that side of the Chamber as he does, and believed there was fraud on this side, and I had consented to this side of the Chamber doing what has been done, I would have felt myself a participant in that fraud. Now I want to ask the Senator a question. Does he believe there is a single Senator on this side of the Chamber who would accept the chairmanship of a committee that had been assigned to him by fraud or would engage in any fraudulent transaction of that kind? Now, sir, I want to know that, and if there is such a one, I want to know who he is.

Mr. HILL, of Georgia. Well, Mr. President, I do not think the Senator from Rhode Island ought to ask me whether I believe——

Mr. BURNSIDE. That is a plain question, and had it been asked by the Senator from Georgia as to his side of the Chamber I would have said no, not one Senator on that side of the Chamber, do I think, would be guilty of a fraud in order to obtain a committee chairmanship, or in order to obtain an office in the Senate. Now the Senator can answer me as he pleases.

Mr. HILL, of Georgia. The Senator will allow me to answer, if he pleases.

Mr. BURNSIDE. Certainly.

Mr. HILL, of Georgia. I will say to him that he can with perfect propriety answer a question which I would not ask him, if he chooses to do so. I would not ask the honorable Senator——

Mr. BURNSIDE. I think the question ought to be answered.

Mr. HILL, of Georgia. Let me get through answering, if you please.

Mr. BURNSIDE. Of course.

Mr. HILL, of Georgia. I would not ask that Senator whether he in his conscience believes that there is any Senator on this side of the floor who would be a party to a bargain or would accept the profits of a bargain. I would not ask that question, because it would be an improper question to ask and an improper question to answer. I therefore will not give an improper answer to an improper question; but I will say this to the Senator: I do in my conscience believe that the majority on that side has been procured by illegitimate means.

Mr. BURNSIDE. Mr. President, now I will answer the Senator from Georgia in this way: he has no right to ask me the question I asked him, because I have never made a charge of fraud against Senators, but the Senator has made the charge——

Mr. HILL, of Georgia. I have made no charge.

Mr. BURNSIDE. Why, sir, you made it this moment, this very moment. Now, I have a right to ask you whether you believe there is a Senator on this side of the Chamber who would be guilty of fraud? No man can ask me such a question as that, because I have made no such charge.

Mr. HILL, of Georgia. There is no foundation for you to make such a charge.

Mr. BURNSIDE. Your side of the Chamber is immaculate. I say there is no foundation for me to make such a charge. I accept just what the Senator says, and I say there is no foundation for him to make such a charge.

Mr. HILL, of Georgia. Well, I say this to the Senator: if he will contrive to get an honest jury of twelve men in this country together so that the issue can be tried, I am willing to go before a jury upon the question. I have not the slightest doubt we shall get a verdict of guilty.

Mr. BURNSIDE. The Senator's great powers before a jury are well known to the whole country, and I am not disposed in the least degree to depreciate them. I will venture to say that he can get a verdict of a jury that I cannot get. He possesses great skill and power before a jury and he has had experience in pleading causes. I am not arguing on that basis. I am not a lawyer. I am arguing as a plain citizen of the United States and as a Senator, and I say that I would make no such charge in reference to that side of the Chamber unless I felt that I could prove it. It is a grave charge, and if true we on this side are in the position of felons, occupying chairmanships of committees which do not belong to us.

Mr. HILL, of Georgia. If the Senator honestly believed that there was an illegitimate bargain, he would not say he did not believe it.

Mr. BURNSIDE. I would not say I did not believe it if I did believe it, and I would not hold the chairmanship of my committee a moment if I did believe it.

Mr. BAYARD. Mr. President, I say to the honorable Senator from Rhode Island [Mr. BURNSIDE] that I recognize in him a fair and honorable opponent; I do not think that he at any time desires to place those who differ from him in a false position; and therefore it is that I always listen to that which he has to say with respect and to respond to it in a worthy spirit. I would like, Mr. President, but not this afternoon, to place this question, in regard to which the two sides of the Chamber confront each other in equal numbers, in the strongest light of fact, of reason, of justice, and of law and walk with you my brother Senators on the other side, to the bar of public opinion to be there tried by such canons as we all can respect, whether or not we are justified in the attitude and action we have adopted or whether you are to be sustained in the attitude and action which you have adopted. The question is grave; it is one of importance as all questions are of importance that touch the public business of the American people. There is nothing trivial in such interests. The time that we spend here and the topics that we discuss are all of worth and all of importance, or they should be. I would have wished this altercation of votes to have ceased. In my judgment you on the other side of the Chamber should have brought a cessation. If I had not thought our action was right and defensible and grounded upon sound consideration of public interest, I should not have embarked in it, nor should I have remained in it. I believe that it is in my power, feeble though that is, to show to a disinterested and fair tribunal that we are justified in every way, justified in all lights in which we have a right to consider public business, in standing where we have stood for the past week and insisting upon the reconsideration of the matters that we have asked to have reconsidered.

I will not detain the Senate now. I will speak when I do speak, not to the prejudices of either side of the Chamber. I shall try to meet this case as though it might be mine, standing where the republican members of the Senate now stand in regard to it; and if I cannot stand in my mind upon that ground I shall be content to give it up. Until my views change upon that point I shall stand where I have stood for the last week. I will open the argument; I will submit nothing but reason; I shall not seek to arouse prejudice or passion upon either side; because this is public business; and private ambitions, personal arrangements, and party advantage ought to fade away before the demands of the American people that their representatives should deal with public questions in a spirit worthy of the circumstances.

Mr. SHERMAN. Mr. President, the Senator from Delaware, [Mr. BAYARD,] for whose opinions I have learned to entertain a sincere respect, as it seems to me for the first time recognizes the importance of the question in which we are engaged. As to whether the gentlemen who now occupy their seats as clerks and perform the duties of Sergeant-at-Arms should continue to hold those offices, that is a matter of very little moment. The American people would look upon a contest which involved nothing but the possession of these few offices with a great deal of indifference, and would think that this "grave and reverend" body, the most important political body in the world, was indulging in a very weak and foolish work if it were engaged simply in dividing these offices.

But, Mr. President, I recognize that there is something back of all this. There is a principle which lies at the foundation of republican institutions, a principle that is recognized in the House of Commons and in every deliberative body in the world, and that is, that a majority of any body must decide every question that comes before it. While minorities have certain rights, those rights are defined by precept and by example. Here a majority—it may be but of one—is in favor of a change of the officers of this body; they have so said over and over again by repeated votes. If that was but a majority dependent upon the casting vote of the Vice-President, it would be a constitutional majority; but it is more than such a constitutional majority. It is a majority of Senators without respect to the vote of the Vice-President. Counting every vote, there is a majority of one or two in favor of acting upon the pending resolution, and that has been expressed in every vote. That Nestor of the law, if not a Nestor in politics, who has distinguished the Supreme Court by his learning and ability, has stated to you, his associates on some of these questions, that this matter was settled by the action upon the organization of the committees of the body.

Now, how do we stand? A majority say that they think it is their right and their duty to change the officers of this body. Does anybody question the right of the majority to elect the officers as they choose? No; because the Constitution plainly writes out the broad-

est authority to the Senate to elect its own officers in its own way, in its own time, and in its own manner. A majority has repeatedly expressed the wish that that duty should be performed; and the minority say "No, you shall not do that, but you shall do something else." Perhaps they are wise; perhaps they are right. It is a matter of indifference to my present purpose whether they are right or wrong, the question is, Who shall determine the order of business in this deliberative body?

I say to the Senator from Delaware that when he comes to debate this question at length I can show him precedents without number where the House of Commons upon a tie vote, or with a majority of one, have changed and upset a government. A majority of one is as good as a majority of fifty. We know that in popular elections, sometimes in great States, the majority has turned upon a single vote. In my own State governors have been elected and legislatures have been organized upon a popular majority of less than 1 in 400. A presidential election has turned upon such a majority. Any majority is a majority; you cannot stop to argue the amount of the majority. That is the foundation rock upon which all republican institutions rest. It is because the republics south of us on the American continent have disregarded this law that they have never been able to establish a stable government in any of those southern republics. It is because in England that is regarded as the foundation of their political fabric that governments have been so changed that a single vote in the House of Commons has turned an administration out and put a new one in.

I say that majority has here been announced in repeated votes. What right has the minority, then? It has important rights. The rights of the minority ought to be protected and subserved. Therefore ordinary motions of delay have been allowed to be interposed time out of mind. I have sat here during many a long, weary night session to allow the minority to speak until they were exhausted, because the right of debate and of free discussion is another kindred and great right of every republic. Every man in the Senate has refused to impose any limit on debate, and therefore we have sat out the debate, and staid here for twenty-four hours at a time to hear the minority speak and to place upon record their opinion. But when the minority members are all through and the debate is ended, the vote must come, whatever the majority may be. So with other questions; the minority have the right to procrastinate; they would even have a right to make delay, as I think we were justified in causing some delay when, owing to the accidental absence of members of the Senate, the Senate was not full in the earlier portion of this session; but when the Senate is full, and when debate is exhausted, there is the end to all the powers of the minority; then the majority must speak and say what shall be done, and the voice of the majority is the voice of God so far as this body can express the voice of the Deity.

The Senator may look through all the records of English precedents, through all the records of our own precedents, he may bring his powerful mind to bear upon the question and he cannot throw any light upon it because it is as clear as day now. Fair opportunity may be given to the minority to express itself in debate, to speak its voice, to delay until the Senate is full; after that the majority must speak. It will not do for the minority to say "now you had better go into executive session and transact other business that is important;" it is for the majority to decide; and when the attempt of the majority to do what they wish is resisted by parliamentary proceedings the minority abuse those parliamentary proceedings. Those proceedings and rules were intended to guard the minority in the right to debate, in the right to a fair discussion, in the right to a fair vote; but when these are gained, that is the end of their rights properly considered.

I was glad to hear my friend from Rhode Island [Mr. BURNSIDE] say one thing, and I underwrite every word of it. I do not believe that any Senator who is sitting here in his seat has a right to withhold his vote in order to reduce the body to less than a quorum. I think it is a violation of the plain rules of the Senate, and I would not do it under any circumstances. That has been tried by both political parties. There was one occasion in 1858, when I was a member of the other House, when some of the republican Senators, on account of their bitter opposition to what was called the Lecompton bill, refused to vote on that bill and left the Senate without a quorum. What was done? My old colleague, Mr. Wade, declined to vote, as did other leading Senators, and the consequence was that the Senate was left without a quorum. What was the result? The roll was called. It was found that Senators were present and not voting. The President of the Senate announced that there were Senators in the Hall who had failed to vote, and he directed the names of those Senators to be called. They were called by name, and the minority of the Senate, then republican, voted and made a quorum, and the business proceeded. Suppose they had refused to vote and thus had defeated action upon an important measure and stopped the wheels of Government, everybody would have said they had done wrong.

So, again, in another case, that is perfectly familiar to my friend from Delaware, when a motion was made in 1870 or 1871, I think, (I may not get the dates correctly, but it was some time ago,) to take up a force bill, or some bill that the minority was very much opposed to, and the minority refused to vote, and left the majority without a quorum on account of the absence of Senators.

Mr. BAYARD. Will the Senator do the minority of that day the justice to say——

Mr. SHERMAN. I will do that in a moment. Then the same proceedings were had, and then the Senator from Delaware properly and rightly responded to his name; and he and some of his associates made a quorum, and the business proceeded. Am I correct in that?

Those were the only times in American history where this unnatural, unconstitutional, and improper interference with the rights of the majority ever occurred in this body, I think, except at the close of the last Congress. As I was not a member of that body then, I have nothing to say about that. The object was to gain time, I am told, but I am not here to defend it. I only say that while I am a member of the Senate, whether of the majority or minority, I shall cast my vote, giving it, if I am allowed to do so, at the time when it is called for.

Mr. President, the minority have certain rights to gain time to get a fair vote. They have no right to use their powers as a minority so as to disorganize the body, to refuse to vote and leave it without a quorum. The rules plainly allow them to gain time, but the minority have no right to use our rules, intended to protect them in securing a fair debate and a fair vote, so as to stop the wheels of Government or to prevent the majority from the orderly exercise of their constitutional power to govern the body while they have the majority.

Here is the whole law of the case. I might, if I chose to do it, enter into an argument to show that this majority was fairly obtained. I am glad to co-operate with the Senator from Virginia, [Mr. MAHONE,] and glad to have him co-operate with me. I believe that this movement of his will be the dawning of a better day for the South, when that "solid South" now represented on the other side almost as a hostile section shall be broken, and when American politics shall cease to be sectional and become national, when parties will be divided on broad issues which will not endanger the peace and safety of the country. It will be better for the South, and I welcome him as an *avant courier*, if you please, of many more who I hope will follow to break down the sectionalism of American politics, and to secure equal rights and equal civil and political privileges to all men.

There are rights of the minority, and no man would respect them more than I; but there are rights and duties of the majority. The only reason why I have any feeling about this matter is because the majority have made a decision that they will transact a little business; which need not take over five minutes to pass upon, and that is resisted in the manner we have witnessed. Whether the gentlemen who are the incumbents should hold their offices now or should give them up in December ceases to be significant at all. The issue is whether the majority here, no matter whether one or more, shall order the course of business, shall say what questions shall be presented, what questions shall be decided, and what the Senate will do. If the minority can say that the majority shall not do this but they must do something else, the minority may say that they will block the wheels of Government, stay here until December until the majority give up their idea of what is their duty; and in that I submit the minority are in the wrong.

I would not give the snap of my finger as to whether these gentlemen should hold their seats until December or not. They have all been spoken of kindly. I am glad to hear a universal expression of good will in regard to these gentlemen. We should all be very willing to give them their salary from now until December, do anything that is fair and right, generous and liberal to them; but when it is asked of us that we must surrender the right that we have here as a majority to dictate the course of proceedings, I feel that we are justified in standing where we are and in not yielding to a minority; that it would be of evil example for them to gain their point in this respect; it would be of evil example in the future and would come back perhaps some time to "plague the inventors." I would say to the minority, "exercise your right, speak fully and freely, denounce what we are doing as much as you choose, make public opinion, if you can; take as much time as is necessary for that purpose; but when that opposition is exhausted, then let the majority decide and act, and abuse them afterward as much as you choose."

Mr. BAYARD. Mr. President, I wish to express my gratification that at last one voice has been heard from the other side of the Chamber in reprobation of that which I conscientiously believe to be not only a gross breach of the rules of this body but in its very nature revolutionary; I mean the practice of preventing by silence the decision of a measure which had been proposed, debated, and remained only to be decided. I am glad that one republican voice has at last been heard in this Chamber denouncing such a practice, which was almost universal at the last session of Congress on that side of the Chamber. It was time, sir, for that denunciation to come. Those who felt the pinch of the shoe have at last proclaimed it. I would that it had come earlier. Why did it not come at the last session of Congress? We witnessed here the refusal, deliberate, repeated hour after hour, almost night after night, of an admitted minority to obey the rules of the Senate or to allow the public business of the Senate to be transacted according to its rules. When the appeal was made and when the rule was read, there was not one man who rose in his seat on that side of the Chamber to say, "This is wrong and we cannot follow it." I am glad it has come now. I welcome ever the decision of any question upon a principle that shall bind and be enduring, and, gentlemen on that side, I will meet and discuss with you

this present issue that divides us, on the ground of principle, and reason, and parliamentary law, and constitutional right, which lies at the basis of it all.

When this session opened and we found that there was a constitutional majority of this body assembled, I then said that a duty devolved upon them that they could not shirk or abandon. On the other side it was said, "Not so, you must wait for more than a constitutional majority; you must wait for a roll-call that shall be answered to the last man." I said, "Not so; it is neither in your rule, nor is it the law, nor is it the Constitution; whenever more than a majority of this Chamber shall assemble and answer a roll-call, under the Constitution they are authorized to proceed, and it is their duty to proceed to the execution of public business." But you said, "Not so," and under the rules you interposed the same motions of a dilatory character which the rules of the body allowed you and which the Government of the country justified you in proposing. It became a question of sound public discretion whether the interposition of dilatory motions is or is not within the spirit of the law. Who shall judge of that? At what bar shall you try the question whether you are justified in insisting upon the rules of debate or not? Constitutions were made for minorities. They may be inconvenient to the strides of power but they were meant to check them. The question is whether they shall be interposed justifiably or unjustifiably, and there you touch the conscience of legislators; you submit that to the public conscience; and on that we propose to stand.

The Senator from Ohio [Mr. SHERMAN] cannot intend to state the responsibility and the rights of a majority more strongly than I urged them or sought to urge them three or four weeks ago in this Chamber, but unavailingly. I say to-day this is a government of majorities, and you may not measure the rights of a majority by its weight of numbers. I agree that for all the purposes of lawful legislation and controlling responsibility a majority of one is as good as of twenty. I speak now of the theory, the principle, of our Government. Nay, I will go further and say that where the numbers of the Senate stand equal and the Constitution has given to the Vice-President the right of casting the vote that shall decide between them, I hold that a law passed by his casting vote is as binding as a law that is passed by a majority of two-thirds, if you please.

That is not the question. I am not denying the question of your responsibility as to government. I am questioning what our duty is and what our rights are as a minority to put checks upon the action of the majority as authorized by law, and by reason, and by justice, and, gentlemen, by honor.

I think as a question of fact the honorable Senator from Ohio is in error when he says that there is a majority—I speak now of a numerical majority—on that side of the Chamber in opposition to the Senate proceeding to the consideration and transaction of the only business for which we were convened. If I mistake not, the vote of the honorable Senator from Illinois, [Mr. DAVIS,] not now in his seat, has been steadily cast in his presence here in favor of preferring the business for which we were called to that which (I do not speak it disrespectfully) has been dictated by the action of a party caucus. I say here that the honorable Senator from Illinois has voted with me and those with whom I vote over and over again in favor of proceeding to the consideration of executive business; so that there stands in this Chamber a precisely balanced number of votes, granting to the other side from that on which I stand the assistance constantly and steadily of the Senator from Virginia last sworn in. There stands a precisely even number of votes, and I grant that that division can be decided lawfully, properly, by the vote of the Vice-President, which we have had proven to us will not be wanting on the occasion and on all occasions.

But I do not want now to pass into the consideration of the facts which are the basis and I think the justification of the acts of the thirty-eight Senators who sit on this side and vote steadily to proceed to the consideration of executive business. There are facts which are public facts, which are facts of which we shall take what is termed in the courts "judicial notice," which are facts of which we must take actual notice as affecting our duty, our rights, in dealing with the gentlemen who assist us in a subordinate capacity to conduct the public business in this Chamber. I do not propose this afternoon to go into these matters; but I do not know but that now as I have the floor and the time is given me it may be well to make the point to you, my brother Senators on the other side, as well as at any other time.

In the first place, do not forget that in last November thirty-nine of the members of this body voted for Hancock and English. No matter where was your Vice-President then or who he was, whether Mr. English or the present occupant of that high office, thirty-nine men who took the oath at that desk and stand here under it had openly and publicly proclaimed themselves in favor of the election of the candidates of that party with whom these four elective officers of the Senate are, and are justly supposed to be, in sympathy and accord. I say thirty-nine voted for the candidates of that party. There is no doubt about that. The positions are well known of those two gentlemen in this Chamber whose votes have by accident of numbers been peculiarly and importantly conspicuous. It is known that both of them wrote and spoke and declared themselves in all manner of earnest and unmistakable ways in favor of the election of the democratic candidates for President and Vice-President. Is not that so? No one can deny it.

You have come into a session called for the purpose of the transaction of executive business only, to ratify certain treaties which have been sent to the Government of the United States, to pass upon the nominations of the incoming administration. I say to you that except for cause specially declared, for well understood reasons, the unwritten history of this body, or rather the written history and the unwritten law of this body, has never undertaken to remove your officers at such a time and when the Senate is called for such a purpose. If you show me a case, I will show you that it is an exception which proves the rule. I have stated the fact that never in the history of the dealings of the Senate of the United States with those gentlemen who assist it in the transaction of their public duties have they been removed at an executive session except for cause; and no cause is suggested in the present case. No cause will be suggested beyond the caprice, if I may call it so, the mere absolute, arbitrary will of those who propose now for the first time in our history to reverse the current of the Senate's action. Therefore all precedent is with us in saying it ought not to be done at this special session.

May I not say one word to each of my associates in this Chamber as men, worthy men, kind-hearted men, fair men dealing with individuals in the spirit that self-respect and justice dictate—may I not say one word against the proposition, suddenly and unexpectedly, to dislodge faithful and competent men from places of duty which they are filling satisfactorily and admitted by you to be so filling? Is it not fair, gentlemen, that he who has worked in the noon-tide and sun should enjoy the shades of evening and a little repose? Is it fair, or just, or kind for you, unexpectedly and without a notice to quit, to turn out men on the eve of the vacation and the repose they have fairly earned, and bring in those who are to reap the harvest for which they have neither plowed nor sown?

Not one of the persons who is to be affected is there in answer to my demand; I mean my personal demand; nor any demand for that matter; because very early, I proclaimed to the Senate two years ago that I was not disposed to ask the politics of any employé of the Senate whom I found here if he had served long and faithfully in his office; and the record stands there to sustain what I then said. Is it well? I know that I speak right to men who individually would not do this thing by their private employés; nor ought we to do it with many of these gentleman, distant from their homes, surprised by the unexpected turn of events; for who could tell or who would have foretold that public men who openly had avowed the support of the party that has placed these gentlemen in office would instantly have disclosed a transfer of their political allegiance in the Senate of the United States, and that to follow instantly by the ejection from office of those who had been guilty of the same crime with themselves, voting, I take it according to their consciences, for the nominees of one or the other of the great political parties? Oh, gentlemen, suspend your action!

I do not know that we differ upon the principle of the right and duty of majorities. I am ready and willing to bow to the decision of the majority, subject to those qualifications which belong of right to every minority, the grounds of which I do not propose this evening to embark upon, for I look upon the question as one of very grave public interest and of very grave importance; but I wish simply to put it to you upon what I may call that humane ground of fair dealing, of common courtesy, and, not meaning the word unpleasantly, of decent behavior by those who have been associated with us in carrying on the public business. Is it right at the end of a session where they have worked as we did, when they as we expected to be released, to have some little season for attention to our own affairs and repose from the strain and anxiety which public affairs cast upon the mind of every man, or ought to cast upon the mind of every man who finds a seat in this Chamber—is it right and just to say to them, "the holiday which you have earned shall be enjoyed by a new set of men?" Do you think it right? Is it fair? Is it kind? Oh, no, gentlemen; it is none of the three; and permit me to say, I trust that you will so feel it.

If there was a vacancy I should bow to the deciding vote of the Vice-President, although I believe an argument could be made against his power to organize the Senate. Still, I should be obliged to bow to that vote as though a large majority were on that side and made his vote unnecessary. But no such thing exists. There is no vacancy, and none is needed. I do not say there is not the power to put an end to the term of any man here, with or without cause; but I do hold up to you an unbroken course of precedents of the body and say to you that you ought not to do this thing even if you could.

That phase of this subject is all I mean to show to you. It is not its most important one, but I say to Senators it is very important to a number of estimable and excellent men who have offended no one, who have pleased every one, who have done their duty; and I simply ask that if the inexorable ax of party shall fall upon their heads, suspend that weapon until at least the usual time for decapitation shall come.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. BAYARD. Certainly.

Mr. BLAIR. I understand that the objection of the Senator to immediate action upon the resolution offered by the Senator from Massachusetts is that certain worthy employés of the Senate will be deprived of the pecuniary compensation which they may draw during the vacation according to existing law. I wish to ask the Senator this question: If it may be provided, as it would be by the unanimous

consent of every republican Senator present, that these gentlemen shall be properly compensated for their time, liberally compensated for their time, as he must have heard the proposition already suggested from this side of the Chamber, will opposition then be withdrawn to the passage of the resolution?

Mr. BAYARD. I thought that I had stated with great clearness (I certainly intended to do so) that I was discussing that phase of the question only, and I consider it the minor phase.

Mr. BLAIR. I did not understand that the Senator was discussing any other question.

Mr. BAYARD. But I simply say to the Senator that the idea of buying the consent of the thirty-eight Senators who have been voting against this proposition with the pay of these half dozen or score of employés, to my mind would never be considered for an instant.

Mr. BLAIR. But does not the Senator offer that as the reason for his opposition? Does he not suggest the proposition——

Mr. BAYARD. I was looking at the case from the side of the employés but I could not disconnect it from something——

Mr. BLAIR. Does the Senator present any other aspect of the question?

Mr. BAYARD. Will the Senator pardon me? I cannot disconnect it from another proposition far graver, far deeper, far more important, which I think does attach itself to this subject. I will say that much as I might feel personal sympathy with the inconvenience or loss of some of these employés who are distant from their homes and who are suddenly and without notice to be ejected and evicted from places which they have so acceptably held, as far as that goes, while I might be distressed, while I might feel that I ought to draw upon my own pecuniary resources to make good to them a hardship, I would not have felt justified by that in the amount of opposition that I have already exhibited by my votes here to the control of the Senate's officers. That would not be it. I do not propose, therefore, and cannot disconnect this subject. I will agree, I think there is enough in what I have said to make you pause, gentlemen, upon your sudden ejection of these employés, simply considering the case from their own point of view; but there is much more than that, and I must discuss that at another time. It is grave; I propose to discuss it gravely, not passionately, but in a manner that I mean to be satisfactory to myself; not to-day. There is a great deal more in this subject. There is a very grave question of high discretion how far the events before this body contained in your resolutions, contained in the open declarations of gentlemen on that side of the Chamber, contained in the historic facts of the last election, are to justify us in saying the proposition you have made to control the election in Virginia next fall by the patronage of the United States Senate is something that we cannot and that we ought not to hesitate in preventing. That is the question. I do not wish to discuss that, because I do not propose an unjust or an uncivil impugnment of motive anywhere.

Mr. LOGAN. Will the Senator allow me to ask him a question?

Mr. BAYARD. Pardon me a moment; directly. But I wish to arrange these facts, and to arrange these propositions satisfactorily to my mind, and I hope, my friends on the other side, with some effect upon your minds, to know whether or not we are justified in interposing the delays and the checks upon your majority, no matter how small or great or how composed, but upon your majority. That is the question. It is a high question of conscience. It is a question of grave responsibility, because I have been taught to believe, and I have tried all my life to subordinate my action to the doctrine, that the man who violates a principle is in great danger, for he never may tell when the chalice may be returned to his own lips. That is what I wish to avoid, and that is what I wish to see my way clear to avoid; and it is by that light and on that principle that I propose to put my vote in this matter of difference between the two sides of the Chamber. Now my friend from Illinois may ask me the question he rose to ask.

Mr. LOGAN. It is this: The Senator spoke about the arrangement by which the politics of Virginia were to be changed by the patronage of the Senate. I know of no arrangement of that kind. Will the Senator state before the Senate that the mere fact of electing a Sergeant-at-Arms who lives in the State of Virginia alarms him about a change of the politics of Virginia?

Mr. BAYARD. That is not it.

Mr. LOGAN. I understood the Senator to say that it would have an effect upon the politics of Virginia, and therefore they should resist it. I so understood the Senator.

Mr. BAYARD. No; it is not that.

Mr. LOGAN. What is it, then?

Mr. BAYARD. It is not the amount of goods that is stolen; it is whether they have been dishonestly taken. That is the question.

Mr. BLAIR. Will the Senator allow me to interrupt him?

Mr. BAYARD. Understand me; I am answering one Senator. Will the Senator from New Hampshire allow me to answer that Senator; and then I shall answer him with great pleasure.

Mr. BLAIR. I supposed the Senator's answer was made.

Mr. BAYARD. I will give way in one moment.

Mr. BLAIR. I merely observed that I supposed the answer had been made.

Mr. BAYARD. I cannot answer both questions at once.

Mr. BLAIR. The Senator will excuse me for explaining that I am not asking him a question.

The PRESIDING OFFICER. The Senator from Delaware declines to yield.

Mr. BLAIR. I am merely explaining the reason why I proposed to ask a question, that I supposed the Senator from Illinois had been already answered. I meant no discourtesy to the Senator from Delaware whatever.

Mr. BAYARD. I beg the Senator's pardon; I was listening to the Senator from Illinois and I did not hear precisely what the Senator from New Hampshire said.

Mr. BLAIR. Then, with the leave of the Senator, I will state once more that I understood the question of the Senator from Illinois to be fully answered, and I desired leave to ask another, not to interrupt the Senator in his answer to the Senator from Illinois.

Mr. BAYARD. No, I do not know that the Senator from Illinois was fully answered, because there was more that I thought of. He asked me, as I understood him, whether I thought the appointment of a Sergeant-at-Arms of the Senate would affect the election in the State of Virginia. Am I right in that?

Mr. LOGAN. That is substantially correct. I said the politics of the State of Virginia instead of the election in Virginia.

Mr. BAYARD. I will say that it is not the amount of the offense, it is the principle of the offense; it is whether a man will connect himself with an offense either by non-action or by failure to oppose it. That is the place where I think I and my associates in this Chamber stand. But I say this to the Senator with all frankness: if in the providence of Almighty God the State of Virginia, that has been sanctified by the name of Washington, and Jefferson, and Madison, and Monroe, has so lost its conscience as to be impelled one way or the other by a handful of beggarly patronage, may God have mercy upon its people. I do not for one moment believe it; but that is not the question. We stand here to make our examples before the country by our votes, our declarations, and our acts; and if I supposed there has been that which the American people can believe and must logically believe to have been a tergiversation in politics for personal ends, which breaks up the simple good faith among the people, I would feel myself delinquent if I did not stand here, always permitted by the rules of the Chamber, to denounce and oppose it; that is, my share of it, and that is all. It cannot pass *sub silentio* without my——

Mr. LOGAN. Will the Senator allow me to indicate what I meant? I thought the Senator intended to convey the idea that our action would have some effect upon the politics of Virginia. I could not see myself what sort of effect it would have upon the politics of Virginia or the politics of any other State, so far as the mere election of an officer of the Senate was concerned, and if that was the point I could not understand it. If the Senator agrees that the mere election of a man as Sergeant-at-Arms cannot affect either Virginia or any other State, as he says, I ask him what principle there is now in contesting this question that would not be involved in the same contest in December next? If the principle is so near to the hearts of the democratic party that it is a principle upon which they fight, and not merely a struggle for the spoils, would not the same principle exist next December that exists now in opposing this election?

Mr. BAYARD. It is a question of principle, and I am not at all disposed to say that there would not and might not be the same objection to an individual nominee if he was the incarnation of a dangerous principle, or was the result of any arrangement which of itself was deleterious in politics, next December as now.

Mr. LOGAN. Do you say there would not be?

Mr. BAYARD. I did not say there would not be, but this question should be by that time sufficiently emphasized whether or not the discretion and the duty and the responsibility which rests upon what you are pleased to call the minority in this body, which means your equal half in numbers, had been discharged. We might then think that we had pressed the matter far enough to throw upon you the responsibility and upon us the right to make the objection, which becomes a matter of sound discretion as they say at law. I do not mean to say that, for I only speak for the present.

I rather regret that I have entered upon the discussion, even upon the threshold of the discussion which I have foreshadowed. I wish in speaking of this case to do so fairly, justly, and delicately; therefore I should like to do it with the papers before me; I mean the speeches before me; I mean the RECORD before me. I do not wish to speak lightly or irresponsibly about matters so grave as these. I think, and believe my friend comprehends that there is a great deal here to engage the interest and attention of the men who love the American Government and believe that its chief safety is in the respect and honor that the American people feel for it in their hearts.

Mr. LOGAN. If the Senator will allow me—I do not wish to interfere with the thread of his remarks at all—I desire to call his attention to two propositions: First, as I understood the line of his argument, the objection of the democrats to the election now is, taking a charitable side of it, that it would throw these gentlemen, against whom nothing has been said, out of employment for the time being.

Mr. BAYARD. It is a kindly view.

Mr. LOGAN. That is what I say. That is one point I understood the Senator to make. I call the Senator's attention to the fact that on the second or third day of this debate I read in the hearing of the

Senate, and said then my reason for reading it was to call attention to the action of the Senate in 1853, when at an executive session the Senate proceeded to re-elect its officers except one. For that one they provided by resolution that for the rest of the term he should be paid. I called the attention of the Senate to that so that Senators could draw such inferences as they saw proper from that reading. If the first objection the Senator makes is merely for the salary, that is certainly not a question that the Senate should be held here upon week after week. That objection might be disposed of. The second objection of the Senator, as I understood him, is that the election of certain officers (I will not say officers, but of one officer) might involve a great principle for which or against which, either one, the democracy would contend. My question to the Senator was this: The first proposition having been answered by a mere suggestion, the second proposition that a principle was involved dear and near to the democracy of this country in their judgment in reference to the manner in which this Government should be ruled and controlled—if that principle is dear to them now what could transpire between now and December to make that principle less dear to them then? That is the proposition.

Mr. BAYARD. It becomes a question of time.

Mr. LOGAN. It is not a question of time in my judgment, I will say to the Senator. He will permit me to say that if there is nothing which could change the principle between now and then, the necessity would be just as plain for the action of the democracy in the same line they are pursuing now that it is to-day.

Mr. McPHERSON. When that question comes we will consider it.

Mr. LOGAN. What question?

Mr. McPHERSON. The question of electing the officers of the Senate.

Mr. LOGAN. My dear sir, if you propose to keep this up until December the question will then be on you just as it is now, will it not?

Mr. McPHERSON. Then we will consider it.

Mr. LOGAN. Consider what?

Mr. McPHERSON. The question.

Mr. LOGAN. No, sir, that is not it; it is the principle that is involved that is dear to you now that causes you to do what you are doing. Will that principle change between now and the 1st of December? That is what I desire to ask, and that is what I meant by the interrogatory to the Senator from Delaware.

Mr. BAYARD. May I state one fact, if the Senator will allow me? It is a very important proposition. I remember the honorable Senator from Illinois did read the precedent of 1853. I believe the historical treatment of the question is that prior to 1849 and up to that date it had been the rule of the Senate to elect their officers every two years, although as a matter of fact they had wisely gone on and re-elected those who had proved themselves to be fit and worthy. In 1849, upon the motion of Mr. Benton, that principle was put an end to, and they proceeded to repeal that rule and that practice and to order what you may call a continuing tenure of office; but it is the fact that in 1853 and in all those cases in which at extra sessions officers were deposed, it was in every case because they were under charges. I would not wish to say now anything that might wound the feelings of any one who had been an officer, but the Senator will find as a matter of fact that where there was no objection to the officer and no cause for removal there was no disturbance. That is the fact.

Mr. SHERMAN. Mr. President, I will not attempt to answer the mythical and mysterious argument that my friend from Delaware promises to give us upon some grave question affecting conscience and morals. I wish to call his attention now again to the points already made.

When the Senator from Delaware concurred with me that a Senator cannot rightfully and properly withhold his vote if present he yielded the whole argument. Why? Why shall not a Senator refuse to vote? Simply because if that is done to any considerable extent it stops the wheels of Government; it prevents a quorum; it prevents the transaction of business. And he complains of certain action of that sort at the last Congress that it was revolutionary in its character; that it was unconstitutional; that it was everything that was bad. Why was it bad? Simply because it prevented the majority of the Senate at the last session from doing what they wanted to do; that is all. But the interposition of dilatory motions——

Mr. BAYARD. May I say to my friend there, as we desire to get at the truth——

Mr. SHERMAN. Certainly.

Mr. BAYARD. It was not only because it was wrong in itself and resulted in what he says, but another objection to it was because it was against the rules of the body. It is the difference between acting against the rules and acting in accordance with the rules. There are delays which are justifiable and provided for by the rules; but this was a delay or an obstruction which was not provided for by the rules, which was expressly forbidden by the rules, and which gave to a small number of men an absolute veto by sitting in their seats and refusing to vote, and the result of which would be under the present arrangement of parties in this Chamber, that, gentlemen, you never could pass a law, because you never in reason are likely to have even the number of votes necessary to do it. That is the difference.

Mr. SHERMAN. I intended to state that same thing. I say that this interposition of dilatory motions not for the purpose of bringing about an adjournment, not with any expectation of going into executive session, not with any desire of postponing the session until the 1st of December—this interposition of dilatory motions operates precisely like and is to the same extent dangerous, unconstitutional, and revolutionary, as the mere withholding of a vote. By two motions under our rules, without violating the rules, except the spirit of the rules, you might continue this session as long as our terms last. On the other hand, these dilatory motions are more dangerous, more revolutionary, more unconstitutional when carried to excess than the withholding of a vote. Forty men must withhold their votes to break up a quorum, but fifteen men in an ordinary vote, one-fifth of a quorum, can continue us here in perpetual session unless the majority will yield to the minority its right to regulate the proceedings of this body. So, then, Mr. President, when my friend from Delaware joins with me in condemning this habit of sitting in your seats and not voting, he condemns the whole process in which he has participated, because he has been pursuing that course now for nearly one month——

Mr. BAYARD. Oh, no.

Mr. SHERMAN. For three weeks, then.

Mr. BAYARD. Not for one-half the time in which the Senator's party continued the same thing.

Mr. SHERMAN. I was not here, but I am told that that continued during three days; but here it has been over two weeks; and not only that——

Mr. RANSOM. May I ask the Senator from Ohio a question?

Mr. SHERMAN. Certainly; only I did not intend to occupy time.

Mr. RANSOM. I simply desire to ask the Senator from Ohio if he did not indulge in the early part of this session in these same dilatory motions that he says this side of the Chamber has done?

Mr. SHERMAN. Undoubtedly; and there is one of the cases that I think is fairly covered by the rules.

Mr. RANSOM. Did the Senator block the wheels of Government then?

Mr. SHERMAN. I will answer my friend from North Carolina if he will wait a moment. During that period three Senators had been taken from this body either by death or by the action of the President and our action in confirming them. Until those seats were filled we had a right fairly to say that the committees ought not to be organized. If my colleague had not proposed to organize the committees, had allowed the matter to run on until those seats had been filled, there would have been no dilatory motions. All we did was to make dilatory motions so as to secure a full Senate; and there is one of the cases provided for by the rules. If members desire to debate a question, they have a right to make dilatory motions in order to prevent a vote before full debate has been had; or if some of their colleagues were absent, they may make dilatory motions until the Senators return, or as in our case, where three men had been taken suddenly from this body and their seats could not be filled for ten days, we had fairly a right to say to the other side, "Do not take any important action affecting the organization of the body until these seats are full."

Now, Mr. President, every seat is full; every Senator is elected; there is no contest; and a majority of one or two on every test vote has been in favor of acting on the resolution, which will take but a single vote, and that will open the way to the business of the session. Now, it seems to me that when my friend from Delaware concurred with me as to my opinion in regard to withholding a vote, he gave away the whole argument.

What else is said? What do you gain by it? What right have you to say that we shall not change the officers of the body? You say it is an unimportant matter; you appeal to our sympathies. Well, sir, I am glad to hear the Senator from Delaware appealing to our sympathies. Let him do that, and he will find that we shall respond to the fullest extent of our power. As long as this is confined to argument, to remonstrance, to beseeching, if you please, to appeals to our feelings, to our manliness, to our sensibility, as a matter of course we will not only hear them but we will heed them and do whatever is thought to be right. It is when gentlemen interpose these dilatory motions which are revolutionary, unconstitutional, according to his own idea, that——

Mr. VANCE. Will the Senator from Ohio allow me to ask a question?

Mr. SHERMAN. Yes, sir; only I would rather the Senator would not interrupt me in the midst of a sentence which I was trying to utter. Still I will hear my friend from North Carolina with pleasure.

Mr. VANCE. I want to ask the Senator if a motion to go into executive session to act upon nominations made by the President is revolutionary?

Mr. SHERMAN. No, Mr. President; that motion is like a good many other innocent motions; a motion to adjourn——

Mr. VANCE. Will the Senator allow me further?

Mr. SHERMAN. One question at a time. Let me answer that. A motion to adjourn is a very innocent motion; a motion to go into executive session is a very innocent motion, but when those motions are made with a view to defeat the will of the majority and prevent them from going on with the business of the Senate according to its order, then it becomes dangerous, unconstitutional, and revolutionary. The sim-

plest motions, these two alone repeated one after the other, like a parrot's cry, might compel the majority to yield to the minority as to the mode and manner of doing business, and Senators, let me say that if you establish as a precedent in this body that these dilatory motions can be used for any other purposes than those I have named, that is to get fair play, to get full debate, to get a full vote, you set an example more dangerous than was set at the last session of Congress by my political associates; more dangerous, because one-fifth of a quorum may interpose these dilatory motions, and one-fifth of a quorum may compel the Senate to forego its deliberate judgment and conclusion.

Mr. President, my friend from Delaware also misunderstood, or I did, the position taken by the Senator from Illinois, [Mr. DAVIS.] If I heard his remarks correctly—and I think I listened to every word he said—he stated distinctly that the organization of the committees of the Senate carried with it the whole organization of the body, and he therefore said that so far as he was concerned he would vote for the first resolution to proceed to the organization of the body.

Mr. HAMPTON. May I remind the Senator of that gentleman's language?

Mr. SHERMAN. Certainly.

Mr. HAMPTON. I simply desire to read the language of Judge DAVIS on the occasion to which the Senator from Ohio refers.

Mr. SHERMAN. I shall be very glad to hear it.

Mr. HAMPTON. He said:

No principle was involved, but merely the control of committees and of officers. I have voted steadily against change, and I shall continue in that way until the end is reached, being answerable only to my conscience and to my constituents for this act.

Mr. SHERMAN. I think the Senator from South Carolina mistakes the speech. The second speech of the Senator from Illinois is the one to which I refer, and not the first speech. The Senator from South Carolina reads from the first speech, as I understand, at the opening of the session; but in the second speech the Senator from Illinois said that the Senate having now adopted a resolution to change its committees, he thought the right to change the whole organization followed as a matter of course.

Mr. HAMPTON. This is the second speech, that of March 24.

Mr. SHERMAN. I should like to have it all read, but the impression I have is the impression of all those around me, and the Senator from Illinois voted accordingly.

Mr BUTLER. No.

Mr. SHERMAN. The vote of the Vice-President since the organization of the committees has been cast in but a single case, I am sure.

Mr. DAVIS, of West Virginia. May I remind my friend from Ohio that the Senator from Illinois in every instance that he has voted here has voted to go into executive session; in not one single instance has he voted otherwise.

Mr. TELLER. But always against adjournments.

Mr. SHERMAN. He voted against adjournments and against all dilatory motions. He may, no doubt, have preferred to go into executive session; but he gave no countenance by his advice or by his action to these dilatory motions. Here is his language; I will read it——

Mr. DAVIS, of West Virginia. But he has always said, "I am ready to proceed to executive business."

The PRESIDING OFFICER. The Senator from Ohio is on the floor. If any other Senator desires it, he must get it through the Chair.

Mr. SHERMAN. Here is the language of the Senator from Illinois in his remarks of the 24th of March, as handed to me by a friend:

What my friend, the distinguished Senator from New York, properly calls "a constitutional majority" was disclosed when the Vice-President, not a member of this body, gave the casting voice for the committees. However fleeting or fractional that majority may be, we are commanded to accept it and to obey it.

The majority that chose the committees is fairly entitled to choose the officers of the Senate. One naturally goes with the other in order to perfect the organization. This conclusion will neither be delayed nor obstructed by any vote of mine, and it cannot be reached too soon for the public interest.

That is all that it is necessary for me to read. So you have not only the monition, the advice, but the example of this gentleman whom you commend so highly; and, sir, from the day that the Senator from Illinois made this speech, this side of the House has had a clear majority without respect to the action of the Vice-President. I say, therefore, to continue these dilatory motions is more dangerous, more unconstitutional, more revolutionary in every sense of the word, than the mere withholding by a Senator of a vote, because there must be almost a majority to withhold their votes to break a quorum, while in this case this dangerous play may go on by the action of fifteen Senators on that side of the House, or eight when we get down to the presence of a mere quorum.

Mr. President, the Senator from Delaware said that thirty-nine of the Senators on this floor had voted for Hancock at the last election. What has that to do with it? What right has he to say that because a man voted for Hancock he must follow the democratic party in all its sins of omission and commission? What right has he to dictate to a Senator? It seems to me that was an argument which rather fell beneath the weight and power of the Senator from Delaware. No, sir, when Senators come here they come here to represent States, and are responsible to States; and I have no doubt that in the future history of this country the brave example set by the Senator from Virginia will be extolled as we extol the great deeds of the famous heroes of that old Commonwealth. Sir, whoever leads in the advance of breaking up parties on sectional lines will do as much for his country as he who wins a battle or gains a victory.

But the last objection to which I will refer is the one that this is an extra session called for executive business. Well, sir, the President may call the Senate together; but when the Senate convenes it is the Senate with full power. Then the Senator quotes the example two years ago, when at an extra session his party overturned the officers who had been in office then for years. Two years ago that was done at an extra session of Congress, called only to pass a law for the support of the Army which the previous Congress had failed to pass. If the Senator's argument is good for anything, it shows that that Congress should have confined itself only to the passage of that bill, only to the making of provisions for the Army; but did my democratic friends think of that doctrine at that time? Were they bound by the call of the President or by his message to confine their action to the subjects-matter recommended in his message? Not at all. They came here as a Senate and postponed for a long time the passage of the Army bill, took a long time before they got through with that essential measure; but they soon proceeded to change the officers of this body. That party did it the moment it came in power, within six days I am told—I thought there was a longer interval—but within a brief time after it came into power, against the protest, against the votes of the members on this side of the House, but without any motions to adjourn, without any dilatory proceedings, it changed the officers of this body.

Sir, I had no purpose at all to engage in this debate. I believe the spectacle we have presented during this last month will not be satisfactory to our constituents on either side. The people of the United States believe that this Senate ought to organize and proceed to business. They think we ought to go into executive session; but they think we ought to go into executive session at the will of a majority, and not of the will of a minority. They know that the republican party here is responsible for action in this body as I hope it will be in the other House. Therefore it is but meet and proper according to parliamentary law, according to the usages of our fathers, that the majority should dictate the order of proceedings and the business; and for the minority to say that they will let us act upon disputed nominations or upon various nominations, and not act upon the ordinary business of electing our officers, is to assume an indefensible position which they cannot justify before the American people.

Mr. BECK. Mr. President, I desire to say a word on this subject before we adjourn. It seems to me that the distinction between action at an executive session and a legislative session is not only obvious, but it is one that has always been recognized. So thoroughly has it been recognized that in 1861, when the Senator from Ohio first became a member of the Senate, and a motion was made to proceed to the election of officers, then, even in revolutionary times, the republican party refused to do it because it was against all the precedents of the country, and the officers of the Senate who were holding on after the 4th of March, 1861, were allowed to hold until the legislative session of July was called, and the Senator from Ohio, as well as the other Senators, all agreed that it would be upsetting all precedent to proceed to elect them at an executive session of the Senate. Never, except in 1853, when it was desirable to get rid of a Sergeant-at-Arms against whom there were charges, in as easy a way as possible, was it done. And let it be remembered that when this executive session was called for the purposes which have been so well set forth over and over again by reading what the President called us together for, all the pretense that was ever made on the other side of the Chamber for delay was that committees should be appointed, so that the business could be conducted in a proper and orderly way. We consented to that, and after they were appointed and business could proceed in an orderly way, then the republican half of the Senate refused to proceed in that decent and orderly way that they had induced us to believe they intended to proceed as soon as committees were appointed, and at once undertook to turn out, without pretense of cause and against all the precedents, the officers of the Senate and elect others in their stead. Why? Not because of inefficiency, but for a reason which we have a right to take time to look into.

The Senator from Pennsylvania, [Mr. CAMERON,] who had carried on what we call filibustering for two weeks in order to get the committees, rose in his place and read—it was no casual, careless announcement—the reason why they desired this to be done. He said:

There is something higher than and above all this, something the great importance of which has not escaped the attention of our opponents here. It is the coming political contest in Virginia. The Senator from Virginia who sits nearest me has terrified the old democratic *régime* of his State by his courageous bearing on this floor.

And that Senator, the Senator from Virginia, [Mr. MAHONE,] in his place told us what all this means. He said:

Mr. President, I must beg the indulgence of the Senate for a few minutes longer, to do justice by one for the introduction of whose name here I am responsible.

Not the thirty-seven other Senators, although it came from the Senator from Massachusetts [Mr. DAWES] as the organ of the republican caucus; but "I," said Mr. MAHONE, "am responsible for the introduction of the name of Mr. Riddleberger here." What more did he say?

It is reported generally that some Senators of the democratic party are ready and willing to abandon opposition to the further organization of this Senate if the

name of Mr. Riddleberger shall be withdrawn. If that be true, I ask Senators to confess the fact and let it go to the country, that they are ready and willing to yield the organization of the Senate if only their revenge can be satisfied in the defeat of one of Virginia's own honorable and honored sons, in the person of Captain Riddleberger. They can yield a complete republican organization, but cannot accept this Virginia readjuster. I note with astonishment the reasons assigned, but discern very clearly the real and underlying ones. Say they, he is of the repudiating party. If so, Mr. President, I, too, am of that party.

And again that Senator said:

Mr. President, it is the coming contest in Virginia which makes this opposition to Mr. Riddleberger. His enemies and those of his party know his power, his influence, and his courage.

And when the Senator from Illinois [Mr. LOGAN] asked what all this means, I answer that the election in Virginia in November next is for a governor, a lieutenant-governor, State officers, and members of the Legislature, and that Legislature is to elect a supreme court, and that supreme court to be organized as readjusters at the bidding of this party; and the republican party are, in violation of all the precedents of the Senate, to put in power the adherents of this man and to give them the patronage of the Senate in order to bring about that condition of things in Virginia, if that is the bargain. Whether it is or not the country will understand. The fact is stated by Mr. MAHONE that he is responsible, he alone, for the name of Mr. Riddleberger being here. "If Mr. Riddleberger is a repudiationist, so am I," says Mr. MAHONE It is the contest in Virginia that is now to be settled. "If I can get Federal power and patronage and the backing of the republican party with me, and my men are in authority here and the places filled in Virginia, I can seduce enough men who are willing to follow me to carry that State against the debt-paying men of Virginia, against the democracy; I can elect a supreme court to decide the way I want it, that the Riddleberger bill is right. If Riddleberger is a repudiationist, so am I." And the republican party say that they will refuse to obey all the orders of the President, they will refuse to go into executive session, they will refuse to confirm their own nominations, they will refuse to look in the face of issues that are made before them—for what? In order to get the vote of Mr. MAHONE that he may name the highest officer of the Senate or the one who has the most patronage, in fact that he shall have all the power and support that they can give him; that the present efficient officers shall be turned out at a session when officers of the Senate were never turned out before except for cause; that all the precedents of the country shall be overthrown in order to hold on to him, and to turn over the old Commonwealth of Virginia to Mr. Riddleberger, who is to be elected perhaps as his colleague in this Senate by the repudiating Legislature they seek to elect next November. And we are called revolutionists because we say you shall not do that thing, and we tell you now you shall not do it, whether you have made a bargain or not; you may call us revolutionists, call us what you like, you shall not overthrow all the traditions of the country; you shall not carry out any such arrangement as that, whether you made it honestly or dishonestly. You may do it when you are in legislative session, as both parties have always done, but we will in every parliamentary way prevent the country from having such a Legislature imposed upon the State of Virginia, such a supreme court imposed upon that State, and such a colleague to Mr. MAHONE sent to the Senate as you desire shall be brought here. [Applause in the galleries.]

Mr. HAWLEY. Mr. President, I have but a few words to say——

Mr. COCKRELL. I hope the Senator will yield a moment until I can have the galleries cleared. ["No!" "No!"] I have insisted and I now shall insist that if there is one particle of applause in the galleries here they shall be cleared of every occupant. This has not become a bear-garden, I hope. I trust proper instructions will be given to the officers.

Mr. HAWLEY. Mr. President, there need not be any embarrassment on the democratic side of the Chamber in ascertaining the precise and entire direction and purpose of our efforts. Gentlemen need not beat about the bush and cross-question us. My own purpose is entirely clear to my own mind, and I have no shadow of disguise to place over it.

In the first place we have a constitutional purpose and a constitutional resolution before the Senate. The appeal *ad misericordiam* I give all due weight to. If there be any pity or sympathy called for in behalf of the gentlemen who are to be discharged, I am willing to hear that; if there be any appeal that precedent would make as to whether we ought or ought not to act at a special session upon this question, I am willing to hear it, and I am willing that a minority of the Senate shall filibuster for one day or ten days if we decline to hear proper argument; but at the end of that time I demand in behalf of the constitutional majority a right to vote.

I mean, then, to say that we have a constitutional purpose and a constitutional resolution, and that this constitutional majority shall rule. That I mean to say for one, whether it be now or next December; and I mean to say that the purpose goes far beyond these petty offices, as every man in this Chamber knows, on this side and on that. We are talking here half in fun, half making a farce of it from hour to hour, when every man knows that there is a great, a deeper, a resolute meaning on our side, and that a great and general effect is intended to go through Virginia and beyond Virginia, and all over the South, and to embrace a partial reconstruction of all the great parties of this country. That is what this resolution to make George C. Gorham Secretary of the Senate means. That is a part, a homeopathic dose of what it means. The practical declaration of the entire democratic party of the South to-day is that universal suffrage is a failure. They say that the great mass of freedmen are unfit to vote and cannot have their votes counted arithmetically; they shall not have the weight that the arithmetical count of those votes entitles them to. They say those men are not intelligent, they are led away by corrupt men, and all that. Yes, sir, I admit whatever of truth there may be in that; I admit there is weight; I admit that the South is involved in great and painful difficulties upon that question; but I claim that the difficulties are not all on one side in this country. I assert that in many of our large cities we are confronted by some of the most painful problems of civil government. But when you have made all your arguments about the embarrassments concerning it, I come back to a great fact which you, sir, and I, and every man in this land must accept, and may as well make up his mind this hour to accept now and hereafter, that universal suffrage is the law of the world of late, and is the irreversible law of this Republic to-day. We have——

Mr. VANCE. Mr. President——

Mr. HAWLEY. Wait a few minutes, if you please, and when I am through I shall be glad to be cross-questioned if it shall be deemed worth while. I admit all the difficulties concerning it; but I assert that when it is once made the law, the eternal law of the Republic, as it is, it is the business of every intelligent, and educated, and honorable, not to say Christian man, to accept as a great and heaven-imposed trust the care over the weaker, the inferior, if you choose, also the corrupt elements of this population, and to govern and control and lead them on the better side; and I affirm that the intelligence and morality of this country is perfectly capable of dealing with the whole great question of impartial suffrage. I tell you, sir, what the whole country knows and what the evidence proves, that the declaration of the democratic party, especially of the South, known as "the solid South," is that universal suffrage is a failure, and therefore they are determined that a minority there, as in this Chamber, shall take upon itself the absolute government of that section and govern it as a solid section.

There is no use in beating about the bush or attempting to disguise it. That is the clear purpose of the former confederate and slave-holding element. I am not saying that I should differ with it if I was brought up among them; I am not saying that they have not their excuses and their apologies; but I warn those men that it will not stand, that the American public meant it when they said we must have universal suffrage; they meant the fifteenth amendment, every word of it, and their hearts are in it. The South, "the solid South," declares that the fifteenth amendment is a failure; that it cannot be executed in letter and spirit. Upon that the great free mass of people in this land—I venture to say the conscientious democrats and the republicans also—the mass of people in this land join issue with them and declare that the fifteenth amendment is not a failure, and it shall in letter and purpose be executed.

These gentlemen told us in the late campaign, they announced vauntingly at the beginning of it that they had a solid South. I remember that a distinguished Senator began his speeches in the South by informing the South as to what had been done at Cincinnati, in substantially these words: "We said to our northern brethren, we come to you with 138 votes"—and yet this was four or five months before the election. Who guaranteed to him the 138 solid votes? Even the platforms of the parties were not well known; we had not the four months of discussion; but he offered to guarantee to them the vote of the South. Indeed at the hour of which he spoke their candidates had not been nominated even, nor the resolutions drawn; and yet he said he declared to them the South declared to them, "We bring you 138 votes, and we ask you to name us a man who can bring us 47 more." That short paragraph went from hamlet to hamlet and from Maine to California; it was rung nightly traveling with the curfew bell from Maine to California, and its full meaning was comprehended.

The Senator who said that knew whereof he spoke, and it was by the general consent of all the democracy of the South a declaration that by no possible means, through no argument or public consideration, by no means whatever should a single republican electoral vote be cast there.

Now, sir, against all this there is a great, a broad, a resolute purpose, and even the little resolution electing George C. Gorham has much to do with it. That solid South, made solid for this purpose, is to be broken, and your action here shows well that you know we are taking a great step toward it. It cannot be broken by the action of one unaided man here and there, no matter how brave or gallant he may be, who comes out from the southern democracy and stands alone; but when we behold not one gallant soldier of the confederacy alone, but a detachment of men, a body, a compact, earnest, energetic body of men there whose chief purpose I venture to say, and whose chief use to the Republic, no matter what they think to-day, is that they are to break down the Bourbon democracy—when we see them our hearts go out toward them, for this is the day and these are the men for whom we have been waiting. These are the men.

I abhor repudiation in every fiber of my being, whether it be of national or State debt. My State knows nothing of it. I would that no State might know it. I do not say how much or how little there is of it in the Virginia campaign. I do remember, however, that the republican constitution of West Virginia, established in 1862, prom-

ised to assume an equitable share of the whole Virginia debt; I do know that republican legislation in West Virginia provided a commission to go to Richmond and see what should be assumed as West Virginia's portion of that debt; and I do know that when the democratic party got control of West Virginia, in 1872, it made a new constitution and wiped out that paragraph, and the democracy of West Virginia has never to my knowledge undertaken to carry out the pledges made by the republicans of West Virginia to take an honorable share of the debt.

But, sir, I do not care to enter into the details of an argument concerning the greater or less merits of the several plans for paying the debt of Virginia. It seems to an outsider, casually glancing at it, that the Senator from Virginia who sits on this side [Mr. MAHONE] now desires actually to pay a large portion of it and the others are willing to owe the whole and pay none. That is the general view of it to a stranger.

This movement, I say, is not for Virginia, but for the whole South; and no man in the land shall be ahead of me in embracing cordially, politically the man who stands here like the Senator from Virginia defying the Bourbon democracy and declaring that there shall be a free vote, an unpurchased vote, and a fairly-counted vote. You tell me that that has been in your platform! So it has after a fashion; but, my dear friends of the South, you and I know perfectly well that there is one way of saying it and there is another way of saying it; and when one man says it, it is all quite right, and you are at peace with him, and when another man says it and when for an instant he dares to doubt the majesty of that mysterious divinity called "the South" he is a dead man politically, socially, and sometimes physically.

Now you and I know that. You know that when Martin Van Buren made a whisper, a very sigh of a doubt of you upon the Texan question, he was gone; he stood no more chance of being President of the United States again than my venerated grandmother. And when Stephen A. Douglas faltered for an instant upon your demand that we should open the Territories to slavery, and he, with the instincts of a freeman in him, begged that you would leave the question to the people of the Territories, Stephen A. Douglas for that doubt was a dead man, and the oath was registered that he never should be President of the United States. I comprehend all this; so do you, men of the South, better than some of those on this side do. I do not say it to reproach you.

I say it comes down to you from that inevitable compactness of organization and will and despotic power that the great slave system imposed upon you; and the mistake you make now is in applying to a day of universal freedom the tactics, the compactness of organization, the despotism of discipline which your party needed in old times, and which the great pecuniary and social interests and prejudices of slavery made necessary. The day has gone by for that too; and all over your South are young men and middle-aged men, confederates and non-confederates who are waiting for the good time to break down this social and political ostracism, and open the South to a generosity and a fraternity of treatment of all political and public questions to which you have been a stranger.

God bless every man that comes to do that; and, whether I agree with him upon his State tactics or not, when he comes of his own free accord, without promise, without pledge of any description, and takes his seat upon this side and tells you that he does not care for your caucus, that what you do in there is a matter of total indifference to him, I shake hands with him, MAHONE or anybody else, and the more of them the more welcome.

Mr. McPHERSON. Mr. President——

Mr. COCKRELL. I want to know whether cheering in the galleries is to be kept up or not. Have we any rules at all?

Mr. HILL, of Georgia. I think they are behaving very well.

The PRESIDING OFFICER. We have a rule on that subject. The Chair did not hear any cheering after the Senator from Connecticut took his seat. The Chair has recognized the Senator from New Jersey.

Mr. McPHERSON. Mr. President, the honorable Senator from Connecticut [Mr. HAWLEY] appears to talk in a very earnest way, and I do not know but that I may say as much of a good many Senators on that side of the Chamber. However, I shall have the privilege of thinking as I think without saying anything as to the motive of his remarks. He made use of one remark which I should like to have explained more minutely. Speaking of Mr. George C. Gorham, who he said was to be the Secretary of the Senate, he declared that that gentleman's election would be the inauguration of a new era; that parties were to be revolutionized, that this was to happen and that was to happen. Now, I wish to ask that honorable Senator if he has become so dissatisfied with the workings and the action of his own party that he is willing to reward men who bolt from its organization. Is that to become the theory and the practice of the republican party?

Then in the same connection perhaps that Senator will inform me who is Mr. Gorham and who is responsible for Mr. Gorham's appearance in the Senate Chamber. If report be true—and I have no reason to doubt it—it is not that honorable Senator or any of his co-laborers upon his side of the Chamber; not one single republican member that holds a seat on that side of the Chamber is responsible in any sense or form for the appearance of Mr. Gorham's name here as a candidate for Secretary of the Senate. It was announced in the republican papers and in the democratic papers, all over this country, that Mr. MAHONE, the honorable Senator from Virginia, when he took his seat upon the floor of the Senate was to insist upon it that George C. Gorham should be made Secretary of the Senate, and we find thirty-seven republican Senators here simply recording the will of the honorable Senator from Virginia.

It is said—with how much truth I do not know; perhaps the honorable Senator from Illinois will inform me—that that same Senator occupied a room in close proximity to the republican caucus and that messages were passing backward and forward between that caucus and the Senator from Virginia. Then, lo and behold, the prediction that had gone forth to the people of this country until it had become a fact was simply recorded at the dictation of the Senator from Virginia!

We were further told that the gentleman who has filled the position in this Chamber for the past two years of executive clerk, having given expression to something during the canvass in Virginia that was not at all pleasing to the Senator from Virginia with regard to his undertaking to pay the public debt of that State with the lowest possible amount of money, must forfeit his place. Why, Mr. President——

Mr. LOGAN. The Senator will allow me——

Mr. McPHERSON. One moment. What was then done? Instead of our executive clerk being continued in office a gentleman was placed in nomination who was supposed to be more in accord with the sentiments of the Senator from Virginia. What further was done? The Senator from Virginia dictates to a republican caucus the name of Mr. Riddleberger, from Virginia, as the Sergeant-at-Arms of this body. Now, will the honorable Senator from Virginia or any other Senator on that side of the Chamber tell me that if they had instituted a search over the whole United States of America with a search-warrant and a lantern, they would have resurrected Mr. Riddleberger, of Virginia? I wish to know whether it is the readjuster or the republican party that is running this Government? For my part, I have a great deal of admiration for the power of that Senator from Virginia, if I have not much respect for his party.

Mr. LOGAN. Will the Senator now allow me?

Mr. McPHERSON. In one moment I will listen to the Senator and answer his question.

Mr. LOGAN. No, I do not desire to ask a question, but to answer yours.

Mr. McPHERSON. For the last ten years I, for one, in my humble way, have been earnestly contending against the power of a party that I believed were doing all they could to subvert our form of government and to bring the Government into discredit and disrepute; against a party whose policy and principles I believed not to be conducive to the best interests of this country; but my efforts have been without avail; election after election the republican party have been successful. Now, however, we find here that one man, humble though he may have been in the past, comes into the Senate of the United States and dictates the policy of even the republican party!

Four and a half million voters have been unable to put down, or control, or curtail the power of this party, and yet now it is put down simply by the power of one man. I wish to know whether the readjuster tail wags the whole republican dog or not. If that be so, then I certainly have a great respect for the power of that man, and I hope that he will do what the democratic party have been unable to do, regenerate and reconstruct the whole party. The honorable Senator from Ohio, who for a long terms of years has been trying to maintain the credit of this Government, stands to-day in perfect accord with, gives the right hand of fellowship to, a man who has been undertaking, and has partially succeeded, not to maintain the credit of his State, but to destroy it.

Mr. President, it does seem to me as though this is a concentration of agencies that will not work very long together in harmonious accord. If we are to understand that the republican party in the future is to be controlled by the readjuster element in Virginia, then we shall know exactly what we have to fight.

Now I yield to the Senator from Illinois, who wished to interrupt me.

Mr. DAWES. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and thirty-eight minutes p. m.) the Senate adjourned.

WEDNESDAY, *April* 6, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday.

Mr. McPHERSON. I call the attention of the Chair to Rule 8 and ask most respectfully why it is that the Chair omits to call for that kind of business which is provided for in the rule. I ask the Secretary to read Rule 8.

Mr. DAWES. I should think a sufficient answer to the Senator is that no business has been presented except the unfinished business.

Mr. McPHERSON. Very well. Then it is the duty of the presiding officer, according to Rule 8, to call for business in the following order:

1. The presentation of petitions and memorials.

The VICE-PRESIDENT. The Chair decides that during a called executive session of the Senate there is no morning hour. That has been repeatedly decided by the Senate.

Mr. McPHERSON. Then I wish to know, sir, why we are not in executive session. This is an open session of the Senate; it has been so considered by the Senate; and business of all kinds has been conducted by the Senate. Resolutions of different characters have been presented here, have been received by the Senate, and are now lying upon the Secretary's table; petitions have been sent here and are now before the Senate for its action. This is an open session of the Senate; and the Chair, I respectfully submit, cannot avoid the necessity of complying with the rules of the Senate; and until the Senate revokes its own action by a resolution of the Senate changing its rules, the Chair is compelled in duty to call for the presentation of petitions and memorials. The Chair is further compelled to call for "reports of the standing and select committees" of the Senate, to call for "the introduction of bills and joint resolutions;" to call for "concurrent and other resolutions;" and until the expiration of the morning hour the unfinished business cannot come up, which is not until one o'clock, in accordance with the same rule which states, and clearly states, this proposition:

The first hour of daily sessions shall be designated as the morning hour, during which the order of business shall be as follows.

The Chair having already confessed that there is no business upon the table as required by the first clause of Rule 8, which is, "Messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate," then the second clause of Rule 8 comes in order, and I submit it is the duty of the Chair to call for "the presentation of petitions and memorials," as required by that rule of the Senate.

Mr. FERRY. I have only to remind the Senator of the practice in executive session, which I am not at liberty to divulge, in order to answer fully the Senator from New Jersey, and demonstrate that he is taking a strange and unprecedented position. The Senate is now called in executive session, not in legislative session. The Chair has properly stated that there is no morning hour. The rules cited apply to legislative sessions of the Senate when both Houses of Congress are assembled. The other branch of Congress is not now in session. The rules apply to the executive sessions so far as they are applicable to the business of an executive session. There being no morning hour, as there is no legislative business, the Chair would not outstep his duty in presiding over this body by calling business up that would apply to a legislative session. Therefore the Chair has ruled that all the matters of business to which the Senator has referred are not applicable to an executive session.

Mr. McPHERSON. I ask the honorable Senator from Michigan then to reconcile the action of the majority, or what is claimed to be a majority, of this Chamber in respect to the resolution submitted by the honorable Senator from Massachusetts. Three or four resolutions have been introduced by that Senator, first for the disorganization and then for the reorganization of the Senate. A resolution was submitted a few days ago by which the attention of the Senate was called to the death of the Emperor of all the Russias. That resolution was submitted to the Secretary of State, and we had upon the desk of the Vice-President yesterday morning a report from the Secretary of State respecting that matter. A resolution was submitted by the honorable Senator from Indiana calling the attention of the country, and quite right, too, to the action of the national banks in preventing the passage of the refunding bill. That resolution was permitted without objection to find its way to the Vice-President's table. I should like to have the honorable Senator reconcile, if he can, the action of the majority in respect to those matters.

Mr. FERRY. If the Senator will remember, I objected myself to the introduction of the resolution of the Senator from Indiana. That answers that point.

Mr. McPHERSON. I do not understand the answer of the Senator.

Mr. FERRY. I said that the Senator from Michigan objected to the introduction and discussion of that question by the Senator from Indiana.

Mr. MORRILL. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Vermont will state his point of order.

Mr. McPHERSON. If what is claimed to be a majority on that side of the Chamber had objected as it now objects to the introduction of the petition which I had the honor to offer, that resolution never would have found its way to the table of the Secretary of the Senate.

The VICE-PRESIDENT. The Senator from New Jersey will suspend. The Senator from Vermont will state his point of order.

Mr. MORRILL. I desire to know whether debate is in order. Is there any question pending before the Senate?

The VICE-PRESIDENT. Debate is not in order. The question pending before the Senate is on the resolution of the Senator from Massachusetts, [Mr. DAWES.]

Mr. FERRY. I think debate cannot be limited on that. The Senator from New Jersey has raised a point in the discussion of that resolution.

MICHAEL BOYTON.

Mr. McPHERSON. I rise in my place to offer, as is my right under the rules of the Senate, a petition from certain residents and citizens of the States of New Jersey and New York respecting the case of one Michael Boyton, who is alleged to be confined in an English dungeon without right, arbitrarily and unjustly. I claim that I have the right under the rules of the Senate to present the petition for the consideration of the Senate.

Mr. FERRY. I make no objection to the introduction of the petition, but I desire to reply to what has fallen from the Senator's lips.

Mr. McPHERSON. The Senator will have abundant opportunity to reply when the matter comes properly before the Senate. I now ask for the reading of the petition for information.

The VICE-PRESIDENT. The Chair decides that this debate is out of order. The point of order made by the Senator from Vermont [Mr. MORRILL] is well taken. The pending question is on the motion of the Senator from Missouri [Mr. COCKRELL] to lay the resolution of the Senator from Massachusetts [Mr. DAWES] on the table.

Mr. SAULSBURY. Does the Chair decide that the petition cannot be received?

Mr. DAWES. Mr. President——

The VICE-PRESIDENT. Senators will allow the Chair to state the attitude of the business before the Senate.

Mr. DAWES. I beg the pardon of the Chair.

The VICE-PRESIDENT. The Senator from New Jersey now presents a petition, and in that he is in order, if no objection is made, and the petition will be received.

Mr. DAWES. I hope there will be no objection to the reception of the petition.

The VICE-PRESIDENT. The Chair rules that the petition cannot be received at this time except by unanimous consent, as the rule in reference to the morning hour does not apply to an executive session of the Senate. The Chair understands that no objection is made to the reception of the petition. The Chair hears no objection, and the petition will be received.

Mr. HOAR. Is the proposition to receive the petition and refer it to the Committee on Foreign Relations?

The VICE-PRESIDENT. The Senator from New Jersey has not moved that the petition be referred; he has simply presented the petition.

Mr. McPHERSON. I ask that the petition be received by the Senate and referred to the Committee on Foreign Relations.

Mr. HOAR. I hope there will be no objection to that.

The VICE-PRESIDENT. The Chair hears no objection, and the petition will be received and so referred.

Mr. McPHERSON. Let the petition be read.

Mr. FERRY. What is the pending question?

The VICE-PRESIDENT. The pending question is on the motion of the Senator from Missouri [Mr. COCKRELL] to lay the resolution of the Senator from Massachusetts on the table.

Mr. HARRIS. The Senator from New Jersey asks that the petition be read.

Mr. HOAR. I understand that the petition has been received and referred to the Committee on Foreign Relations. The rule forbids the reading of petitions, but requires that the Senator presenting a petition shall make a brief statement of its contents, which the Senator from New Jersey has done. If the Senator, however, desires that the rule shall be waived and the petition read, I make no objection. Let it be understood, however, that it is done on his request and not of right.

The VICE-PRESIDENT. Does the Senator from New Jersey request that the petition be read?

Mr. McPHERSON. I was about to remark, if the Senator from Massachusetts——

Mr. HOAR. I object to the Senator's debating; he is out of order. The pending motion is to lay on the table the resolution of my colleague. I object to debate, as I have a right to object.

Mr. FERRY. Mr. President——

The VICE-PRESIDENT. The Senator from New Jersey has the floor. Does he yield?

Mr. McPHERSON. I am not conscious that I have yielded the floor at any time since I took it. I am not conscious of having surrendered the floor to permit any other Senator to make a motion.

Mr. HOAR. Then I rise to a question of order, on which I pray the ruling of the Chair, that the pending motion to lay on the table the resolution of my colleague is not debatable, and the Senator from New Jersey is out of order when he attempts to hold the floor for debate.

Mr. McPHERSON. I say with all due respect, not having yielded the floor, that no motion of such a character could have been made. I rose in my place and asked that I might be permitted to present a petition.

Mr. HOAR. That has been done.

Mr. McPHERSON. It is a petition of citizens of New Jersey respecting the case of one Michael Boyton. I ask that the petition be read.

Mr. HOAR. Nobody has objected to the reading.

Mr. McPHERSON. I ask that it be read for the information of

the Senate, and then that it be referred to the Committee on Foreign Relations.

Mr. FERRY. That was done.

The VICE-PRESIDENT. The Chair hears no objection to the petition being read. The Secretary will read it.

Mr. McPHERSON. Pending which the Senator from Massachusetts rose in his place and says that the Senator from New Jersey may only state the purport and object of the petition——

Mr. HOAR. I object to further debate.

Mr. McPHERSON. If Senators are desirous of having me state the contents, I will do so. If not, then let the petition be read.

Mr. ALLISON. Let it be reported.

Mr. HOAR. Let the petition be read. My objection is to the speech, not to the reading.

The VICE-PRESIDENT. The petition will be read.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States:

Whereas one Michael Boyton, a citizen of the United States, has been arrested and thrown into prison by the British Government on vague charges of inciting to crime and violence; and

Whereas the said Michael Boyton has been denied the right guaranteed even to British subjects, the right to a trial before a jury of his peers:

Resolved, That we, as American citizens, call upon our representatives in Congress to demand that the United States Government interfere for his protection.

MICHAEL DOWNEY,
President of the Garfield Association.

JOHN MCCARTHY, *Secretary, &c.*

Mr. McPHERSON. I suppose my original motion that the petition be referred to the Committee on Foreign Relations——

Mr. HOAR. That has been done already by unanimous consent.

The VICE-PRESIDENT. If there is no objection, the petition is so referred.

OFFICERS OF THE SENATE.

Several Senators addressed the Chair.

The VICE-PRESIDENT. The Chair will state the question before the Senate. The pending question is on the motion of the Senator from Missouri [Mr. COCKRELL] to lay the resolution of the Senator from Massachusetts [Mr. DAWES] on the table.

Mr. VANCE. Mr. President——

Mr. ALLISON. That is not a debatable motion.

Mr. VANCE. I ask the Senator from Missouri to withdraw his motion for a moment.

Mr. HARRIS. I suggest to the Senator from North Carolina to let the vote be taken on that motion. I believe the yeas and nays have been ordered upon it, and it can only be withdrawn by unanimous consent.

The VICE-PRESIDENT. The yeas and nays have been ordered upon the motion of the Senator from Missouri.

Mr. HARRIS. Let the vote be taken, and then the Senator from North Carolina can proceed.

Mr. DAWES. I wish the President of the Senate would state the question. We have been across the sea since it was stated, and I think we had better know what we are to vote on.

The VICE-PRESIDENT. The pending resolution is that of the Senator from Massachusetts providing for the appointment of certain officers of the Senate. The question now is on the motion of the Senator from Missouri, [Mr. COCKRELL,] that the resolution of the Senator from Massachusetts be laid on the table, and upon that motion the yeas and nays have been ordered.

Mr. PENDLETON. In order that we may avoid the waste of time necessary to call the yeas and nays on that motion, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HAMPTON, (when Mr. BUTLER's name was called.) My colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER,] who is absent from the city because of ill health. I state once for all for to-day that I am paired with him during the day.

Mr. HARRIS, (when his name was called.) I agreed with the Senator from New York [Mr. CONKLING] to pair with him during his absence. The Senator from Indiana [Mr. VOORHEES] being confined to his home by indisposition, I have transferred the pair to the Senator from from Indiana. I vote "yea."

Mr. COKE, (when Mr. MAXEY's name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] I make the announcement for the day. If my colleague were here, he would vote "yea."

Mr. SAUNDERS, (when his name was called.) On all political questions I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The roll-call was concluded.

Mr. GROOME. I am paired temporarily with the Senator from Louisiana, [Mr. KELLOGG.] Were that Senator in the Chamber, he would vote "nay" and I should vote "yea."

Mr. FAIR. I am paired with my colleague, [Mr. JONES, of Nevada.]

Mr. BECK. My colleague [Mr. WILLIAMS] is still absent, and is paired with the Senator from Nebraska, [Mr. SAUNDERS.] I make that announcement for the day.

Mr. TELLER. On this question and all questions of this character I am paired with the Senator from Texas, [Mr. MAXEY.] If he were present, I should vote "nay."

The result was announced—yeas 30, nays 31; as follows:

YEAS—30.

Bayard,	Farley,	Johnston,	Ransom,
Beck,	George,	Jonas,	Saulsbury,
Brown,	Gorman,	Jones of Florida,	Slater,
Call,	Grover,	Lamar,	Vance,
Camden,	Hampton,	McPherson,	Vest,
Cockrell,	Harris,	Morgan,	Walker.
Coke,	Hill of Georgia,	Pendleton,	
Davis of W. Va.,	Jackson,	Pugh,	

NAYS—31.

Allison,	Ferry,	Logan,	Platt of N. Y.,
Anthony,	Frye,	McDill,	Plumb,
Blair,	Hale,	McMillan,	Rollins,
Burnside,	Harrison,	Mahone,	Sawyer,
Cameron of Wis.,	Hawley,	Miller,	Sewell,
Conger,	Hill of Colorado,	Mitchell,	Sherman,
Dawes,	Hoar,	Morrill,	Van Wyck.
Edgerton,	Ingalls,	Platt of Conn.,	

ABSENT—15.

Butler,	Edmunds,	Jones of Nevada,	Teller,
Cameron of Pa.,	Fair,	Kellogg,	Voorhees,
Conkling,	Garland,	Maxey,	Williams.
Davis of Illinois,	Groome,	Saunders,	

So the Senate refused to proceed to the consideration of executive business.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Missouri, [Mr. COCKRELL,] that the pending resolution be laid on the table, on which the yeas and nays have been ordered.

Mr. BAYARD. I know that motion is not debatable, and I ask the Senator who made it to withdraw it for the time being.

Mr. COCKRELL. I will withdraw it if it can be done by unanimous consent.

Mr. BAYARD. I will renew the motion, or I will give the floor to the Senator to renew it.

Mr. COCKRELL. I withdraw the motion if there is unanimous consent. The yeas and nays have been ordered upon the motion and it can only be withdrawn by unanimous consent.

Mr. ROLLINS. There will be no objection to the Senator from Delaware proceeding.

The VICE-PRESIDENT. If there is no objection the motion of the Senator from Missouri is withdrawn. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the pending resolution indefinitely, on which the yeas and nays have been ordered.

A message in writing was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

Mr. BAYARD. Mr. President, yesterday when I entered unexpectedly and for the first time into what may be called the debates not upon the pending question but upon the present condition of public business before the Senate, and urged thereto by my personal respect for the Senator from Rhode Island, [Mr. BURNSIDE,] whose obviously candid and manly tone in dealing with this subject invited me to join with him to endeavor to continue it upon the same plane, I then said that I believed there was a justification for the thirty-eight democratic Senators, of whom I am one, on this floor in maintaining the attitude before the country which we have held for about ten days. I said I should like to try the tenability and justice of that position by the light of law and of reason, so that when I and others shall be called to that court of last appeal, the bar of public opinion of the American people, we shall be willing to submit to them the case we are making up now.

Let me as as a preliminary state the facts as to which I do not intend there should be dispute, if submission to the record can secure agreement between the two sides of this Chamber. We were brought into this session of the Senate by the extraordinary proclamation of the ex-President, Mr. Hayes, dated on the 28th of February last, in the words following:

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the 4th of March next, *to receive and act upon such communications as may be made to it on the part of the Executive.*

I have read all of that paper which describes the purpose and objects and the business for which we were convened. The present point of difference between the thirty-eight Senators on that side of the Chamber and the thirty-eight on this side of the Chamber is as to what this proclamation means, and how far it restricts or controls our action during this session when with the aid of the casting vote of the Vice-President the republicans may claim to have the constitutional majority. I do not feel that is the exact phrase; but under the casting vote of the Vice-President a tie vote on an affirmative question is permitted to prevail with the aid of his vote under the Constitution which is not a majority of the votes of the Senate. It is best to be accurate on this subject. A law can be passed constitutionally by one-half of the Senate aided by the casting vote of the Vice-President, but that is not called the vote of the majority, it is the casting vote to prevent a dead-lock and a tie.

Therefore I recognize, (at least I did not dispute, nor do I know how it well can be prevented, although it may be denied,) the right upon the organization of this body in matters not legislative, but where the Senate is equally divided, of the Vice-President by his vote to decide in favor of one equal side against the other equal side under the Constitution.

The Senate, when we met, found itself numerically under the admitted control of a democratic majority. Three members of the Senate had been displaced by their acceptance of places in the Cabinet of the incoming Executive, and one had been removed by the hand of God. The majority claimed that it was our duty not to delay but go on and organize as we then stood; having a constitutional quorum present that that quorum should be governed by a constitutional majority and that business should be attended to, for which we gave every earnest in our power by acting with promptness, courtesy, and justice upon the nominations that were sent to us to start the new Administration fairly on its way; and without a question or objection on this side of the Chamber or from the majority, the chosen councilors of the President were confirmed and placed in office.

We considered it then, I consider it now essential for the orderly prosecution of business that the committees of the Senate should be organized, that we could not consider measures or nominations without their previous reference to appropriate committees. Therefore those committees must be reorganized. They had fallen with the end of the last session. We proposed to renew them, if only temporarily. We were met by objections by the minority and the RECORD discloses the fact that for more than two weeks we were for this reason able to do nothing. The resolution was regularly brought forward by my honorable friend from Ohio, [Mr. PENDLETON,] as the representative of the majority, to form the committees and proceed in the usual and orderly manner to organize the committees for the transaction of business, a democratic majority of the Senate promptly and efficiently proposing to assist a republican Executive in the confirmation of men of his own party to high and important offices, but by the action of the minority we were obstructed. The rules of this body permitted dilatory motions, the calling of the yeas and nays, on the motion to go into executive session, on the postponement of resolutions to a day certain or indefinitely. All those dilatory motions, well-known, admitted, accepted, of ancient origin and long practice, were resorted to by our friends on the other side; and when their motive was disclosed that they deliberately intended to prevent the consideration of a resolution which was an essential preliminary to the avowed objects for which the session was called—when that was made known, in good temper and obedience to the rules, without impeachment of motive, without useless and tedious struggles, the majority yielded to the obstruction and consented daily to early adjournments. That is the history of the proceeding, and the RECORD bears me out in all that I have said.

But after the loss of two weeks' time, within which all the public business for which this session was expressly convened could have been transacted, and would have been transacted satisfactorily I believe—at the end of the two weeks the vacancies in the Senate were filled and the numbers then stood, and as I said yesterday upon the public records of the country, accepted by all previous and public declaration, there were still here thirty-nine supporters open and public, professed and avowed supporters of the democratic standard-bearers and of the party which those standard-bearers represented—thirty-nine, a majority of two in this Chamber. The real status of those votes did not declare itself finally until the thirty-seven recognized and avowed republican Senators who had openly supported the candidates of the republican party brought forward a resolution assuming that they held a majority in this body.

A great amount of mystery had been suffered to envelop the vote of one Senator in this Chamber—I care not by whom or for what purpose created—but a mystery which he could have dispelled at pleasure, but he did not see fit to do so. He finally did dispel the mystery as to whether he would vote in accordance with his avowals up to and after the election of November last, or whether he would vote in favor of that party to whom he had publicly avowed his opposition, and he decided it for himself, and the mystery was solved, but it remained uncertain and it remained a mystery until he had, by voting with those whom heretofore he had professedly opposed, thrown the organization of the committees of this Senate under the control of the casting vote of the Vice-President of the United States, *ex officio* the presiding officer of this body, but not a member of it.

What else does the record disclose? That when the democrats of this body discovered, by this surprise, by this studiously concealed intention, change of heart, or whatever you may choose to call it, the power of the casting vote of the Vice-President was to control the organization of the committees of this body—I appeal to the record—was there one moment of delay in accepting the situation? Was there one motion made to adjourn? Was there one motion for an executive session? Was there a suggestion that, surprising as was the result, narrow and fractional as was the majority—was there, I ask you, the slightest delay in accepting and in bowing to the will of the majority without asking how it was obtained, or questioning its very slight numerical weight?

Appealing to the record, I state here that which no man can rise and deny, that when the essential organization of the Senate, which we had besought you for two weeks to accomplish for public business, was by that casting vote decided to be in the hands of thirty-seven old and one remarkably new republican, we asked not the date of his party birth nor the period or nature of his party service, but we submitted at once, and with a good grace handed over to you the control of the thirty-nine committees of this body. These are the facts. No question then about our ready recognition of the principle that now has become so sacred and unqualified in your eyes, but which, permit me to say, you seem to have discovered the inviolability of only when it passed into your own hands, and to which you paid such scant respect when we held it.

And now what is the question? It is simply this, whether that majority which we recognize and which we obey as giving you the control of all the committees of the Senate, which hands over to your discretion entirely what is properly the organization of the Senate, binds us to-day in the face of all the facts which surround us as promptly, as unquestioningly, as unqualifiedly to submit to your present motion? What is that? To proceed not to the business essential for the public, not to the business which, to use the language of the President, is among the "objects of interest to the United States," and "to receive and act upon such communications as may be made to it on the part of the Executive;" because I say to-day that you are and for ten days have been evading those objects, you are intentionally and willfully disregarding the true objects for which this session was convened; you are proposing to do that which the public business does not require; you are not seeking to perform an essential duty, but you are doing something for which you find your only justification in the doctrine that it is your will. *Sic volo, sic jubeo, stat pro ratione voluntas;* that is the answer we get when we appeal to you to go into executive session and transact the only business for which we were convened.

Now I feel as strongly to-day the principle of majority rule and its necessary recognition as when I stood to urge it in this Chamber unavailingly four weeks ago. I will agree to that; but majority rule is not unqualified or unregulated. The Constitution contains provisions and is so framed that he who would carry it into execution justly must give construction and force to all its parts in order to bring all its objects into harmony, and make it that which it was intended to be, a homogeneous system of government designed to secure liberty and establish justice.

The principle of majority rule lies inherently at the basis of all councils; it is the rule and it is the underlying rule of our form; but not an unchecked and unbridled majority. The very word "government" means restraint and restraint upon whom? Upon the strong. It is upon *power* that checks are needed; and therefore it is that checks and balances upon power, framed in the very spirit and essence of liberty, run all through and are interwoven with every grant of power in the charter that we have all sworn to obey, the fundamental and highest law of this land.

The separation of this Government into departments, the segregation of powers to each which none of the rest may invade or infringe—such instances fill this charter and help to make and keep it free; and in regard to our rules and the control of the business of this body we have constitutional provisions, as well as rules and regulations adopted and revocable by the body itself. The first article, section 3 of the Constitution provides:

> The Senate shall choose their other officers—

Having before prescribed who should be their presiding officer. And section 5 provides that—

> Each House may determine the rules of its proceedings.

That is another constitutional right and duty which no other house and no other department of the Government may invade or infringe. The same section further provides:

> And the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

Such are a few of the constitutional provisions fundamental to the Government, in subordination to which this Senate has framed the rules of its proceedings. One of those rules following out the right secured to one-fifth of the Senators present that *on any question* the yeas and nays shall be ordered, is found in Rule 16:

> When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question, the names of the Senators shall be called alphabetically.

And Rule 17 was intended to provide a means of enforcing Rule 16. That was a rule founded on the Constitution in its letter. Rule 43, which is an ancient rule, declares:

> When a question is pending—
>
> *Any* question—
>
> no motion shall be received but—
>
> To adjourn,
>
> To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,
>
> To take a recess,
>
> To proceed to the consideration of executive business.

And after that are motions deferred in their order of precedence.

Now, what I mean to say is this: I will agree that these rules were made for the orderly prosecution and ultimate decision of questions and of business; but they were not made for the instant, unquestioned, instantaneous control of questions by a majority. They were

made to give time; they were made to compel a majority to pause before a final decision was reached which bound all, the willing and the unwilling, alike. They are emblements of freedom, because they are checks and were intended to be checks upon the onward and unquestioning strides of power. And in proceeding under these rules which are privileges to the minority, birthrights of freedom to the minority, what is the measure of their employment? It is the check of conscience; it is the check of a sense of duty; it is the check of honest judgment and a high sense of public responsibility whether or no the proposed action of the majority justifies in the conscience of a Senator a resort to the delaying power upon final decision which these rules have unquestionably given him, and were intended to give him.

I do not think it fair in any argument to state extreme cases; and yet instances have occurred since I have been a member of this Senate when I felt it was my duty, and would be my duty if life was left in my frame, to delay and prevent the decision of questions and issues raised in the heat of party and in the frenzy of political excitement which I believed were fatal to the welfare of my country that I felt it would have been my duty to interpose every bulwark that the Constitution and the rules made in accordance with it supplied in order that the question might stand over for "the sober second thought" of another Congress.

Senators, no man dreads and abhors more than I the pernicious doctrine of that which has been announced as a "law higher than the Constitution." I know no law higher than the Constitution to bind my action as a citizen and legislator. I must find my warrant under it or I cannot act. But there is, and you will perceive that there is, a necessary and a conscientious discretion as to how far these very checks upon an aggressive majority shall be enforced by those who have their duties as much to protect the rights of a minority as have the majority the duty to insist upon their responsibilities and powers. And then should this issue ever be raised, should we by reason and argument and justice in our own minds be unable to settle it, we must send it back to those who are our masters and whose opinion duly expressed at the polls becomes, after all, our law, for public opinion does mold the action of Congress and Executives.

But I say that on these questions of delay, of invoking the aid of rules that were made to check the otherwise impetuous and unrelenting progress of the power of a majority, there must be a justification, the circumstances of the case must justify, they must be such that a man can fairly turn to those whom he claims to represent and say "I interposed this delay and I did obstruct the passage of this resolution because I felt there was an interest at stake greater and infinitely more important than possibly could be accomplished from allowing the majority to have their own way unimpeded. Now judge you between us. It is in that spirit, and tried by the rule which I have endeavored to lay down, that I propose to test the question as to whether we ought not to continue, under the long and well-established rules of this Senate in strict accordance with the constitutional right, as I consider it, the spirit and the letter of those rules, to prevent you from postponing or defeating the objects, and the only objects for which the Senate was convened, and doing that which has in it, as I believe, consequences fatal to the principles of morality and right upon which this Government was founded.

Now, first as to precedents. It has been cited to us that two years ago, coming into a majority in this Chamber, the democrats did at that session elect a new set of officers. The answer is that our coming into power was long known in advance, and, in justice to those officers who were here, there was ample notice given of the change, for it is known, Senators, that the most conspicuous of the gentlemen removed had, in accordance with his own sense of right, embarked as an active and aggressive partisan in the political canvass, had been the chief officer of one of the organizations of your party, and having risked his office upon the ebb and flow of party success, he naturally drifted out with the tide that carried out that which had been a majority in this Chamber. But I wish to show you that the session of 1879, beginning March 18, was no such session, and for no such objects, and restricted to no such propositions, as that which we are now called upon to perform. The proclamation of March 4, 1879, convening that session, said:

By the President of the United States of America.

A PROCLAMATION.

Whereas the final adjournment of the Forty-fifth Congress without making the usual and necessary appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and without making the usual and necessary appropriations for the support of the Army for the same fiscal year, presents an extraordinary occasion, requiring the President to exercise the power vested in him by the Constitution to convene the Houses of Congress in anticipation of the day fixed by law for their next meeting:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do, by virtue of the power to this end in me vested by the Constitution, convene both Houses of Congress to assemble at their respective Chambers at twelve o'clock noon on Tuesday, the 18th day of March instant, then and there to consider and determine—

Not "objects of interest to the United States" and "such communications as may be made to it on the part of the Executive," but

to consider and determine such measures as, in their wisdom, their duty and the welfare of the people may seem to demand.

So that we were met for this purpose; notice in advance was given, and an unconfined field of action was open to the Senate, and all men expected when they came here, and all men agreed and acted when they came here, on the theory that it was a session for the transaction of all public business, and the sequel proves that they acted on that idea.

Mr. HOAR. May I ask the Senator from Delaware a question?

Mr. BAYARD. Will my friend ask it when I get through?

Mr. HOAR. It was with reference to his opinion on the precise point he is now making. If it is disagreeable, I will not put it; but I will put the question and if the Senator finds he would rather not answer it, I will withdraw it at once.

Mr. BAYARD. I will say to the Senator that it will embarrass me a little to stop to answer a question now, but I will answer it when I get through, if he will allow me to answer it in my own time. I feel that I am occupying the time of the Senate longer than I desire and at some inconvenience to myself, for I am not in very good condition. ["Go on!" "Go on!"] Now considering these facts, I hope the honorable Senator will not think it is any discourtesy on my part, for I should be very glad to continue the debate and answer the question if able.

Mr. HOAR. I will not certainly press the question against the intimation of the honorable Senator. My belief is that after hearing the question he would prefer to answer it now rather than later; but I will not put it unless he wishes.

Mr. BAYARD. I will hear it.

Mr. HOAR. I wish to ask the Senator's opinion upon this question, and if he will permit me to put two questions in succession instead of one it will save a request to put another. I desire to ask the Senator if he thinks that when Congress is called together it is in the least limited by the President's description of the occasion which led him to call it; whether it has not all its constitutional powers as a Congress; and if he answers that in the affirmative, as possibly he may, I then desire to ask him whether he conceives that the Senate, when it is called by the President to sit alone, is limited or restrained by the call from doing anything whatever which it sees fit which does not require the concurrence of the other House? I will not ask the Senator to turn aside from the argument to answer that now unless he should prefer to answer it as he is upon the point.

Mr. BAYARD. That would necessarily lead to a debate upon a very interesting subject that was raised here at the commencement of this session by proposing to consider a question, which to have any practicability would have to become a legislative question in relation to the national finances, and which was I think very sensibly objected to on the other side; not but what the Senate had the power to consider it, but because it was inappropriate, I will not say unlawful, I will not say unconstitutional, but I say inappropriate at a session called for a special purpose, to embark upon other and variant subjects that could not result practically; that is to say in the absence of the other House of Congress, no such thing as practical legislation can be begun here, because it cannot be considered by the House of Representatives at the same session of the same Congress. That is all I can say.

I read the proclamation convening us and restricting our action, or notifying us that we were to consider only certain things, and the proclamation of two years ago which shows that the doors were thrown open to the discretion of both Houses of Congress at a general legislative session to do that which they saw fit under the Constitution, to show that there was a difference between suddenly displacing the essential officers of this body for the purpose of replacing them with others. And now on that point let me ask does any man say that the displacement of the present officers and their replacement by others constitutes anything that is essentially of interest to the Government of the United States? I heard the honorable Senator from Ohio [Mr. SHERMAN] yesterday speak of the displacement and reappointment of these officers as essential to the organization of the Senate. Why surely the honorable Senator was mistaken in that. The organization of committees to consider nominations referred to them was essential for the transaction of the business of the Senate and did become part of its essential organization; but so far as the clerical force of the Senate is concerned, it is to-day perfectly organized. You would have to disorganize it in order to accomplish the result of your resolution.

Mr. SHERMAN. Mr. President, I think the Senator from Delaware is mistaken in saying that I said the election of these officers was essential to the organization; indeed I have read my remarks within a short time this morning and what I said was this——

Mr. BAYARD. I had the impression from hearing what the Senator from Ohio said and from reading to-day in a very cursory manner his remarks in the RECORD, that he spoke of the fact of its being the duty and the responsibility of the majority to organize the Senate, and a part of that duty was the appointment of these officers, and therefore that they were proceeding to the execution of what he considered an essential duty by turning out four men and putting in four others.

Mr. SHERMAN. I said this: that it was the clear right of the Senate in its own way, at its own time, and in its own manner, to elect its officers. That is all. I do not consider it essential to the organization of the Senate, but it is for the majority to say when it will do it.

Mr. BAYARD. Of course the Senator knows best what he said, and anything that he says he said I accept; but I had the impression that he spoke of this resolution as being in the line of the proper organi-

zation of the Senate. I merely mean to say the Senate is organized as to its officers to-day efficiently and well, and when we handed over to you by virtue of the casting vote of the presiding officer, without the slightest demur, the control of the committees, then the organization of the Senate became complete and we were ready from that instant to attend to business under the control of the thirty-eight—I so speak of them *now*—republican Senators and the Vice-President.

But, Mr. President, I said in view of our duty we must weigh the facts that surround us, treat this question as one of great public interest before the American people, whether there are circumstances to justify us in insisting upon that privileged motion provided for by the rules which has precedence over other motions of going into executive session, or whether we should stop and allow this displacement and then replacement of officers in our official corps. Weighed fairly in the scales of a sound discretion and the public exigency, which action ought to prevail, which is the weightiest in its interest to the United States, the displacement of four confessedly accurate and faithful clerks and officials, or the public business that we are told cannot and shall not be considered at all, and shall stand arrested and paralyzed until the majority have proved and vindicated their abstract power in the minor instance referred to? Weigh them in the scales of common sense; weigh them in the interests of our country in every branch of the public service, and which shall kick the beam, the action of the thirty-eight republican or the action of the thirty-eight democratic Senators?

It is publicly known that two treaties have been sent to the Government of the United States, and transmitted by the Executive for the consideration and action of this body. One of those is the treaty with China. It is no secret of executive session. It was a matter of grave and open and deeply interesting public debate two years ago, whether we should abrogate an existing treaty with China by passing a statute, or whether we should wait the more tortuous and formal and dilatory action of the diplomatic agents of the Government. On this floor and in public records the settlement of that Chinese question was brought before the Senate. I speak not now of this treaty; I speak not now of the consideration of its provisions; I violate none of the confidences of executive session; I speak of the great public facts, the great facts of history detailed here and found spread upon your public records of debate by Senators from the Pacific coast, in which they begged and besought then that action should be taken to define and establish the relations between the subjects of China and the citizens of the United States. Senators well remember the pictures drawn to us by the Senator from Nevada not now in his seat, [Mr. JONES,] by other Senators representing California and the Pacific slope on this floor. I remember the horror with which they held up to this approaching cloud of Mongolian invasion, and how they felt that Christian civilization upon the Pacific coast was in danger of being overwhelmed by the tide of pagan population from the Chinese Empire. That treaty is in our hands and ought to be promptly considered; but what are the million of our fellow-citizens that line the Pacific coast, their interests and their feelings, compared to the mighty question, whether the Secretary of the Senate, accomplished, trustworthy, and excellent, shall give way instantly to another man, or that the able and efficient Sergeant-at-Arms shall be ejected in order that another person may take his place, draw his pay, and exercise his powers of appointment over the great body of twenty or thirty subordinate officers? How can the comparison be made? Can Senators stand for one moment to doubt that it is our duty without delay to attend to this great international question, so deeply interesting to the whole country and especially to those citizens who inhabit the States of the Pacific slope?

But that is but one feature. What say you to the Supreme Court of the United States? To-day it is broken as to its quorum; crippled in its numbers; the business brought before it of the gravest importance both to private suitors and to the public standing still until what? Until the Senate of the United States shall displace four competent officials and place four others in their stead. The circuit courts of the United States, the district courts of the United States, with their thousands of suitors and millions of property standing waiting judicial decision, all demand consideration of the nominations to fill their vacancies, and all is postponed because the sheer and mere will of the majority declares that four clerks shall go out and that four others shall come in, before stagnation in busines and ruin to litigants shall be removed by prompt, regular, decorous action. District attorneys are needed to represent the justice of the United States in prosecutions, marshals of the United States, postmasters by the score in more or less important cities, collectors of revenue, and among them the great port of collection, the chief port of entry of the commerce of the Union, the great port of New York, where more than two-thirds of all the merchandise that the Amercan people pay taxes on, all over the country by way of impost duties is entered,—a great office, demanding great qualities national in importance, second in influence and importance to the Secretaryship of the Treasury itself,—that office is postponed as to its incumbency, its functions embarrassed in order that four subordinates of the Senate may be taken out and four others put in.

No, Mr. President, when you stand and look at the facts, what I may call the business facts, those which the President of the United States appropriately termed "objects of interest to the United States," I say to you they are all on one side of the question; they are all in one scale of this balance. You cannot gravely—and may I say it without disrespect—you cannot conscientiously speak in the same breath of the performance of these two duties. It is Mount Olympus to a wart to talk of passing by these great and essential objects of public interest and stooping down into the recesses of this Senate to displace four acceptable officials in order that you may show your power by replacing them with four others.

But, Mr. President, I think there is enough in that to give pause to the other side, whether they will, in the face of these facts which must be admitted and cannot be denied, still insist by virtue of mere nominal majority power in so conducting the public business of this country that objects of public interest shall be neglected and postponed for such objects as these.

And what are the real objects? I want to speak by the record; I want to speak of the facts. I do not pretend to read men's motives; I do not intend to impugn them; but I do intend to state facts to which my eyes and the eyes of the American people cannot and ought not be closed. If the facts are innocent and honorable, they can bear recital and examination; and if they be not, then an examination and recital are more essential in order that their proper public judgment may be awarded to them.

In this country we have many unwritten political laws. There is the law of party and party avowals perfectly well understood, created by no statute and found upon no constitution. Let me cite one. The Constitution of the United States intended that the electoral college should be composed of a body of independent men, and that they in each State without combination with the electors in other States should themselves choose the President of the United States. He was not intended to be an officer of popular choice, but to be the independent choice of a college of electors; yet what has public action and the unwritten law of this country brought to pass? That there is no such thing as freedom of choice and independence of action in an elector; but that if he having been nominated, unbound by oath, unpledged by promise, but simply by silent acceptance of the nomination had allowed his name to be held forth as an elector favorable to one set of candidates and then should vote for the other or fail to vote for those for whom he was nominated, I ask you would not the unwritten law of this land ring from one end to the other and blast him with popular execration? The foundation of that feeling and of that admitted law is in political morality generated in the minds of honest and honorable men, undefined by statute, but essential for the very existence of a government of laws.

Senators, as I said yesterday, thirty-nine members of this body each and all proclaimed their advocacy of the election of Hancock and English at the last election, all wrote of it, spoke of it according to their various habits of thought and modes of expression. That is undoubted and undeniable. When we came here it was rumored that one of those votes would be withdrawn from the party whose candidates he had publicly supported and would be cast with the party of his opponents. Well, that fact was finally, after a long delay and much mystery, created by whom I know not, but which could have been dispelled by one word from the individual who was the subject of so much accidental and unusual interest. He finally declared himself in a vote in this body voting with the republicans to postpone the consideration of the resolution which was offered on this side of the Chamber to organize the committees of this body. Following that fact the caucus of the republican Senators was held, a series of resolutions was adopted unseating certain officers or rather seating others in their stead, vacating offices by the same resolution and refilling them.

Mr. RANSOM. The committees first.

Mr. BAYARD. I have already referred to them. The committees were first formed. Then, after the formation of committees and the organization of the Senate by the aid of the vice-presidential vote, came the proposal to unship these four elective officers, and we find that among those chosen by the republicans to take the place of Sergeant-at-Arms the name of a gentleman from the State of Virginia who was a candidate for the post of elector for Hancock and English. That is another fact. Well, I have not construed a motive as to his change, because it was with his consent that this was done, but we are not left in doubt as to the moving cause of his appointment. In the first place we see the fact that the Senator from Virginia who of his own will and acting upon his own responsibility allied himself with that party whose candidates he had opposed at the last election, was, according to his statement, the originator and the cause of the nomination of Mr. Riddleberger, of Virginia, by the republicans. Let me read his language:

> Mr. President, I must beg the indulgence of the Senate for a few minutes longer, to do justice by one for the introduction of whose name here I am responsible.

And further on:

> It is reported generally that some Senators of the democratic party are ready and willing to abandon opposition to the further organization of this Senate if the name of Mr. Riddleberger shall be withdrawn. If that be true, I ask Senators to confess the fact and let it go to the country, that they are ready and willing to yield the organization of the Senate if only their revenge can be satisfied in the defeat of one of Virginia's own honorable and honored sons, in the person of Captain Riddleberger. They can yield a complete republican organization, but cannot accept this Virginia readjuster. I note with astonishment the reasons assigned, but discern very clearly the real and underlying ones. Say they, he is of the repudiating party. If so, Mr. President, I, too, am of that party.

Here, then, follows the fact that the Senator whose opinion was

changed and who has now allied himself with the republican party was the originator and is the responsible person for placing a professed democrat, an avowed supporter of and an elector on the Hancock and English ticket, before a republican caucus for their nomination as Sergeant-at-Arms of the United States Senate, and recognizing him by his description of alleged repudiation he declares himself in complete affiliation with him.

Now let us take another fact. When the committees of this body were changed they were, according to the list I have in my hand, thirty-nine in number,—thirty-three standing committees and six special committees. I find the name of the Senator from Virginia as the chairman of one, the Committee on Agriculture, and as occupying high place upon three other important committees. I am making no objection to this; I am stating the facts, because from these facts there will be deductions and upon these facts there are and there ought to be the exercise of individual and public judgment.

By the precedents of both political parties of this body, chairmanships and influence in place upon committees are the awards to seniority and length of service; and I find as a fact that, whereas there are thirty-seven republican Senators who always were republicans, who were before the last election and are to-day republicans, four of those gentlemen are excluded from chairmanships of committees and fail to occupy those positions which seniority in party service would certainly have given them, according to all the precedents of party action, over the new-comer, whose political position or intentions were not assigned by him until two weeks ago.

All these facts combine to form the basis of an independent and intelligent judgment. There they are. Civility, the rules of this Senate which are founded upon decorum, personal courtesy, that charity which we all need in the construction of our motives, may prevent Senators and ought to prevent them from hasty or extreme expressions of opinion upon a case like this; but, gentlemen, judgment will be formed and judgment ought to be formed, and its expression is a question perhaps of taste, or of a sense of justice, or a sense of public duty; but the facts are there, and from those facts the ordinary deductions of mankind, founded upon their usual appreciation of human motive, must and will be formed and they cannot hope to be escaped. They are heard to-day all over the country—and will not be soon forgotten.

So, then, having gone over the weight of public business demanding action and the perfectly trivial character of the pretext for its postponement on the other side, I now put in the scale with that, which justifies me to vote for the consideration of the public business, the addition that in the face of such facts as these my views of political morality and duty tell me to lend my opposition to the consummation of a reward to Mr. Riddleberger, or to the Senator who nominated him, on the state of facts which stand before us and the motives for which I have not assumed to state, however clear they may seem to my apprehension.

But, Mr. President, there is something more. As to the object of the nomination of the proposed Sergeant-at-Arms we are not left in doubt. With a conspicuous candor and in perfectly intelligible phrase, the honorable Senator from Pennsylvania, [Mr. CAMERON,] astute, and active, and influential, as we know him to be, in the conduct of party affairs; he, the spokesman of the present so-called majority; he, who led your phalanx of filibusters against the organization of the Senate committees four weeks ago; he, whose eloquence was wasted, no not wasted, but successfully exerted in motions alternately to adjourn and to attend to executive business, but always to defeat the regular business before the body; he, who is by common consent and by his own assumption fully cognizant of the motive and the object and the details of all this arrangement; he has spoken, and I venture to read to the Senate his language. He claims that which I concede the right of the majority having the responsibility to exercise the power of control of the ordinary business of the Senate, and then adds:

> The contest, however, in which we are engaged—

Says the Senator from Pennsylvania on the 1st of April—I do not know that the day is ominous—

> The contest, however, in which we are engaged is not simply to secure the officers and employés to party friends, as the Senators on the other side pretend, nor is it solely a struggle of the majority to maintain its right to control the organization of the body.

Those are the mere incidents, the unimportant parts!

> There is something higher than and above all this, something the great importance of which has not escaped the attention of our opponents here. It is the coming political contest in Virginia. The Senator from Virginia who sits nearest me has terrified the old democratic *régime* of his State by his courageous bearing on this floor.

And he is sustained by the remarks of the honorable Senator from Virginia whose speech some weeks ago was so very interesting in this Chamber but which has ceased now to be so. Now, Senators, consider what this means and what is the claim of power. There is to be next fall an election in the State of Virginia for what? It is to be for a governor for that State, for a Legislature for that State, for the judges of the court of appeals of that State. There is not a single Federal officer chosen. There cannot be under any law of the United States or pretext of authority a single Federal officer, even in supervision, to control any of these elections. The Supreme Court have told us the United States have no voters of their own but that they have a right to prevent a discrimination on the grounds of race or color by the laws of a State, and they have assumed that control by act of Congress where members of Congress are concerned.

Mr. BLAIR. Will the Senator allow me to ask him one question?

Mr. BAYARD. I want to state only my proposition.

Mr. BLAIR. It was in regard to the citation from the Supreme Court that I wanted to ask him about.

Mr. BAYARD. I mean to say this: the State election in Virginia is to be held by State officers, determined by State officers for an election of State officers, and the Government of the United States has no legal control, nor is there any law of Congress nor any feature of the Constitution that gives the Congress of the United States the right to interfere with and control the election of State officers.

Now, what is proposed? It cannot be said that Congress has the right to interfere. Legal control we cannot exert; interference we cannot legally exert. What is proposed? The dangerous step of renewed centralization, not by act of Congress regularly passed and approved which is capable of being tested in the Supreme Court as to its constitutionality, but by the separate action of the Senate, not a legislative body for this purpose, part of the executive council in its present capacity, undertaking avowedly certain action that shall interfere with and control the election in the State of Virginia. Mr. President, I say that of itself cannot be defended. I say it is a usurpation and an invasion. I say it is in the strongest sense of the word a revolutionary attempt by unlawful and illegitimate methods to control the free election of a State in regard to matters solely submitted to its own laws and people. And how control it? I deny the power, even if you attempted to exert it under the forms of law regularly enacted; but this is to do by indirection, without law to do that which even with law it is not competent for you to attempt. And then pause for one moment to consider not only do you exercise a power denied to you by your frame of government and by the Constitution you have sworn to support, but you add to usurpation the terrible danger of corruption, because if this man is to be chosen an officer of the Senate in order that he may influence elections in Virginia, how can he do it in the line of his public duty? Is it the money that is to be paid him for his services here that he is to expend there? Is it his power of appointment over subordinates to be chosen there that is to enable him to exercise this power?

Why, gentlemen, it will not be admitted, it will not be confessed because it would not be justifiable in any way to attempt so to misuse the official powers and salaries and emoluments of officers of the Government of the United States. One hundred and fifty years ago a statute of Great Britain, standing to-day unrepealed and cited by Blackstone in his Commentaries, tells you that for any man holding a public office to attempt to solicit or influence a vote subjected him to a fine of £100, because as Blackstone says to attempt to use the offices of a country to control the elections of a country is "to out up government by the roots." And yet in this case the United States Senate goes out of its sphere, which is strictly federal, to interfere with the free elections of a State by means of appointing its officers, and all public business is to be arrested until that shall have been accomplished. Put that in the scale and let it weigh—the fact that important and responsible offices of the United States Senate are merchandise in the political market to control the election of State officers.

And, now, Senators, there is another feature of this transaction independent of the great calls of public duty to fill these important places for which the President has sent us nominations; other questions than the morality or immorality of suddenly rewarding with public office those who as suddenly and as unexpectedly shall change their political protestations, something stronger than the fact even that the offices of the Senate, one great branch of Federal power, shall be used to interfere with a matter confessedly within State jurisdiction; and that is this: What is the main issue in the contest in Virginia which you expect to decide, and upon which you take sides and lend your influence by appointing the partisans of that faction which you embrace? So far as I can state the issue,—and I wish to state it restrainedly and fairly, and shall cite the language of the Senator from Virginia in order to describe it—it is this: The dominant party in Virginia was prior to the year 1879 what is known as the democratic party of that State. A difference arose, a split took place in regard to matters of their local interests. Virginia had been the theater of war, the camping-ground and the battle-field of all those armed hosts who met in combat for four long years. There never was a day during those four years that the soil of that State was not in the occupation of armed forces, and the results followed too sad to be pictured by me, only useful by way of warning and of that wisdom we may gain from sad retrospection. The result was desolation and impoverishment, and at the end of the struggle the Commonwealth emerged with her old debt standing but her resources shorn, disordered and broken. What was to be done? Social difficulties, political revolutions, an upturning of society from its very base, threw upon the people of Virginia difficulties which few communities in the history of mankind have been able to survive. But thanks to the seed of American manhood which though buried yet will grow, and which though broken will still survive, she has emerged and is day by day progressing rapidly and hopefully into the outer air of prosperity and the ability to settle fully and fairly with those to whom she is indebted. Yet there was a great public debt honestly incurred, for which public improvements had been purchased valu-

able to her people, and the question was simply to make arrangements financially to meet it.

What is the difference between the two parties, or the divisions, those who are called the debt-paying portion and those who call themselves the readjusters of the State debt? It is simply this: the debt of Virginia as it stands upon her statute-books, as attested by the bonds issued under her seal, is every cent of it admitted by the debt-paying or the funder party of Virginia, but they call upon those who are creditors to consider their condition and make with them a voluntary arrangement or compromise just and honorable to both, and which they can with care and honesty carry out; in other words, the debt-paying and funding portion of Virginia will do nothing with their public obligations except that to which the creditor consents. *Volenti non fit injuria.* They propose to enforce nothing except their own obligation, and if concession is made in the spirit of compromise it shall be such as their creditors consent to. That is their position. It is to be a voluntary arrangement acceptable to the creditor or accepted by the creditor without any compulsion on the part of the debtor, and upon that they propose to adjust and settle their obligations in full.

On the other hand is another party, the "readjusters," as they call themselves. They say, "We do not ask the consent of the creditor; it is not what we owe; it is not what he asks; it is what we see fit to pay him; we will make a new contract with him; we will fix our own terms;" and to use a fine phrase and euphuism which I find in the speech of the Senator from Virginia [Mr. MAHONE] at page 92 of the RECORD, we will "*eliminate*" such portions of the public debt as we do not choose to pay. That means thirteen solid millions of principal and the entire interest since 1861. Lest I may do injustice, let me read the language:

> In fixing the principal debt of Virginia at $19,665,176 it is obvious that about $13,600,000 of the principal which the McCulloch bill—

That was the debt-payer's bill—

> sought to fasten upon us *has been eliminated.*

There is much in a phrase. Said Pistol:

> "Convey," the wise it call. "Steal!" foh! a fico for the phrase.

Repudiate? No, eliminate. Further, the Senator from Virginia says:

> How, then, is that enormous amount (greater than the whole debt of undivided Virginia) made up? By capitalizing simple and compound interest which accrued during the period of war and reconstruction. We not only object to this usurious and oppressive mode of accumulation against us, but we peremptorily reject the whole claim for any interest at all for the period indicated.

By whose consent? The consent of the debtor; and what does the creditor say? He is answered that his claim is peremptorily rejected, or it is eliminated; or if you use plain English, it is insolently repudiated.

Mr. President, that is the issue which we are told by the speech of the same Senator is to control the election in Virginia in the coming autumn. It is that issue incarnated in Mr. Riddleberger, whose bill bearing his name (passed by the re adjusting legislature and vetoed by the democratic governor, Holliday) proposing to carry these projects into effect is to be the Mahone-Riddleberger platform next fall in Virginia, and it is in that issue and upon that side of that issue that the republican party in the Senate of the United States propose to identify themselves by choosing this man to be their representative, to be one of their own confidential and important officers. It is with him, it is with his doctrines, it is to such results that the majority stand committed. The Grecian fable tells us of the man who slew the dragon and sowed his teeth and the crop was armed men who saturated the land with blood. It seems to me that if you shall insist, Senators, in sowing the seeds of public repudiation of admitted and honorable obligations, you are sowing a crop worse than that of Cadmus, and which will bear infinitely more dangerous fruit to us and to our posterity.

What is credit? It is the honest poor man's capital. It is because he is trusted for his honesty that he can borrow means to enable him to outlive his period of distress and await the time of the fruition of his labors. If Virginia be poor, and I know she is poor, I beg of you do not take that which is more necessary to her to-day than it was in her times of opulence and plenty. Leave to her people the right to be believed and trusted. Leave them that sense of self-respect and honest manhood that an unbroken word gives to any man however humble.

I read the other day, as I have often read, never without reverence and instruction, the words of Daniel Webster, who whenever the question was asked of his great brain and sound heart, what were duty and wisdom in regard to the government of his country, never failed to give back a patriotic and a true response. In 1839 when he was in London the house of Baring Brothers & Co. wrote to him asking whether the Legislature of one of the States had legal and constitutional power to contract loans at home and abroad. He proceeded to give his reasons in his usual luminous and logical manner to show the existence unquestioned of that power. Having stated to his inquirers the existence of that power in the State, he then proceeded to consider what their remedies were to enforce such contracts for loans as had been made by them. Said he:

> The security for State loans is the plighted faith of the State, as a political community. It rests on the same basis as other contracts with established governments, the same basis, for example, as loans made by the United States, under the authority of Congress; that is to say, the good faith of the Government making the loan, and its ability to fulfill its engagements. The State loans, it is known, have been contracted principally for the purpose of making railroads and canals; and in some cases, although I know not how generally, the income or revenue expected to be derived from these works is directly and specifically pledged, and in others very valuable tracts of land. It cannot be doubted that the general result of these works of internal improvement has been and will be to enhance the wealth and the ability of the States.
>
> It has been said that the States cannot be sued on these bonds. But neither could the United States be sued, nor, as I suppose, the Crown of England, in a like case. Nor would the power of suing give to the creditors, probably, any substantial additional security. The solemn obligation of a government, arising on its own acknowledged bond, would not be enhanced by judgment rendered on such bond. If it either could not or would not make provision for paying the bond, it is not probable that it could or would make provision for satisfying the judgment.
>
> The States cannot rid themselves of their obligations otherwise than by the honest payment of the debt. They can pass no law impairing the obligation of their own contracts. They can make nothing a tender, in discharge of such contracts, but gold and silver. They possess all adequate power of providing for the case, by taxes and internal means of revenue. They cannot get round their duty, nor evade its force. Any failure to fulfil its undertakings would be an open violation of public faith, to be followed by the penalty of dishonor and disgrace; a penalty, it may be presumed, which no State of the American Union would be likely to incur.

I would that the spirit and the meaning and the force of those words of this great Massachusetts Senator could burn themselves in upon the mind of every man in the American Union. He has stated the only penalty, but, great Heaven, what a penalty is that! The penalty of dishonor; the penalty of disgrace. When you speak of that you have included all that makes life unhappy and existence unbearable.

To the people of Virginia I bear the same affection, no more and no less, that I do to the people of other States, save only that sometimes their very misfortunes have dignified them in my eyes and touched me with a sympathy and an interest that I did not feel for those who had fared better in the rough voyage of fate. I have no right to interfere in local affairs in Virginia; I never did interfere in local affairs in Virginia; but I had my view privately, and justifiably I expressed it in a spirit of responsive friendship to her people, and publicly to-day do I here express it, when the proposition is made to strengthen the hands of those who I feel are driving daggers into the side of that honored and venerable Commonwealth. I believe I could show with pen and pencil to any reasonable man that this dallying with the debt and suffering the plighted faith of Virginia to be brought in question is costing them annually infinitely more than the principal and interest of their debt combined.

I have since I came in this Chamber, as I think will be admitted, been the steady uncompromising foe to everything like unwise legislation, that would jeopard the public credit of the United States; and no measure, originate where it may, recommended no matter by whom, that tended to strengthen the fabric of our public credit and prosperity but found in me a ready, an earnest, a zealous advocate. So to-day standing here, Senators, and weighing my duty whether by my failure to exercise every parliamentary right given to me I should permit the hand to be strengthened that seeks to strike down or injure the credit of a State of this Union, I tell you I would be recreant to my sense of duty if I failed to exert myself to the utmost in opposition to it.

There stands my case before my conscience and it stands before this country. I submit it to you. Look at the plain facts; look at the results.

I know you say that the democratic party is a dangerous organization and that it is a high and patriotic duty to defeat and disintegrate it. I do not pause now to make denial of that. If I thought so, I would aid you, but I do not think so, and I oppose you.

But oh, gentlemen, does "the end justify the means?" Are you to go back to your people or into your own closets and say, as I heard that eloquent man whom death took from us lately, Mr. Carpenter, once say, that you can "stanch blood with fraud?" Do you think you are justified in strengthening the hands of those who are actual if not avowed repudiators of the public debt of that State in order to disintegrate the organization known as the democratic party of Virginia? That doctrine will corrode all human promise; it will destroy every sense of human obligation. The means must justify itself. What you would have highly that you should have holily. Have you any right to do this thing? I speak to you with respect; I speak to you with the earnestness of a man who desires to prevent you from doing that which I think will be a stain upon this body, and be a frightful precedent in political action. A witty man once said that a blunder was worse than a crime. He meant by that that the consequences of an unwise public act might be injurious far beyond the intent of the man who committed it. The mistake in judgment of a general, the mistake in judgment of a minister of finance on an unwise measure of finance, the plunging a country into business distress, may lead it to ruin and dishonor amid the tears of the man who innocently counseled it. It is not by impeachment of your motives; it is by holding up before you the inevitable consequences of your action, and to beg you to abandon your purpose that I make this appeal.

Sir, I have said these things because I see throughout this country an inability or an indisposition to comprehend the causes that keep this grave body in session apparently to no end. There is reason and right and force in much that you say in regard to your power and your duty as holding this nominal majority, but there is also reason

superabundant, as I have tried to show, to justify us in arresting your onward progress in the consummation of this act, and in doing it I believe the facts justify us. I think so now, and so long as I think so I shall try to stand by my conviction. As I said, it is not the time or the occasion or the business for anything like threats or suggestions of physical endurance. That is not the question. I know they often tell us that this is not the heroic age. There are many ways in which heroism may be shown. There is many a man goes down to his death in the sober garments of peace as true a hero in defense of his conviction and his conscience as any who died in panoply upon the field of battle. The question is serious; it may become more so, but by the light that I have received and for the reasons that I have stated, I stand for the present where I was when the contest opened, and shall oppose the passage of your caucus resolutions.

Mr. SHERMAN. Mr. President, I did not expect yesterday to be drawn into this debate, but I found that the Senator from Delaware [Mr. BAYARD] and I agreed upon so many topics that I thought I was justified in coming forward and stating my position so as to show that although on opposite sides in politics we did agree upon the leading principle involved in the contest which is now going on. Perhaps I had better restate this governing principle before I answer the argument that he has just made.

The Senator agrees with me that the fundamental rule of all deliberative bodies is that a majority shall rule; that in every body, whether a senate or a house of representatives or a house of commons, however composed, in the end the vote of the majority of each member must determine the question; that the minority have certain rights; that to secure those rights rules are prescribed, and that those rules enable such minority to delay business, to procrastinate a vote, to seek debate and to thwart to a great extent the action of the majority; but after all, when debate is exhausted, then the majority must rule. He depicted the results as the opposite doctrine but he did not state them nearly as strongly as they might be stated. When the tactics of the minority go beyond this reasonable rule they become revolutionary.

Fifteen Senators on this floor can prevent the Senate of the United States from doing a single act, and for the time arrest the Government. Under the rules of the Senate, without violating a single one of them, this Government might be as absolutely destroyed as the southern confederates would have destroyed it if they had succeeded in their hopes. The action of a minority of fifteen determined men acting under your rules can prevent the appropriation bills from being passed; the pay of your Army, the pay of your Navy, or the pay of your courts. In other words, to use the expression of my friend, these motions, which were intended to be "the implements of freemen," to enable a minority to exercise their right of full debate, may be converted into revolutionary agencies. There are implements of freemen, but such implements may be very dangerous in the hands of people who will use them for a bad purpose.

The rules of the Senate were prescribed to enable minorities to exercise a reasonable and fair restraint over legislation; to prevent hasty action, but when used for the purpose of defeating the will of the majority, they become revolutionary agencies. If a minority carry their action to the full extent possible under the rules of the Senate, they might destroy this Government, every branch of it from the Executive down through all its departments. These rules were intended to be construed with reason and applied with judgment, and whenever Senators resort to extreme measures under the rules they may entirely defeat the will of the majority and paralyze the Government.

The Senate is so constituted to-day that either party could prevent the passage of any law. Yea, under the rules of the body a very small minority of either party could prevent the passage of any law. Because the minority have that power under the rules, will that justify them and make it right for them to exercise that power? No. The Senator assumes, and he and I agree there, that when you go beyond a reasonable parliamentary opposition to the will of the majority you trespass upon dangerous ground of revolution. If such conduct is accompanied with the evil, bad intent that constitutes treason, it becomes treasonable. Fifteen men might break up this Government by the use of this minority power, and if they conspired for that purpose might be guilty of treason at common law, and yet act in strict accordance with the rules, because they might with a bad intent in exercising the power they enjoy under the rules actually break up the Government and destroy its existence.

The Senator and I agree, therefore, entirely that the doctrine of the right of the majority to rule must prevail. We also agree that the minority have certain rights to interpose dilatory motions and various motions to delay and thwart and weary out, if they can, the majority; but when they pass beyond that boundary then they enter upon dangerous ground, and my friend from Delaware agrees with me there.

Here lies the weakness of the argument. He told us yesterday that he would in a carefully prepared address bring forward the grounds and reasons why he now feels justified in resorting to dilatory motions, not to continue until December, but to continue until he changes his mind. Other Senators on that side of the House not so cautious as he say they must continue until December. If until December, why not until January—why not year after year, and year after year?

What weighty reason does the Senator come forward to-day and give us? I have listened with patience to nearly all he has said. What is it that justifies this act which he denounces as revolutionary and dangerous? Forsooth, it is because the Senate of the United States wish to change three or four officers. He says we ought not to do it. Suppose he is right. I do not stop to debate that question, because I think it is too small for debate. Suppose he is right, must he therefore to defeat a small matter, which he says is a small matter, resort to dangerous expedients? Must he cross the boundary-line between a reasonable opposition to the will of the majority and a dangerous opposition to the will of the majority? Must he make the occasion of the removal of these few clerks the ground for resorting to extraordinary expedients which he himself has eloquently and ably denounced, and in which I concur? What reason does he give us? I have endeavored to sum up these reasons as briefly as I can, so that I may not too long occupy the attention of the Senate; and I think I shall state them in the order in which I believe the Senator stated them.

The first objection made is that the Senator from Virginia, [Mr. MAHONE,] a member of this body, was a democrat. He was one of thirty-nine Senators who voted for Hancock; and he comes here now in despite of what they expected of him and proposes to vote with the republicans instead of voting with the democrats; in other words, that Senator has changed his mind, has changed his opinion, has changed his party relations. I could go into a minute defense with the facts which have been furnished me, to show that the Senator from Virginia never was elected as a democrat; that he was repudiated by the democrats at the time he was elected; that he was not voted for by the democrats or a majority of them; that he did not claim to be a democrat; that he claimed to be an independent, and was so elected, and was elected by the republican votes and readjuster or independent democratic votes. I might go a little further and show you that before that Senator came here he declared his purpose to separate from the democratic party; that he denounced the democratic party as the Bourbon democracy. In his speech here the other day he stated his position, and while he adheres to it he is a good enough republican for me. He said:

> The desire of our people for cordial relations with all sections of a common country and the people of all the States of the Union, their devotion to popular education, their efforts for the free enjoyment of a priceless suffrage and an honest count of ballots, their determination to make Virginia, in the public belief, a desirable home for all men, wherever their birthplace, whatever their opinions, and to open her fields and her mines to enterprise and capital, and to stay the retrograde movement of years, so as to bring her back from the fifteenth in grade to her original position among the first in the sisterhood of States, forbid that my action here should be controlled or influenced by a caucus whose party has waged war upon my constituency and where party success is held paramount to what I conceive to be the interests of Virginia and the welfare of the whole country.
>
> The readjusters of Virginia have no feeling of hostility, no words of unkindness for the colored man. His freedom has come, and whether by purpose or by accident, thank God, that, among other issues which so long distracted our country and restrained its growth was concluded, and I trust forever, by the results of the sanguinary struggle between the sections.
>
> I have faith, and it is my earnest hope, that the march of an enlightened civilization and the progress of human freedom will proceed until God's great family shall everywhere enjoy the products of their own labor and the blessings of civil, political, and religious liberty.

The Senator from Virginia in the same speech sets forth the fact at length that he was not elected by the democrats. He shows that he was not elected by them; that he was elected in opposition to them; and a very excellent gentleman, with whom I had the honor to serve when I was a member of the Senate, who was the nominee of the democratic party, was his opponent, and he beat him.

But it is said that the Senator from Virginia voted for Hancock. A great many men voted for Hancock because he made very fair promises. General Hancock is a very patriotic man. He in his letter of acceptance made a very good platform, much of which the republicans would very cheerfully adopt as their own. The trouble was that the republicans would not like to trust the democratic party to carry out the principles of General Hancock. I need not say anything further in regard to that. A great many men voted for General Hancock who had no faith whatever in the democratic party. But that is not all.

It appears that although the readjusters did vote for Hancock, or for Hancock electors, they did not vote for the same electors, and they did not adopt the democratic platform. On the contrary, they made a platform of their own, and they selected their own electors. Disclaiming any connection or affiliation with the democratic party, they brought forward their own candidates, but they were known as Hancock electors. This half democracy, composed of men who repudiated the party, who denounced the leaders on every stump as the Bourbon democracy who never learned anything and never forgot anything, are held up to the world as deserters by the democracy which they had left. It appears also that every member of the Legislature who voted for the Senator from Virginia was elected as a "MAHONE" man, not as a democrat. Most of them were elected by republicans; they were elected to support Mr. MAHONE in opposition to the democratic party. Some wanted to support the ideas of the Senator from Virginia [Mr. MAHONE] on the Virginia debt; some with the hope that this break in the Bourbon element in the South would enable them to have a free election and a fair count; many with different motives; but all of them were elected as opposed to the democratic party. Every man who voted for the Senator from Virginia was elected in opposition to the democratic party. It is so

shown by these papers and so alleged by that Senator and not contradicted, as I understand, by his colleague; and upon this, forsooth, because he who has been repudiated and denounced by them, who was not voted for by a single Virginia democrat, comes in and acts with the republicans, that is the ground of a revolutionary movement to prevent the majority from taking the very first step that they want to take, the election of some officers of this body.

Sir, this is a very slender basis for a revolutionary and dangerous proceeding that will not be justified by candid men.

The Senator from Virginia [Mr. MAHONE] I believe is now the best friend of the South. He comes here with a platform which, if he will stand by, the young men of the South will rally around, and with it and a fair leader will meet and overthrow the old democratic party of the South. I tell you, Senators, there is a profound distrust that the democratic party could not carry out any such platform; that from the nature of their organization, from their very composition, from their material, they could not secure a fair count and an honest vote in the South. There is a profound distrust of that kind, but if the young men of the South, and I wish my voice could reach every one of them, whether he be a republican or a democrat; if the young men of the South or the old leaders of the South, yea, even if my friend from Delaware on the other side, who is a leader of his party, would join with the Senator from Virginia in carrying out his promises, we will have a successful and prosperous country, and no more sectional parties in the country.

In order to show you that the Senator from Virginia took a high position on this matter before he came here, I ask the Secretary to read a single paragraph from an interview with him that was published in the papers of the country.

The Secretary read as follows:

> And with the readjustment of the debt as proposed, the readjusters come into full control of the Commonwealth, remove the Bourbon reactionists from place and power, and start Virginia on a new career of progress, prosperity, and greatness. Free suffrage for all men; a fair count at the polls; free education for all children, and an impartial administration of the constitution and the laws for all citizens, will be the internal policy of the liberal party which shall have dethroned the Bourbons; and with respect to the nation and our sister States, the same liberal party will insist upon and inculcate honest submission to the results of the war; due observance of the constitutional amendments, the reconstruction acts, and all the other expressed and implied conditions that accompanied the restoration of Virginia to the Union; the cultivation of fraternal relations with our fellow-citizens of every quarter, and the removal of sectional jealousies and race distinctions in all our politics.

Mr. SHERMAN. The theory that the Senator from Virginia was elected as a democrat, that they had any claim in honor or in conscience upon his vote, that they had any right of courtesy or fair treatment from him except as one gentleman always owes courtesy and fair treatment to all people—the idea that this democratic party which my friend from Delaware represents had any claim of honor on the Senator from Virginia, is utterly unfounded.

Mr. McPHERSON. Was this interview before or after the election?

Mr. SHERMAN. I do not know exactly when it was. Do you know?

Mr. McPHERSON. I do not. I think it was after the election.

Mr. SHERMAN. It is simply what I find in the papers. When the Senator from Virginia separated from the democratic party, as he did when he was elected in opposition to their candidate by men who were voted for to elect him, the democratic party had no right to expect his vote.

Indeed we know very well that any act whatever of independence on the part of a democrat in the Southern States is punished with a severity that we in the North know nothing about. When a democrat in the South rebels against the intolerant arrogance of that old Bourbon democracy we know what his fate is. As an illustration of that fact I call your attention to a speech made by an honorable member of this body, the Senator from South Carolina, [Mr. BUTLER,] who, in speaking of General Longstreet, stated what would be done by the democratic party to any man who hesitated or faltered or became an independent or radical in any sense of the term. We all know the character of General Longstreet, a brilliant, able man, probably one of the ablest leaders of the confederates of the South, a man educated at West Point, who went into the confederate army. We thought he violated his oath of fealty, we spoke of him very unkindly; but when the war was over he thought then that the feelings of the war should cease. No sooner had he taken his position as a kind of quasi-independent in the democratic party than he was ostracized. I do not say that upon my own authority, but I shall read to show what the Senator from Virginia might expect from the democratic party if he declared his independence, as he has now done, and the kind of treatment they would deal out to him. This extract is taken from a speech attributed to one of the Senators from South Carolina. It is taken from a southern paper. Speaking of independents, he said:

> If you have grievances here, publish them in the newspapers and refer them to the people, the sovereigns of us all. They have the power and the means, and the inclination, too, to correct whatever evils there may be in the democratic party. But for Heaven's sake, for the sake of the graves of your children, for the honor of your country, don't come out and say, "I'm an independent!" I love independence myself, but I do not believe in asking a blessing of Esau when I want it for Jacob. You independents come out at once and do as you are certain to do in the end, if you persevere in this path, go right square into the ranks of the radical party. There is no half-way ground. You cannot occupy a half-way ground. You must be either for us or against us. I assume that some of these independents believe that they have grievances. If you have been beaten for office, learn a lesson of patience. Sit down and bear it, [applause,] for if you do not you are certain to drift into the radical party. Look at Longstreet. He was begged and implored not to persevere in his course; but he drifted on and on and floundered deeper and into the mire until he landed head and foot into the republican slough. And what has he gained? Scorn, ostracism, odium, ill-will, worse than all, the contempt of the men who stood by him under the shower of death and destruction.

This is the spirit with which the democratic party always punished the men who broke off from their party allegiance. The Senator from Virginia had no right to expect anything else, and has received nothing else.

> He forfeited the opinion of all honest men for the sake of an office, and he began by being an independent.

Thus the very motives of General Longstreet, who had distinguished himself so much in their service, were wrongly imputed to him:

> This appeal I make to colored men, as well as white. Good government is as essential to them as it is to the whites. The republican party at the North is different from the republican party in the South; at the North incorruptible, honest, virtuous, intelligent men are to be found in its ranks. It is not so in the South.

So he goes on and endeavors to cajole or perhaps persuade, I might say, the colored people of the South that the kind of republicans they had down there they could not rely upon. Further:

> Go, then, fellow-democrats, in a body to these men, reason with them, plead with them, bring them back into the democratic fold if you can, and if you cannot, then kick them into the radical crowd where they belong.

We are all men at least of middle age or past middle age. We know very well what independence means in the South. We know the terms of social ostracism. I admire the courage of any man who dares express his opinion openly and freely and follow the dictates of his conscience, and you will not find our northern republicans shrinking from the fellowship and aid of men who dare to do what they think is right in the face of an ostracism like this. How unnatural it appears to us in the North! In the North we have our differences. My colleague and I may agree very well, although we differ as wide as the poles in our political relations. It does not affect or disturb the social relations of men. So in the Northern States generally men differ. So it was before the war; they differed and had their debates and discussions.

How many distinguished men in Virginia in the past have been elected by one party and finding that that party was not pursuing the path which conformed to their ideas of right deserted the party and tried to do better for their country? There is Benjamin Watkins Leigh, who was an eminent man in Virginia in his time, who was elected by one party and followed another. William C. Rives was another, a man who is honored in Virginia everywhere. Ay! one of my old colleagues, Mr. Hunter, of Virginia, was elected by the whigs, and you know what a democrat he became. James M. Mason had something of the same experience. John Tyler, a bitter democrat, was taken up by the whigs and put on their ticket, and then as we thought, the whigs of those times, it was before my day, he deserted and went to the democrats. One of the most remarkable pages of English history was the sudden change of Sir Robert Peel, an eminent English commoner, the very prince of tories, a leader of the tories, who belonged to the country party and who led them in several great contests. He was for protection, he was for the corn laws, and was elected to office on that position; but being convinced by the events that disturbed England in 1845-'46, and along there, he changed his course and although at the head of the government, he took up the notions of Mr. Cobden and aided in repealing the corn laws; but yet Sir Robert Peel was never denounced as much by the tories of that time as the Senator from Virginia is denounced, and why? Though not elected by the democrats, though disclaiming any connection with them, because he did not vote with them here at the beginning of this session.

This will not do, gentlemen. You must find a stronger basis or fulcrum for this revolutionary opposition to the will of the majority than the mere fact that the Senator from Virginia chooses to ally himself with those who sympathize with him in many of the leading ideas that he adopts. And here I feel bound to say that so far as he proposes to repudiate any debt, any obligation, State, county, city, or national, I am utterly opposed to any such idea; and I was surprised beyond measure to hear my friend from Delaware beg us by every consideration not to associate with repudiators. Though I believe every word that he says about his own position, that he would not repudiate a debt, that he had stood by the public faith under strong temptations, yet he is in daily association with Senators of States that have repudiated debts by the wholesale.

Mr. BAYARD. Will the Senator please explain what he means by "strong temptations" to me?

Mr. SHERMAN. Party fealty is always a strong temptation, and the Senator from Delaware has certainly at times separated from the mass of his party on financial questions.

Mr. BAYARD. I never felt the temptation in the least. It was the easiest thing in the world for me to resist it. Those things may be tempting to some other people, but they are not tempting to me.

Mr. SHERMAN. My friend from Delaware is a very good man, I have no doubt; but at the same time I think party fealty sometimes pulls him a good way out of a straight line, and the chief objection I have to him is that he does not always stand by his pronunciamientos when it comes to party matters. Sometimes I think he has

followed his party where really his conscience did not go with it; but in that I may have been mistaken.

Now, Mr. President, as to the ideas of the Senator from Virginia upon repudiation of any public debt, I am not conversant enough with the question there to debate it even. This is not the time to debate it. We have not full information in regard to the statistics of the repudiated States. One of the officers of the Government is now engaged in making up an elaborate statement of the repudiation of State debts and county debts and district debts and city debts that have occurred in many of the Southern States, and perhaps at times in two or three of the Northern States, and we shall soon have in copious detail all the information that will enable us to fix the responsibility of parties and of men in regard to the repudiation of the Southern States. This, however, I may state in a general way, upon the basis of a document that I now hold in my hand, that at least ten of the Southern States have repudiated or scaled down or refused to pay over one hundred and thirty million dollars of their State debts. I know many explanations have been given; Senators have risen in their places and tried to explain why and wherefore it has been done. That is not the thing; but the fact is that in ten of these States debts have been repudiated to the amount of $130,000,000—more than the entire debt of the country at the formation of the Constitution.

Mr. HARRIS. Would it be inconvenient for the Senator to name those States?

Mr. SHERMAN. Well, I would not do it; because if I were to name the States the Senators would then probably want to reply in the midst of my speech; but here they are, and here is the document, an official document prepared by an officer of the Government, who states the amount of repudiation of these States. I do not care to go into that. This is an article in the International Review, written by Mr. Porter, who is one of the officers of the Census Bureau.

Now, Mr. President, enough for the first of the reasons given by my honorable friend from Delaware. He says next that he is justified in resisting this organization, not only because the Senator from Virginia does not vote with him—and how any democrat could suppose the Senator from Virginia would vote with him under the circumstances I do not know—but he says we ought not to do this at a called session. That is the smallest pin-hook upon which a great revolutionary proceeding could hinge. It will not hang the weight. The Senate can do anything now that it may do without the consent of the House of Representatives. You heard here for almost two hours the honorable Senator from Indiana [Mr. VOORHEES] prove to you by copious extracts from the founders of the Government and from leading prominent men from the beginning of the Government to this hour that the Senate had full power to discuss the question of the funding bill, the national banks, calls for information, to send committees, to do anything that it cared to do; and yet now suddenly we are told that they cannot elect the officers of the Senate, the smallest and least significant of their duties; that they cannot turn out a clerk. They can send committees all over this broad land, as they have done; they can investigate the question of refunding and the conduct of the national banks; they can do anything such as the Senate has done over and over again.

Why, sir, this is too narrow a basis for a revolutionary movement. I could give in my own experience innumerable acts that have been done by the Senate at such sessions. The Senate itself, when it was completely under the control of the democrats, did change its officers at such a session. It is said that was done for cause. Well, sir, suppose we have a political cause for which we do it; that is a cause; the majority must determine. The majority here think it wise under the circumstances to make this change. That surrenders the question of power. Whether we are wise or not in doing it is another question. You can debate that, you can resist that, but you cannot resort to revolution to prevent us from exerting the smallest and weakest power of the Senate, especially when it has been demonstrated here by one of your own members within a few days that we have every power that the Senate can exercise except that which requires the assent of the House of Representatives.

But the third proposition of my friend is that to elect Riddleberger Sergeant-at-Arms is to interfere unconstitutionally with the election in Virginia, that the election of Riddleberger in some way or other has a connection with the election in Virginia. I do not exactly see how, although I hope it will. If the election of Riddleberger will enable us to break up the power of the Bourbon democracy in Virginia I will go into this contest with ten times the heart I have had. If the action of the republican party in coming up to the support of the Senator from Virginia and electing one of his trusted friends will strengthen the republican party in Virginia that is a political object which will greatly advance the good of the people of the United States, it is a political object for which I would contend. Anything that will beat down that party and build up our own is justifiable in morals and in law. Every party does it. Your nominations are made for the Presidency and Vice-Presidency from particular States to help the party in the States from which the candidates come. Every party acts from political motives, and acts honorably in doing so.

Now, sir, for any Senator to tell me that because we choose to elect Mr. Riddleberger it is done for the purpose of corruption in the State of Virginia is the simplest nonsense. There is no corruption about it. We will by the strong right arm of the republican party, that party which has governed the country in twenty years of peace and war, that has a record as honorable as any in American history, protect and defend the Senator from Virginia when he declares his independence of Bourbon democracy. If he will stand with us upon the great principles of our party, we will cover him with our shield, we will back him with our strong arm. If you attack him you attack us, and we are accustomed to contests with you. That is the way I feel.

Therefore, if the election of Mr. Riddleberger will strengthen the republican party we are justified in electing him, if for no other reason; and there is not a Senator on that side of the House, if he would speak from his heart, but would say he would be justified by a political motive like that. To call it corrupt or dishonorable is to use terms totally unworthy. We buy no man; we barter with no man. We have made no promises to any man. Sometimes the imputation has been thrown out, not that Senators make a charge, but sometimes they send a paper up to have it read which contains a charge imputing corruption; sometimes an innuendo is thrown out as that "we will not inquire into the means by which this has been brought about." Gentlemen, that will not do; you cannot make the people believe there has been any corruption, because there has been none—no promise, no hope, no expectation of reward, nothing that is corrupt. Our motives for entering into this movement are as open as the day, as bright as the sun, and can be proclaimed on every house-top and every stump in the broad land. We give our hand to the Senator from Virginia because we believe that in doing that we shall advance the public interests. We believe it will tend to break down that bitter feeling of hostility in the South which has prevailed since the war which almost borders on the dangerous. We believe that by extending our help and aid to these men in expressing their opinions, even if we do not agree with all their opinions, by aiding them in defending themselves against the ostracism of a great and powerful sectional party, we do good to our country, and we propose to carry out that policy, and in carrying out that policy we do more good to the South than we do to ourselves.

We are strong enough in Ohio, strong enough in the other States, although we are nearly equally divided. If either party prevails in any one of the Northern States it makes no great difference, for the time being, any mistake is corrected by the changes of political parties; but in the South you have but one party, you allow no other. If a man goes from one party to another, which ought to be as near as from one neighbor's door to another, you ostracize him, you detract him, you impute to him corruption, you do with him as it was said was done with Longstreet. This is the great evil. That which has held back the democratic party more than anything else is because the northern people of both political parties mistrust you; they doubt you. When you say you will do a thing, they are afraid you will not; not that you do not intend to do it, not that you do not start out with a good purpose, but because you fear the social ostracism and power of the Bourbon democracy of the Southern States.

Mr. President, so much for that. When we elect Mr. Riddelberger we do not elect him because he wanted to readjust the public debt of Virginia; we do not elect him because we agree with all his notions, for I suppose that is scarcely possible in political life, but we do agree with the general ideas that are proclaimed in his doctrine here about equality of rights, about securing a free and fair election and an honest count, and the repeal of that law, intended not for the purpose of levying taxes in Virginia, but for the purpose of deterring voters, a law which itself has reversed the politics of Virginia, a law the repeal of which would to-morrow give the republicans a majority there without any coalition with anybody.

Now, sir, when these gentlemen come forward and say that they will give to all men equal rights, that they will repeal this obnoxious law, that they will make the way open and free to the ballot-box, that the votes shall be fairly counted, and then that the majority shall rule, and that the insolent, dominant, aristocratic minority which controls in the South shall be overthrown, we give them the right hand of fellowship; we will elect them Sergeant-at-Arms, we will elect them to office and share with them all honors and employments as long as they will carry out that doctrine and that pledge. They are of us bone of our bone and flesh of our flesh, even if we do not agree with them in their financial views.

Sir, if I was going to Virginia, I should state to the people of Virginia that I believe that the best thing for Virginia would be to pay the whole of the debt, not to repudiate a single farthing, pay it as fast as they can without regard to the proposed compromise with the bondholders. I know it would be hard. The State of West Virginia, I believe, is more at fault than old Virginia in regard to the debt. Congress itself was at fault in not providing in the fundamental act which organized West Virginia for a mode of dividing the debt. I have always thought so, and always regretted it, though I have no doubt I voted for the bill myself without thinking much about the debt at the time. It ought to have been provided by Congress that West Virginia should assume a certain proportion of the debt, and the rule should have been laid down. They did not do it; but the State government of West Virginia did do it. The State of West Virginia resolved in its first constitution that it would assume a portion of the debt and pay it. Well, sir, the two States could not agree; they appointed commissioners at one time; but there was a difference as to the mode and manner of the division, whether it should

be based upon population or upon property, and finally it fell through until the democratic party came into power in West Virginia, and then the debt was repudiated.

Mr. DAVIS, of West Virginia. Mr. President, the Senator does not mean what he says, I reckon.

Mr. SHERMAN. If I have said anything the Senator does not agree to, I will yield to him to correct me.

Mr. DAVIS, of West Virginia. The Senator stated, I believe, that the republican party had made provision to pay the debt of West Virginia and that when the democrats came into power they repudiated it. I think that was the statement.

Mr. SHERMAN. I did not say that at all.

Mr. DAVIS, of West Virginia. Then I beg the Senator's pardon if he did not say that. That is what I understood him to say.

Mr. SHERMAN. I said that in the adoption of the constitution of West Virginia the republican party of that State gave a guarantee that they would assume a portion of the Virginia debt, to be ascertained afterward. Am I correct in that?

Mr. DAVIS, of West Virginia. That far.

Mr. SHERMAN. And efforts were made, commissioners probably were appointed and sent to Richmond, and they disagreed as to the basis of a settlement. Is that right?

Mr. DAVIS, of West Virginia. Yes; that is correct.

Mr. SHERMAN. That is all I said, except that afterward in West Virginia when the democrats came into power they never did anything about it. They have never taken any steps, and I am told changed the constitution——

Mr. DAVIS, of West Virginia. The Senator now is speaking of what he knows nothing about.

Mr. SHERMAN. I ask the Senator, then——

Mr. DAVIS, of West Virginia. Now let me state it in my own way.

Mr. SHERMAN. Let me ask, did not the democrats when they revised the constitution of West Virginia leave out that provision for the adjustment of the debt with Virginia?

Mr. DAVIS, of West Virginia. No, sir.

Mr. SHERMAN. I was informed they did.

Mr. DAVIS, of West Virginia. No, sir; but I will tell you what they did. The same provision that originally existed was not renewed, but a provision was made for the payment of the debt whenever a settlement took place; and if the Senator will look at the constitution he will find that the State of West Virginia made a provision, and that was the only debt she had in view, that whenever the debt was settled between the States, whenever the question was settled, then there should be provision made for it. Now, let me say——

Mr. SHERMAN. That is more cunning than I thought, because they made no provision for a settlement, and yet provided that when it was settled provision should be made.

Mr. DAVIS, of West Virginia. The Senator from Connecticut [Mr. HAWLEY] yesterday misstated the thing. The Senator from Ohio will permit me to say this: It was stated by the Senator from Connecticut yesterday, and again by the Senator from Ohio to-day, that when the democrats came into power in West Virginia they repudiated the debt, or words to that effect. Now I state to both those Senators that I hope at a future day my colleague and myself will put this question fairly before the Senate; but in the mean time I wish to say to each of these Senators that the democratic party is probably the only party that has moved straight to this question. It appointed commissioners, and they went to Richmond. The resolution was introduced by a democrat, and by your speaker, sir, and passed through the Legislature, and the commissioners went to Richmond, and as the Senator says they disagreed; no settlement took place. They returned and their report was made and agreed to by a republican whom my friend knows well, Mr. Campbell of our State; all these gentlemen have heard of him. He is a leading republican. That report now stands approved by him; and so far as I know, and so far as the action of West Virginia is concerned, she is ready now and has been ready all the time to take her fair, just, and equitable proportion of that debt. I hope some day it will come to an adjustment; but until then I hope that the Senator and others will not misrepresent the parties. Now, I say to the Senator, so far as I know the republicans never sent a commission there, while the democrats did.

Mr. SHERMAN. I think I have given way sufficiently. It is very manifest——

Mr. KELLOGG. I should like to ask the Senator from West Virginia a question.

Mr. SHERMAN. I would prefer not to yield further.

Mr. KELLOGG. I ask aside from the fact that no provision has been made in the constitution by the democratic party for an adjustment of the debt, has not the governor of West Virginia proclaimed in a State paper that the State was not bound for and did not owe any portion of the debt of old Virginia?

Mr. DAVIS, of West Virginia. What governor does the Senator refer to?

Mr. KELLOGG. A democratic governor of the State.

Mr. DAVIS, of West Virginia. What one?

Mr. KELLOGG. I cannot specify the governor. I am so informed by the Senator from Virginia.

Mr. DAVIS, of West Virginia. So far as I know, no governor has ever expressed himself in that way. I never heard of it; but on the contrary every governor who has expressed himself on that subject has said we ought to have a settlement.

Mr. SHERMAN. Mr. President, I must protest against the habit that it seems to me has grown up in the Senate of interruptions more than I think it used to be. I do not know whether it is so or not, but it strikes me that it is more than it used to be. The interruption of Senators on the floor ought not to be carried so far. However, we have secured from the Senator from West Virginia one important fact. I was not arraigning West Virginia or East Virginia; I respect both those States, and I believe both those States have undeveloped resources which some day will make them rich and powerful and able to pay a good deal more than their present debts. But the Senator from West Virginia himself confesses that the guarantee or promise on the part of the State of West Virginia to assume a portion of the debt of Virginia, of the old State, was omitted by the democrats in forming the new constitution, according to his own statement; and I have no time to look into it. All there is in it is that when the proportions are adjusted or settled and they find out what it is, then they will pay the share of West Virginia.

Mr. DAVIS, of West Virginia. I know the Senator will allow me a moment. In the constitution of 1862, the first the State had, you will find a reference to the debt pending between the two States, and the State of West Virginia proposed to assume a just and equitable proportion of it. That constitution stood until 1872, when there was a second constitutional convention, and by that convention the same words were not used, but a provision was made then for the bonded debt, and he will find it in two places.

Mr. HOAR. The Senator cannot find any such provision, I think.

Mr. DAVIS, of West Virginia. It will be but a few days before the subject will be properly presented to the Senate, and then the Senators will know just how it stands. In the mean time I would advise my friend from Connecticut particularly to examine into the statements he made yesterday.

Mr. HAWLEY. Let me throw in a remark right here in justice to myself. I stated the exact fact as I understood it, that they left out of the constitution of 1872 that provision in the constitution of 1862 which provided for the assumption of a portion of the debt.

Mr. DAVIS, of West Virginia. Mr. President, the Senator said the republicans did so and so and the democrats did so and so. He was wholly mistaken.

Mr. HAWLEY. The democrats have had the State since 1872 and have not taken one step toward paying the debt.

Mr. DAVIS, of West Virginia. The republicans had it long before that and did not pay anything.

Mr. SHERMAN. Now, Mr. President, it is clear that between the two, West Virginia and East Virginia have refused, neglected, and repudiated practically their public debt; that for years after the democrats came into power, after they got control of every department of government, they neglected to pay the interest of the debt, and after they had entered into an agreement to pay a certain sum they failed to pay it, when a controversy arose among the people of Virginia, not only among democrats but among republicans, as to the terms and conditions of the debt, as to what Virginia could pay and ought to pay. One side was called "debt-payers" and the other side called "readjusters." Neither party was in favor of paying the public debt as it stood, so that in one sense both were equally faulty.

The Senator from Virginia has given his version of that controversy. He has stated that he was in favor of paying two-thirds of the debt at a fixed rate of interest, a rate of interest that if the credit of Virginia was as good as it formerly was would make her bonds at par to-day, leaving West Virginia to provide for one-third of the debt, leaving one-third of the debt to be provided for by West Virginia. Although all sides were in favor of repudiating the debt to a certain extent, the "debt-payers" only proposed to pay a part of it at a rate of interest of 4 per cent., I believe, and the readjusters proposed to pay a little less rate but probably more of the principal. Because of this difference, lo and behold! this Senate must be revolutionized by the renewing of motions one after another to adjourn and to go into executive session. This must be continued day after day, and day after day, until next December, in order to prevent us from electing a Virginia readjuster to an office here.

Mr. President, this is too narrow a basis to start a revolutionary proceeding upon, a proceeding that my friend from Delaware denounces as revolutionary when it was confined simply to Senators declining to vote. How is that revolutionary? Has not a Senator a right to vote as he pleases? Has he not a right to withhold his vote? Yes. Has he not a right to go out into the cloak-room and not vote? Yes, ordinarily; but whenever his declining to vote or his going into the cloak-room to avoid a vote is for the purpose of defeating the will of the majority or to break a quorum it is wrong. The Senator agrees with me there. So when he votes day after day, and day after day, for motions to adjourn when he does not want to adjourn, and to go into executive session when he knows that there is a piece of business on the table that a majority wish to dispose of first before they go into executive session, he only travels through the same road of revolutionary precedents which he denounces in others and which I am glad to concur with him in saying is improper.

Now what is the fourth reason he gives? Oh! my friend goes into very eloquent—I am sorry I cannot follow him—tropes and figures to

denounce repudiation; repudiation is the evil that threatens our national credit. So it is, but yet he is one of the honored members of a party that has had control in every State of the Union where repudiation has been proposed or has been adopted. If the republican party as it is now organized ever proposed repudiation in any State or community, when or where? At one time we had a proposition to repudiate the debt of Ohio—my colleague is hardly old enough to remember that—when two of the leaders of the democratic party by the name of Byington and McNulty led off in a proposition to repudiate the debt of Ohio, then $25,000,000, when we had a population of something less than two millions. They said we never could pay it. Our bonds had got down to fifty cents on the dollar by reason of their extensive issue for public improvements then going on and conducted by both parties. A proposition was made to repudiate the debt, and it seemed for a time as if we should have the subject seriously discussed in Ohio, just when I was entering into political life; but the good sense of both parties, democrats and whigs, frowned it down, and McNulty was driven to Washington where he was elected by the democratic party Clerk of the House of Representatives, and soon after died, and Byington was driven into exile; and from that day to this we have never had a threat of repudiation from any one.

So with other States; but this doctrine of repudiation now has strong foothold, and it is twin sister to the doctrine that proposed to pay the interest on the public debt by an increased issue of legal-tender notes without any regard to their value. We must remember that ideas about repudiation had even entered these Halls, and for a time it seemed two or three years ago as if the very foundations of the public credit were to be disturbed. I am glad to say that the Senator from Delaware did what he could to prevent it. It was proposed here and almost carried that the resumption act and all acts upon which the public credit was founded should be swept away and repealed by the democratic party; and now my friend from Delaware begs us in eloquent terms, by every consideration of honor, of public faith, not to associate with Riddleberger or the Senator from Virginia because they are tainted with repudiation!

Mr. President, that will not do. That might come from others; but it cannot come from members of the democratic party, which, as I said before, has been the author and the beginner, the finisher and the ender of every proposition of repudiation of the public debt that has been made in the United States of America.

Now, sir, resume the argument, look over it all. Here is a proceeding that is admitted to be, if carried to an extreme extent, revolutionary and dangerous, which blocks the wheels of Government, prevents our discharge of the public business, prevents our going into executive session unless, forsooth, the majority will yield to the minority in regard to the order of business. Suppose, gentlemen, you should drive us to go into executive session; suppose you should control our action so far as to say we shall not do what the majority desire to do; you have the power to do it; no one questions that. Fifteen of you, if you have made up your minds to that dangerous expedient, can do it. It will not be long before the public attention of this country is called to that dangerous revolution. You have the power to do it. Suppose you drive us to that point that we go into executive business and propose to go on with the public business; when we get there you may say, "We will not consider a nomination that we do not like; fifteen of us will begin to exercise the same tactics." If you can do it to prevent the change of clerks here, why can you not do it when you come to act on the nominations of the great officers of the Government? Why can you not do it when you come to great matters as well as little matters? If revolutionary expedients and violation of the rules of the Senate are to be justified in these little matters, why not in greater matters? If the majority once yield to the minority this right of controlling the order of disposing of what they will, there is an end of orderly deliberation in this body.

No, sir, it is better as of old when one party goes out and another comes in that the party going out should accept the inevitable with meekness and kindness. Both parties are subject to these conditions, and whenever a majority of one, or even the bare constitutional majority of the casting vote, appears on one side or the other, the power ought to be cheerfully and in a friendly way handed over to the other, very much as an English minister would say, "Well, gentlemen, I believe I am right, but the House of Commons has decided that I am not by one majority; my message goes to the Queen, and she will send for the leader of the opposition." That is the orderly course of business. So in this body in my judgment this thing ought not to have occupied twenty-four hours. When the majority had by its action plainly intimated to the minority its desire to change certain officers, it ought to have been yielded to. They might have said, "This is very hard; you turn out these gentlemen who are good officers at the beginning of the season; they will lose the summer." We would have said, "Very well; do what has been done in other cases, give them their salary until next December, or if you please let the election of these new officers take effect on the 1st of July." The Senate has full power in that regard. Any terms of that kind would have been acceded to; but when they say, "No, you shall not turn out these officers, though we admit you are a majority; you shall not do it;" and then resort to revolutionary expedients, they pass the bounds of safe example. They cannot even fall behind that narrow basis of drawing a distinction between a majority made by the presiding officer, the Vice-President, and a regular majority, because on every vote made since the committees were organized there has been a majority of Senators on our side except on one tie vote, when their motion made was lost anyway; but on every other vote there has been a majority of Senators.

Sir, I did not intend to be drawn into this discussion. I appeal to Senators to allow us to proceed with the ordinary course of business; let us take the vote on the pending resolution. The majority have shown their desire to do it; and you ought not to resist it any further than to get your absentees in, or any further than to secure full opportunity for the friendly debate you desire to carry on. You may denounce us for our connection with the Senator from Virginia. We will take care of that. You may denounce us for voting for Mr. Riddleberger. We will take care of that. Anything that you ask of us in reason we will yield without any solicitation. But, sir, when you say to us, "Though now in the minority we will not let you go on with the public business except as we shall dictate," you put us in a position where we cannot surrender our position without endangering the institutions of our country, without endangering the laws of every deliberative body that ever existed since deliberation was known in political bodies. The majority must rule; the minority must have its rights; those rights must be respected to the last extent, even to personal discomfort, to secure full debate, to get in their absentees, to arouse public attention. That is reasonable and fair. But when that is exhausted, then the inevitable must come, or we have in this country nothing but a Mexican republic; we have a republic in the power of fifteen Senators to break it up at their will and pleasure under the rules, because we cannot even change the rules so as to defeat an attempted revolution. We cannot do anything except at their pleasure.

Suppose this idea had existed during the war when we had session after session night after night, when some of the most vital measures of the war, upon which rested and depended the fate of this country, were pending, and a small but a very able minority of men had exercised their right to call the yeas and nays and to interpose these dilatory motions. As I said yesterday, we sat through many a weary night to hear them out, but they never resorted to that expedient. I have heard the Senator from Delaware denounce over and over again some of the acts that we have passed, some that have been approved by the Supreme Court of the United States, some that were considered vital and necessary in the reorganization of State governments when reconstruction commenced, as unconstitutional, null, and void, dangerous to the public liberties, and all the other words and phrases that he could heap upon the measures of an opponent, but he never and his associates in those days never thought of resorting to this expedient.

I will say for the democratic party that during those long struggles it was never thought of to resort to dilatory motions except in order to secure debate and to secure time, and we generally gave them the time they desired and thus avoided controversy. Suppose they had adopted this doctrine on the passage of the thirteenth amendment or the fourteenth amendment or the fifteenth amendment, we never could have had those great safeguards of public liberty ingrafted in the Constitution.

This example is dangerous, it is revolutionary; it is like many good things which taken in moderation do very well. These dilatory motions to accomplish a wise purpose will always be acceded to and justified by the people; but when they go beyond reason they travel upon revolution, and I believe that the good sense of the people of this country will see this controversy in that light. The Senator from Delaware has not made out his case; the mysterious and mystical reasons that he was going to give us according to his promise yesterday disappear like the clouds before the summer sun; the ideas are too small, the grounds of opposition too weak. I trust to him, to his sense of honor, to his sense of patriotism, to his independence of character, to let us out of this difficulty by allowing the majority to proceed in an orderly way to the transaction of the public business.

Mr. BURNSIDE. Mr. President, I should like to ask the other side of the Chamber what would be their course in case the Vice-President should notify us to-day that he wanted to go to New York for forty-eight hours and we should bring forward a resolution——

Several SENATORS. Let him go.

Mr. BURNSIDE. Suppose we should bring forward a resolution to elect a President *pro tempore?*

Mr. COCKRELL. When that time comes we will determine what we will do.

Mr. BURNSIDE. I just suggest it to them. It may be an easy thing to laugh at; but you know what result might happen.

Mr. DAVIS, of West Virginia. I hope he will go. We shall find a way to elect a President *pro tempore.*

Mr. DAWES. Mr. President, I hope we shall have a vote on the resolution now.

Mr. McPHERSON. I should like to ask the honorable Senator from Ohio a question before he entirely leaves the floor. If the honorable Senator from Ohio at this time, having recently been elected by the republican party of the State of Ohio a Senator in this body, should decide to separate himself from his allegiance to that party and go over to the democratic party—which I suppose is quite impossible; I might as well anticipate his answer in that regard, because that would be a greater stride onward and upward than even

a good man from the good State of Ohio would take—but I ask the question, suppose he should decide to separate himself from his party and go over to the democratic side, would he first surrender his commission to the people of Ohio who elected him; would he first offer to them a surrender of that commission, or would he proceed deliberately to take his seat upon the opposite side of the Chamber and vote with the democratic party?

Mr. SHERMAN. Mr. President, I think my answer to that question will show the absurdity of the position gentlemen occupy. Suppose the Senator from Virginia should resign his commission, as the Senator from New Jersey suggests, would it be a proper thing to do——

Mr. McPHERSON. I have suggested nothing. I have simply asked a question.

Mr. SHERMAN. Ah! Mr. President, we are not children.

Mr. McPHERSON. The deduction may follow.

Mr. SHERMAN. We are not children here. Whenever I choose to change my political relations I will determine then what I will do and how I will do it; but there is no likelihood at all of my joining the democratic party. As to this particular case, there is no pertinency whatever between it and the case put by the Senator in the question he propounds, because, as I have shown, the Senator from Virginia did not get a single democratic vote in the sense in which you consider men democrats. As I am told, he was elected by men who were opposed to the Bourbon democracy; and if he should resign he would resign to his own friends who are now supporting him by resolutions passed in various public meetings held by the very men who support him and who now control the Virginia Legislature. Therefore the case does not arise.

Mr. McPHERSON. I know the honorable Senator has already stated that fact, claiming it to be a fact, and with a great deal of emphasis. I did not suppose that the honorable Senator would undertake a vindication of one of his colleagues unless he was able to accomplish an effective and full vindication. He sent to the desk of the Secretary a statement and had read what was claimed to have been an interview with the Senator from Virginia, [Mr. MAHONE.] When I asked him the question as to whether that interview took place before the election which decided whether Mr. MAHONE was to occupy a seat in this body or not, he said that he did not know, but he still knew the fact of that interview, and he adduced the statements contained in Mr. MAHONE'S answer as an argument why Mr. MAHONE was not supported by the democratic party of Virginia, and as a reason why he owed them no allegiance.

Now, Mr. President, I ask the Senator from Ohio again, or any Senator on that side of the Chamber, to answer me this question: Can they show by any interview, by any speech, by any resolution, by any act, by any declaration made by the Senator from Virginia before his election, before the time that the votes of the people of Virginia were cast for him as a candidate for Senator here, that Mr. MAHONE intended to vote with the republican party? Is it not true, on the other hand, the readjuster party of Virginia ran a ticket upon a platform which the Senator from Ohio declared that he was not in sympathy with some of the declarations of? Now I ask that Senator what declaration there was contained in that platform other than the one with which he is not in sympathy that was not found in the democratic platform? Could he not with the same consistency and the same propriety trust any other democrat from Virginia? Could he not with more consistency and propriety trust a man who repudiated that part of the platform with which he was not in accord? Now, will the honorable Senator answer me another question?

Mr. LOGAN. He has not answered that yet.

Mr. McPHERSON. He can answer them all at once. Does he believe that if Mr. MAHONE—the Senator from Virginia I should say, because I have no right in a parliamentary way to mention names on this floor—does he believe for one moment that the party called the readjuster party, and which I have heard it claimed by republican Senators was made up largely of the democratic party in Virginia, a party that had never renounced its allegiance to the faith and principles and the policy of the national democracy as enunciated in its national platform, but believed in its policy—do you believe that those democrats would have voted for the Senator from Virginia upon the distinct assumption that he was to vote with the republican party when he got here? Unless the Senator can answer these questions to the satisfaction even of his own side of the Chamber, I claim that the full vindication of the Senator from Virginia which he has attempted here has not been made.

Mr. HOAR. Mr. President, I do not desire to prolong this debate at this moment by any contribution of mine, except to make two sufficient and conclusive answers to the honorable Senator from New Jersey, [Mr. McPHERSON.]

In the first place I wish to show him that, taking his own narrow view of the character and the public duty of a Senator of the United States, he is mistaken. The democratic party of Virginia before the election of the Legislature which sent here the present Senator from Virginia, before the presidential election, warned him by every mode by which they could officially express their relation to him that he had no further part or lot with them.

Mr. McPHERSON. May I interrupt the Senator just now?

Mr. HOAR. Not at this moment until I have made the point, then the Senator may.

I wish to read now from the chief organ of the democratic press of the State of Virginia, the Richmond Dispatch, a sentence published a few days previous to the last fall election:

As for individuals, their action on the 4th of November will settle their status. Those who follow Mahone will do so understanding that they need never ask for recognition by a conservative convention or a democratic administration.

Next I hold in my hand the address of the executive committee of the democratic party of Virginia bearing date—

ROOMS CONSERVATIVE EXECUTIVE COMMITTEE,
Richmond, Virginia, July 28, 1880.

After speaking of the regular democratic ticket for presidential electors, they go on to speak of the Mahone ticket thus:

The other ticket was framed—

Says the official committee of the democratic party of Virginia—

The other ticket was framed by a convention that neither bore the name nor affected the principles of the national democracy. It assembled after the national convention adjourned; sent, of course, no representative thereto, and was without a voice or vote therein; was composed indifferently of democrats and republicans; counted among its constituents over forty negroes, and among these some delegates to the State republican convention, and many recognized as republican leaders; took pains, as we shall see, to disown all allegiance to or connection with the party that nominated Hancock and English; and as it was without participation in the choice, so is now without share in the organization of the national democratic party.

Mr. McPHERSON. May I ask the Senator a question right in this connection? Did not the so-called readjuster party of Virginia run an electoral ticket in the interest of Hancock and English?

Mr. HOAR. Yes, and that is the one they are talking about. [Laughter.] Mr. President, it is the very insult of hypocrisy for democrats, members of a party, who by every form of official expression warned this man that he was not of them, that he did not belong to them, and neither he nor any supporter of his Hancock ticket should thereafter be treated as a democrat, when they come into the Senate of the United States, now in a minority, first to get down on their knees, as they did for three weeks before the organization of this Senate, begging him to come in and help them, and then, when they failed in their effort, to assume this sudden virtue and spasm of lofty indignation and undertake to denounce the republican party as they do, that we are allying ourselves with what they call the dregs of the South.

Mr. President, I challenge a democratic Senator on this floor to stand up in the face of the American people and declare that he would refuse to support for public office or refuse to have a political alliance with anybody at the South for the reason that he entertained the opinions in regard to the payment of public debts attributed to Mr. Riddleberger or to Mr. MAHONE.

Mr. BAYARD. May I——

Mr. HOAR. Will the Senator from Delaware, who does me the honor now to rise to interrupt me, say that?

Mr. BAYARD. Yes; the Senator wants an answer and I will try to give it to him in the simplest English in the world. If a man—I do not care who, democrat or republican—advocates the side of repudiation and repudiation is made the issue, I would never support him, no matter what might be the number of votes by which he had been nominated.

Mr. HOAR. If repudiation is made the issue; but suppose repudiation is not the issue?

Mr. BAYARD. But repudiation in this case by the action of the Senator's party is made the issue.

Mr. HOAR. It is not. I deny it. Now I will resume the floor.

Mr. BAYARD. I affirm it.

Mr. HOAR. I resume the floor. The difference between the Senator and me is that when the honest ballot, when the living of voters in safety at their homes, when assassination and fraud are the issue, he will ally himself with the repudiationist who stands for all these things, and I ally myself with the repudiationist who joins with me to put them down.

Mr. BAYARD rose.

Mr. HOAR. Now let me read, before the Senator goes further—I do not yield to him at this moment; he was very unwilling to yield to me——

Mr. BAYARD. But the honorable Senator in the heat of his advocacy forgets, I think, to pay due respect to the motives of an opponent.

Mr. HOAR. I do not attribute motives; I deal with the fact.

Mr. BAYARD. But why, then, does the honorable Senator seek to stand before the country and ally me in any way with dishonest and unfair political methods? Why should he do it, and why is it necessary for his case?

Mr. HOAR. Because whenever the party that performs those things at the South is in distress the Senator from Delaware brings the weight of his own honorable and fair personal character always to its rescue. That is why.

Mr. BAYARD. I do not think it worth my while to deny, and I have lived too long to think it necessary for me to deny, such an allegation. The methods spoken of by the honorable Senator have found in me as active, as practical, as resisting, as persistent an opposition as my nature was capable of making.

Mr. HOAR. Well, Mr. President, the Senator thinks so; but in my judgment he is alone in thinking so. I have never heard from a southern Union man, black or white, I have never heard from a northern freeman of any color, the Senator from Delaware reckoned

among the saints of that church. Why, Mr. President, let us look a little at this new-born zeal of our democratic friends against men who ally themselves with what he called the dregs of southern politics, with men who, to borrow the language of the Senator from Mississippi [Mr. LAMAR] the other day, are indorsing this leprosy. The readjusters of Virginia certainly have been frank in the expression of their opinions, however bad or of evil tendency those opinions might have been; their opinions were well known during the presidential canvass of last year, and democratic oratory was not spared in endeavoring to induce those men to give their support to the democratic party. Let me read from a report in the Staunton Vindicator, a paper which I understand is one of the leading and principal Bourbon democratic papers in the State of Virginia, a passage.

Mr. MCPHERSON. Will the Senator allow me——

Mr. HOAR. Not at this moment. I am reading from another democrat.

Mr. MCPHERSON. I was only going to ask how long I should have to wait for an answer to my question.

Mr. HOAR. I am going at this time to yield my time to another democratic orator, not to my friend from New Jersey. Here is the speech which that paper says was made by an honorable Senator from North Carolina to an audience of Virginia—MAHONE, Riddleberger, readjusters. Hear what he says, the honorable Senator who sits opposite me, [Mr. VANCE:]

> How can your debt affect or be affected by the presidential election? You *must* fix this thing up among yourselves. We have had readjustment in North Carolina. I am a readjuster myself.

Just think of my unhappy friend from Delaware. He cannot walk out of his seat through that end of the Chamber without coming against the Senator from North Carolina who says, "I am a readjuster myself." And he goes on:

> We just said, "We had land and negroes; you took the negroes, which were equal to the lands, away; now, you just credit us with fifty cents in the dollar and we'll pay you the balance." [Laughter.] We settled it, and didn't have anything to do with a presidential election either. And your State debt question—

Which has so much to do with the administration of his office by the Sergeant-at-Arms of the Senate!—

> And your State debt question hasn't either. Settle that some other time.

Now, Mr. President, I should wish to repeat once more a passage in Scripture which occurred to me the other day. When our learned friends on the other side, our virtuous friends, our debt-paying friends, our honest friends, preach to us with horror the wickedness of putting this man into a ministerial office in the Senate of the United States, all I have to say is: "Beware ye of the leaven of the Pharisees, which is hypocrisy."

But, Mr. President, there is another thing I wish to say. I utterly repudiate for myself the doctrine of the democrats on the other side of the Chamber which makes here a Senator of the United States simply a party tool and organ. The Senator from Delaware, I know, will join with me in that repudiation. He believes as thoroughly as I do in the doctrine that I am about to state, I am sure, although I think he forgot it and abandoned it, and I do not think he is practicing on it at this moment. A Senator of the United States, under the Constitution of the United States, is chosen for six years to perform every duty of the senatorial office according to his best discretion at the time he performs it, not to be instructed by any man or body of men, not to be responsible to any man or body of men, but responsible only to his conscience and his God.

The very idea upon which this conservative branch of the Government of the United States was framed was that for six years the people put out of their own hands, out of the hands of the States, out of the hands of the Legislatures, into the hands of the chosen and picked sages of the Republic this large and weighty power and discretion; and that idea has been acted upon again and again not only in former times but in recent times.

When Senator Trumbull, of Illinois, abandoned the republican party that elected him to his seat in the Senate he retained through his constitutional term his position, although he acted during the last part of that term with the party now occupying the seats on the other side. So did Mr. Doolittle. When my honored and beloved friend, whose memory is to me one of the most cherished recollections of this earth, Charles Sumner, thought it his duty to differ with the republicans of his State and join with the movement on the other side in the support of Horace Greeley; when he wrote a letter urging the colored men of North Carolina to support the Senator himself, who is a readjuster, for the office of governor, much as we regretted his judgment, much as we differed from him in opinion, the republicans of Massachusetts recognized the full right of that illustrious Senator to act in public as his conscience might require; and I say to you—and my colleague I know will confirm what I say—that there was not an event in future history more certain than the re-election of Charles Sumner to his seat in this body by a republican Legislature of Massachusetts if he had lived until the election came around. The doctrine into which party necessity has driven the honorable Senator from Delaware is not only, as has been so well said, revolutionary, but he forgets in his argument in support of that doctrine the senatorial character of which I am happy to say I think him so honorable an example.

Mr. VANCE. Mr. President, I rose to ask the Senator from Massachusetts whether it would be agreeable for me to interrupt him or whether I should wait until he was done; but I did not obtain his recognition. He was pleased to read from a speech which I made in the valley of Virginia in the last campaign showing that I was something of a readjuster myself. I made that speech, Mr. President; and although it is reported by a person who does not pretend to be a stenographic or short-hand reporter, I presume the publication was substantially correct as far as it went. I did advocate the doctrine of readjustment on that occasion. I proposed that instead of readjusting the State debt of Virginia, we should readjust the national politics of this country and eject from office some of the many men who had disgraced it by attempting to deprive the people of their liberties and had covered the American name with corruption. That was the principal readjustment that I advocated. I then alluded to the fact that North Carolina had not settled her debt in full, and that even if I recognized the propriety of a citizen of an adjoining State going into Virginia and reprimanding her people about the manner in which they should settle their own State debt, I should have nothing to reproach Virginia with, because my State had not settled her debt in full. That was the position I assumed there, and I am a little astonished that notwithstanding that speech was published and went throughout the length and breadth of Virginia, the particular friends and adherents of the new Senator from Virginia [Mr. MAHONE] should lately have denounced me in Norfolk for an attempt to interfere with them in the State of Virginia in regard to the settlement of their debt! There is a mistake somewhere or other in this matter. I either did not interfere with their debt question in Virginia, or I did. If this speech is true which I made in the valley of Virginia, then, Mr. President, the resolutions of the readjusters in Norfolk were not true. One or the other must be the case.

> *Resolved*, That we, the readjusters of the city of Norfolk, and others, heretofore acting with the so-called democratic and the republican party, hereby express our hearty approbation of the manly and independent course pursued by General WILLIAM MAHONE, Senator from Virginia, upon the floor of Congress, in refusing to cooperate with BAYARD, who had grossly misrepresented him and his party, and who lacked the manliness to correct his misstatements when informed of them; or to go in caucus with HAMPTON, VANCE, and MORGAN, who came from repudiating States to teach honesty to and defeat our party in Virginia, who were striving for a just and equitable readjustment of the State debt, or to act with JOHNSTON, whose interference with our debt question the people of the Commonwealth had emphatically repudiated at the polls.

Mr. HOAR. Will the Senator allow me to ask him what Morgan is there referred to?

Mr. VANCE. I prefer not to be interrupted by the gentleman who would not recognize me when I was trying to obtain his attention, and if he cannot be easy I hope he will be as easy as he can. [Laughter.] Now, Mr. President, either a direct misstatement has been made with regard to my course in the campaign in Virginia last summer, or there is only one other interpretation to be given to it. It is seen that by the speech which I made in the valley of Virginia I was in favor of paying fifty cents on the dollar, and so said to the crowd who were listening to me; and when I am here accused of trying to teach honesty to the State of Virginia, or rather to that portion of it that were called readjusters, perhaps the impudence and the interference consisted in trying to get them to pay as much as fifty cents on the dollar, which I was willing to do. I do not know how that was. I will leave them to settle it among themselves.

I now desire to say, Mr. President, that North Carolina is not a repudiating State. I desire to say to the Senator from Massachusetts that while North Carolina has not settled her debt in full, comes far short of having settled it in full, the compromise which was made by her last Legislature, and under which her debt has been refunded, or is now in process of refunding, and under which more than half of all her outstanding indebtedness has already been taken in, was made when a committee of the bondholders of the State of North Carolina were present with the committee of the Legislature in charge of the debt question, and that committee of bondholders acceded to the proposition made by the Legislature of North Carolina. It was wholly voluntary and not compulsory. That was the settlement of the debt of North Carolina; and moreover when that committee of bondholders was in conference with the legislative committee and it was agreed that a full and frank and candid conference should be had and questions asked and answered on both sides, after the committee on the part of the Legislature had responded fully to every question concerning the resources and the condition of the State and its capacity to pay its debt in full, then questions were put in turn to the bondholders to know what they had paid for the bonds which they held, for our bonds were nearly all in second hands, and they frankly confessed that the sum which we agreed to give them largely exceeded that which they had paid for their bonds; and they accepted that settlement gladly, and they made money by the proposition.

Now, the Senator from Massachusetts, I know, is aware that there is a good precedent for settling the public debt at what it cost the holder thereof. The Government of the United States so settled the Continental scrip upon which we fought the war of independence and won our victory at about the rate of eight hundred for one, as I recollect.

There is the difference between the State of North Carolina and the

State of Virginia; and the Senator from Virginia the other day, when he made his speech, which I did not have the pleasure of hearing, referred to the fact that North Carolina was a repudiating State, as he saw proper to denounce it, and undertook to quote the act of her Legislature by which her debt was settled; he left out, for what reason is best known to himself, two important sections of that act, to wit, the third and fourth, which provide that the bonds to be issued under that act in taking up the old debt were to be non-taxable by any authority whatsoever, State, municipal, or county, and further that the coupons upon those bonds were to be receivable in payment of public taxes. Those two things were left out in his statement, because, as I suppose, while upon the face of the bills as thus presented the Riddleberger bill would appear to be a little better, yet inasmuch as the Riddleberger bill neither permitted the coupons of the bonds to be receivable in payment of taxes nor exempted them from taxation, which might have destroyed the whole of their value, it could not compare with the full text of the North Carolina bill.

Mr. President, I did not propose to occupy time now, but I will address the Senate to-morrow with its permission. For the present, having answered the assault which the Senator from Massachusetts made on me, if it could be called an assault, I do not name it as such in an improper spirit, I shall say no more on the subject of North Carolina; but I propose to-morrow, with the permission of the Senate and for the purpose of vindicating my State and her good name, which is dear to me as a matter of course, to give a short history of the legislation of North Carolina with relation to her public debt.

Mr. DAWES. Now, Mr. President, I hope we may have a vote on the resolution.

Mr. VANCE. I was just about proposing to the Senator from Massachusetts to let us adjourn and go to dinner.

Mr. DAWES. I hope that we may clear up the business before us, which we can do in fifteen minutes, and then the Senator from North Carolina will have a clear field for his speech to-morrow.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to indefinitely postpone the pending resolution of the Senator from Massachusetts, [Mr. DAWES.]

Mr. HARRIS. Mr. President, in order that we may give our attention to that business for which we were convened by the President of the United States, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Several SENATORS called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired for the rest of the day with the Senator from Maine, [Mr. HALE.] If he were here, I should vote "yea."

Mr. HILL, of Colorado, (when his name was called.) I am paired on this question with the Senator from Arkansas, [Mr. WALKER.]

Mr. MORRILL, (when his name was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Arkansas, [Mr. GARLAND.] On this question I vote "nay."

Mr. PLATT, of Connecticut, (when his name was called.) I am paired for the day with the Senator from West Virginia, [Mr. CAMDEN.]

Mr. INGALLS, (when Mr. PLUMB's name was called.) The Senator from Kansas [Mr. PLUMB] is paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. ROLLINS, (when his name was called.) On this question I am paired with the Senator from Florida [Mr. JONES] who was called away on very important business.

The roll-call was concluded.

Mr. GROVER, (after having voted in the affirmative.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK,] and I withdraw my vote. I forgot it when the roll was called.

Mr. TELLER. I am paired on this subject with the Senator from Texas, [Mr. MAXEY.] He will be absent from the Senate some little time; and this pair will continue on all political questions.

Mr. HARRIS. I was requested by the Senator from Mississippi [Mr. LAMAR] to state that he was paired with the Senator from Kansas, [Mr. PLUMB.]

The result was announced—yeas 25, nays 26; as follows:

YEAS—25.

Bayard,	George,	Johnston,	Saulsbury,
Brown,	Gorman,	Jonas,	Slater,
Call,	Groome,	McPherson,	Vance,
Cockrell,	Hampton,	Morgan,	Vest.
Coke,	Harris,	Pendleton,	
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Farley,	Jackson,	Ransom,	

NAYS—26.

Allison,	Edgerton,	Kellogg,	Morrill,
Anthony,	Ferry,	Logan,	Platt of N. Y.,
Blair,	Frye,	McDill,	Sawyer,
Burnside,	Harrison,	McMillan,	Sewell,
Cameron of Wis.,	Hawley,	Mahone,	Sherman.
Conger,	Hoar,	Miller,	
Dawes,	Ingalls,	Mitchell,	

ABSENT—25.

Beck,	Fair,	Lamar,	Van Wyck,
Butler,	Garland,	Maxey,	Voorhees,
Camden,	Grover,	Platt of Conn.,	Walker,
Cameron of Pa.,	Hale,	Plumb,	Williams.
Conkling,	Hill of Colorado,	Rollins,	
Davis of Illinois,	Jones of Florida,	Saunders,	
Edmunds,	Jones of Nevada,	Teller,	

So the motion was not agreed to.

Mr. DAWES. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and twenty-one minutes p. m.) the Senate adjourned.

THURSDAY, *April 7*, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CAPITULATIONS OF OTTOMAN EMPIRE.

The VICE-PRESIDENT laid before the Senate the following communication; which was read:

To the Senate of the United States:

I transmit herewith, in response to the resolution of the Senate of the 18th ultimo, a report of the Secretary of State, with accompanying papers, in relation to the capitulations of the Ottoman Empire.

JAMES A. GARFIELD.

EXECUTIVE MANSION, WASHINGTON, *April* 6, 1881.

DEPARTMENT OF STATE, WASHINGTON, *April* 5, 1881.

To the President:

The Secretary of State, to whom was referred the resolution of the Senate of the 18th ultimo, requesting the transmission to that body of a copy of the report made to him by Edward A. Van Dyck, consular clerk at Cairo, on the capitulations of the Ottoman Empire, has the honor to lay before the President herewith the report called for, with its appendices.

This report, of which the first part is now submitted, will, when complete, be doubtless found of interest and value, as throwing much light, not merely on the relations of the European powers to the Porte, which have been so prominent of late, but also on the treaty rights of the United States, as based on the "most-favored-nation" treatment accorded in the existing treaty with Turkey.

JAMES G. BLAINE.

Mr. BURNSIDE. I move that the communication and accompanying report be referred to the Committee on Foreign Relations and printed.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. BECK, it was

Ordered, That William B. Clift and others be allowed to withdraw the papers accompanying Senate bill No. 826 of the Forty-sixth Congress on file in the Senate.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution submitted by the Senator from Massachusetts [Mr. DAWES] for the election of certain officers of the Senate, the pending question being upon the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which the yeas and nays have been ordered.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. The Senator from North Carolina [Mr. VANCE] yesterday indicated a desire to occupy the attention of the Senate to-day.

Mr. PENDLETON. The motion will not interfere with him. He is willing that we should go into executive session.

Mr. DAWES. I did not know but that it would interrupt his arrangement.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. PENDLETON. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were present, he would vote "yea" and I should vote "nay."

Mr. CAMERON, of Wisconsin, (when Mr. GROOME's name was called.) The Senator from Maryland [Mr. GROOME] is paired with my colleague, [Mr. SAWYER.]

Mr. HARRIS, (when his name was called.) I agreed to pair with the Senator from New York, [Mr. CONKLING,] who is absent. The Senator from Indiana [Mr. VOORHEES] is confined to his home by indisposition, and I have transferred my pair with the Senator from New York to the Senator from Indiana.

Mr. SEWELL, (when Mr. MCPHERSON's name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

Mr. SAUNDERS, (when his name was called.) I am paired on po-

litical questions with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. COKE. My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] If my colleague were here, he would vote "yea." I make the announcement for the day.

Mr. FARLEY. I am requested to announce that the Senator from Nevada [Mr. FAIR] is paired with his colleague, [Mr. JONES.] I make the announcement for the day.

Mr. BECK. I desire to say, and I also make the announcement for the day, that my colleague [Mr. WILLIAMS] is still detained at home by reason of indisposition, and is paired with the Senator from Nebraska, [Mr. SAUNDERS.]

The result was announced—yeas 29, nays 30; as follows:

YEAS—29.

Bayard,	Farley,	Johnston,	Saulsbury,
Beck,	George,	Jonas,	Slater,
Brown,	Gorman,	Jones of Florida,	Vance,
Call,	Grover,	Lamar,	Vest,
Camden,	Hampton,	Morgan,	Walker.
Cockrell,	Harris,	Pendleton,	
Coke,	Hill of Georgia,	Pugh,	
Davis of W. Va.,	Jackson,	Ransom,	

NAYS—30.

Allison,	Ferry,	Kellogg,	Platt of Conn.,
Anthony,	Frye,	Logan,	Platt of N. Y.,
Blair,	Hale,	McDill,	Plumb,
Burnside,	Harrison,	McMillan,	Rollins,
Cameron of Wis.,	Hawley,	Mahone,	Sherman,
Conger,	Hill of Colorado,	Miller,	Van Wyck.
Dawes,	Hoar,	Mitchell,	
Edgerton,	Ingalls,	Morrill,	

ABSENT—17.

Butler,	Fair,	Maxey,	Voorhees,
Cameron of Pa.,	Garland,	Saunders,	Williams.
Conkling,	Groome,	Sawyer,	
Davis of Illinois,	Jones of Nevada,	Sewell,	
Edmunds,	McPherson,	Teller,	

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to indefinitely postpone the resolution.

Mr. VANCE. Mr. President, I announced yesterday that I should claim the floor to-day to make a few remarks in relation to the action of my native State concerning its public indebtedness. Perhaps it is hardly necessary to do so. The circumstances which have attended my State and all the States of the South since the war are pretty well known to the country; but inasmuch as my State has been referred to as one of those in the South that has repudiated her public debt, I deem it incumbent upon me to deny that charge in the terms in which it is made, and to explain to the country the actual state of facts.

In 1866, soon after the close of the war, when the Legislature of North Carolina assembled in the midst of the desolation which then surrounded her people, when her lands from one end to the other had been overrun by hostile armies and the blackened chimneys of her burned homes marked like milestones the path of desolation that had passed through her borders, when her railroads were bankrupt, when her banks and moneyed institutions were all overthrown, when one-half of her property had been destroyed by the abolition of slavery, her homes and her pleasant places had been burned, her fields desolated, her public charities ruined, and almost every interest that the hand of war could reach had been overturned, one among the very first acts to be found upon the statute-book of that State was an act recognizing and providing for the payment of interest on the public debt. The State did not even claim, as Virginia through the readjuster party of that State claims, that she should be exempted from the payment of the interest which had accumulated during the war or of the interest which had accumulated during the period of reconstruction. She provided for the whole of her debt, interest and all. I beg to have read by the Secretary that act in full—it is very short—in order that it may be seen what North Carolina in the midst of her desolation then did toward maintaining her credit and meeting her honest engagements.

The Chief Clerk read as follows:

An act to provide for the payment of the State debt, contracted before the war.

Whereas it appears by the estimate of the public treasurer that the debt of the State upon the coupons now due on bonds issued under acts passed prior to the 20th day of May, A. D. 1861, is about the sum of two and a half million dollars, and the coupons falling due in the year 1866 will amount to about the sum of six hundred and fifty thousand dollars, and that the bonds of the State due and to become due in the year 1866 amount to the sum of $364,000, making an aggregate sum of $3,514,000 of the public debt which was contracted before the war to be provided for during the present fiscal year: Therefore, in order to provide means to enable the public treasurer to pay said debts,

SECTION 1. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the public treasurer be, and he is hereby, authorized and directed to cause to be prepared and to sell bonds of the State, to an amount not exceeding the sum of $3,500,000, for the purpose of paying the said debt, which bonds shall bear date the 1st day of January, 1866, and be made payable thirty-four years thereafter, with coupons bearing 6 per cent. interest, payable at such places as the public treasurer may prescribe. The said bonds shall be of the denomination of $100, $500, and $1,000, and shall not be disposed of for less than par, and in all other respects shall be issued agreeable to the provisions of the nineteenth chapter of the revised code; and the said bonds and interest accruing thereon shall be exempt from taxation.

SEC. 2. *Be it further enacted*, That the bonds of the State which were issued under acts passed prior to the 20th day of May, 1861, and which have already become due, or may become due before the 1st day of January, 1867, shall bear interest at the rate of 6 per cent. per annum from the time the same shall have or may become due; and

SEC. 3. *Be it further enacted*, That this act shall be in force from its ratification. Ratified the 10th day of March, A. D. 1866.

Mr. VANCE. At the beginning of the war, in 1861, the taxable property of the State of North Carolina, upon which this debt was based, amounted to $225,000,000. I have not been able to obtain in this city, as I expected, the official documents of the State department of North Carolina, and I state it from memory at $225,000,000, $100,000,000 of which was slave property. When the Legislature passed the act I have just had read by the Secretary the slave property of course was gone, and the real estate and all the remainder of the property that had been taxable was much diminished in value, so that it can be said with truth that the taxable property of the State at that time amounted to about one hundred million dollars, not more.

In 1868 further provision was made for funding the accumulated interest that had not been paid; and in the same year, at another session of the Legislature, the maturing bonds were funded. It was also provided that they should bear interest at the rate of 6 per cent. until provision was made for their payment; so that up to the year 1868 every act that an impoverished and almost ruined people could perform for the discharge of their obligations was done, and was adhered to as faithfully as was in our power. In 1868, however, there came what was known as reconstruction. The fourteenth amendment was submitted to the people of North Carolina, and it was announced that unless that amendment was adopted the State could not be readmitted into the Union. That fourteenth amendment contained a provision that North Carolina should repudiate all of her debt contracted directly or indirectly in aid of the rebellion. So we had either to remain out of the Union under the control of the military which was placed over us by the reconstruction acts, or we had to adopt the fourteenth amendment and drink this chalice of repudiation which was first put to our lips. I announce without the fear of being contradicted that for the first time in the history of North Carolina was she compelled to repudiate any of her obligations. In the course of two hundred and ninety years, since the ships of Walter Raleigh dropped their anchors in Hatteras Inlet and the first man of the Indo-Germanic race ever beheld her glorious forests and her rivers and her bays, for the first time North Carolina was compelled to be recreant to her plighted faith; and that she then did so at the dictation of the loyal, non-repudiating, debt-paying, honest, and virtuous people of the North!

Mr. HILL, of Georgia. The republican party of the North.

Mr. VANCE. The republican party of the North. I speak of those who controlled the North, of course. I commend the fact, Mr. President, to the consideration of gentlemen upon the other side. What was repudiated by that section of the fourteenth amendment which we were compelled to adopt in our own constitution, and which was adopted by the Legislature which was elected under the reconstruction acts? Not only all of the debt properly created by the State of North Carolina in aid of the war, (of that we could not so much complain,) but the bonds issued in support of the government of the State during the period of the war had found their way into all the departments and all the channels of trade and intercourse among our people. A large number of them had found their way to banks necessarily, and most of those banks when these bonds were repudiated became bankrupt and were destroyed. They found their way into all the fiduciary channels of our people. Widows and orphan children whose all consisted in these bonds which had been taken for them by their guardians or by the administrators of the estates of which they were the distributees, these were all repudiated. The school fund found itself in the possession of a large number of them; those were repudiated, and the little children of the State, standing in the midst of a stripped and desolate country, as ours was then, found themselves without the means of education simply because the State had been compelled to repudiate the obligations which constituted their fund. Many an orphan child who has grown up in ignorance, and whose name will appear in the next census reports as one of the illiterate in North Carolina, owes that illiteracy to the repudiating policy forced upon the people of North Carolina by the Government of the United States under the control of the republican party. Nay, sir, it permeated every private contract. In the case of a young man buying a horse and going off into the army and enlisting in the cavalry with that horse, giving his note for it, our republican supreme court, following the dictates of the fourteenth amendment of the Constitution, have declared that the value of that horse could not be recovered in the courts because the seller believed or had reason to know that the horse was going to be used in aid of the rebellion. At that time, when we were laboring under the most rigid blockade, and when the poor of our people were almost on the point of starvation, communities formed associations for the purpose of buying salt for the support of the poor, and to keep women and children from starvation. Our supreme court decided that under the fourteenth amendment of the Constitution of the United States and the articles of our own constitution, which we were obliged to adopt in conformity thereto, the money which purchased that salt to save those women and children from starvation was advanced contrary to

public policy, and was in support of the rebellion, and could not be repaid. It permeated everything; it reduced our people to absolute ruin; they had been on the edge of it before. If we had come out straight and square and repudiated every dollar that we owed, we could have been justified to some extent in saying to the country, "You taught us that doctrine of repudiation." In the language of old Mazeppa we could have said:

Ill betide
The school wherein I learned to ride.

But in spite of all that we had endeavored faithfully to maintain our plighted obligation.

The power departed from the true people, the proper citizens of North Carolina, under the reconstruction acts. The Legislature elected under those reconstruction acts assembled in July, 1868, and they sat for two years almost continuously; and what did they do with the public debt? They incorporated a provision in the constitution that it should be sacred and inviolable, and they "bulled" it, as the phrase is, in Wall street, not for the purpose of honestly paying it or to enhance the price of the bonds of the State, which was then very low, but for purposes of their own, which will appear when I get a little further on. They formed all kinds of companies for the improvement of the material interests of the State; they chartered railroads here and there and in every direction; they provided for digging canals; and they provided for the building of a penitentiary. We had never had a penitentiary in North Carolina previous to that time. We had always thought that the cheapest way to deal with a man who was guilty of stealing or any felony was to take him up to a whipping-post and give him thirty-nine and then let him go free.

All these schemes were inaugurated by the Legislature of 1868-'69, and to carry them out they provided for the issue of about twenty-two million dollars in State bonds. The actual issue to the presidents of these various improvement companies, men of their own selection, to build railroads, &c., was more than sixteen million dollars. What was done with that vast amount of money? Our bonds then were worth something like seventy cents on the dollar. What was done with them? I have stated at home, I state it here—it is not an elegant expression, but, sir, one that is extremely characteristic of the conduct of those people in building railroads—that if you would take a dog of a wet afternoon and drag him down a hillside by the hind legs, you would have about as much evidence of railroad building as the State of North Carolina received from the issue of these $22,000,000 of State bonds. Just about no railroads were built; no penitentiary was built; no canals were dug; no public schools were established for the education of the poor; no asylums for the protection of the insane, of the deaf and dumb, or the blind and helpless—nothing of the sort was done.

Where did the bonds go? Where did the money go? An investigation was had before a committee of the Legislature in regard to the one single bill appropriating $7,000,000 for the completion of the Western North Carolina Railroad, as it was called, and it was proven by the oath of the president of that association that he had paid $252,000 for bribing the Legislature to get that one bill through. That was the republican legislature of 1868-'69. How much of the $22,000,000 was paid to get the other bills through was never known judicially.

Where did those bonds go, Mr. President? A large quantity of them in the hands of a carpet-bagger by the name of Dewees went to the State of Ohio and became invested in an entire block in the city of Cleveland. A very large number went to your own city of New York and were gambled off at faro. Numbers of them were found in houses of prostitution. One noted courtesan was seen with forty thousand dollars' worth of bonds of the State of North Carolina in her possession.

They purchased for the erection of a penitentiary 8,000 acres of land. Think of it! That was a time when there was great excitement in my resurrected and regenerated country on the subject of homesteads. We had poetry on the subject, we had judicial decision about providing every man with a homestead that should be free from turret to foundation-stone, in which no man could molest him or make him afraid, &c., not even the men he owed for bread; and the suspicion was naturally infused abroad in the public mind that the purchase of 8,000 acres for a penitentiary looked forward to the time when all the men who were stealing this money should find a homestead in that place. [Laughter.] A committee was formed to locate that penitentiary. One member of the committee contracted with the owner of the land at one dollar an acre, and then recontracted with his co-committee men to sell it to the State at $100,000, over twelve times the amount. The land itself was as remotely connected with the idea of a penitentiary as any land you ever heard of in your life. It was the poorest land to be found in the State of North Carolina. It was a waste that had been held by speculators for years and years and could not be sold at any price. I am told that at times the grasshoppers would climb up on the mullein-stalks with tears in their eyes and talk about the prospects of the coming crops on that plantation. [Laughter.] There went $100,000 of our bonds, and they did *not* build a penitentiary.

So I might go on and consume the time of the Senate for hours in showing the extravagance and the waste, the carnival of corruption and thievery and scoundrelism that reveled in the old-fashioned and honest State of North Carolina.

Finally, after indignation had been excited to such an extent that it was about to be swept from the face of the earth, that same Legislature passed an act repudiating every single dollar that they had caused to be issued in bonds in aid of railroads. These things went on to such an extent that disorders were produced, and instead of putting down these disorders by redressing the grievances and returning somewhat to the principles of honesty and morality, a law was passed in 1870 by the republican legislature, the same Legislature to which I have referred, authorizing the governor, in his discretion, to suspend the writ of *habeas corpus*, to declare any county in the State that he saw proper in a state of insurrection and to levy an army to make war upon his own people. That was done; a number of counties were declared to be in insurrection in 1870; the writ of *habeas corpus* was suspended; an army consisting of two regiments, one white and one black, was levied for the purpose of suppressing disorder in those counties; and having no arms to arm them the State of New Hampshire very kindly loaned the governor of North Carolina sufficient to equip that motley, cut-throat, and ragged crowd to levy war upon the people and liberties of North Carolina.

Well, that war went on; those counties were declared to be in a state of insurrection; the writ of *habeas corpus* was refused and trampled upon by the governor, though issued by a judge of the supreme court, himself a republican, and men were arrested by the military, and drum-head court-martials were formed for the purpose of trying those men, and even torture was inflicted, as was abundantly proven before a committee of the Legislature, to force those men to confess. They were hanged by the necks until they were almost dead, and then taken down and exhorted to confess.

These things went on until at last the people in their might rose. A large number of the people of North Carolina had been devoted to the Union, and they had accepted the terms of reconstruction; they were opposed to Bourbonism, as it is the fashion to term every man who stands up for his home and his native land; but when they saw this carnival of corruption and riot running wide over society, they turned in the election of 1870, in their quiet manner, without appeals from the newspapers, without inflammatory appeals from politicians on the stump—for the politicians were nearly all afraid of arrest by the military—the people, I say, went to the polls and deposited their ballots, and by the time the sun went down on that noted day in August, 1870, the whole thing was dissolved as the mist before the morning sun. A majority of two to one in the Legislature was democratic, and the democratic candidate for attorney-general, the only officer we elected by a vote at large, was elected by several thousand majority. We recovered the lands of our fathers.

But, Mr. President, we were much in the condition of the old preacher who was traveling, preaching the gospel and depending upon the voluntary contributions of his congregations for his support. On one occasion he stopped and preached lengthily and earnestly at night, and afterward he determined to pass the hat around for a contribution to aid him to go on. The hat was circulated diligently among all the benches, no one was overlooked, and when it was passed back up to the pulpit the old preacher looked into it and there was not a single solitary copper in it. He raised his hands with much pious fervor and said, "Brethren, let us thank God that this hat got back safely out of this crowd." [Laughter.] Mr. President, when the proper citizenship of North Carolina resumed control of it, our taxable property as I have said could not under any circumstances have exceeded $120,000,000, and upon that was a debt of $42,000,000. We thanked God that we had the hat left; we had the dirt left under our feet, and the tradition of liberty which had come from our brave forefathers, and strong hearts and strong arms to go to work with; and like Paul when he came in sight of the Three Taverns, we thanked God and took courage.

Mr. President, from that day to the present, instead of trying to pay this debt that had been created by this carpet-bag government and placed upon us in this fraudulent and outrageous manner, we resolutely turned our back upon it. We have never tried to pay it; we never will try to pay it. It is fraudulent; it is vicious; it is not a debt in any sense of the word. But we have tried to reserve all our energies for the recuperation of our people, and we have been successful in that. The State of North Carolina is now reasonably prosperous, under a good government, and we have taken all classes and conditions of our people in hand down there; nobody has been neglected; all disorders long since have vanished in the State. A constable now can quell with his simple staff of office any kind of disorder that ever arises among our people. The writ of a court is respected by all; the law is enthroned in all its majesty; labor receives a reasonable reward and absolute security in the courts; white children and black are improving in their condition in the schools. Every year the tax for the support of common schools is increased; every year the number of pupils attending common schools increases. Accommodations for the unfortunate of both races have been provided for; two asylums for the insane of the white race, as well appointed as any perhaps in America; one asylum equal in all its appointments has been provided for the unfortunate of the colored race, for the deaf and dumb and blind and the insane. Normal schools for the education of teachers have been provided alike for the white and the black; and although the whites are in a majority of almost two to one in the State over the blacks, yet the amount of money appropriated for the support of schools for the education of teachers for

the black race is equal in amount to that appropriated for the education of the teachers of the white race. They have the same rights in every respect; they organize in every city as fire companies; they organize in every city as military companies, and uniform themselves and receive arms and commissions from the State. There is no distinction made; and the man who to-day can rise here or anywhere and say that the law is not observed in the State of North Carolina and that there is not a perfect equality before it for both black and white maligns and slanders a generous and a just people.

That is what we have done, sir; and while all of these things have been done, the last Legislature, except the one now in existence, provided for the settlement of the public debt, which was referred to the other day by the Senator from Virginia, [Mr. MAHONE,] under the present plan which I announced to the Senate yesterday.

I appeal to just and fair-minded men everywhere if North Carolina has not acted in a proper and just and equitable spirit. Mr. President, if I did not think she had I would say so. Although she is the land of my birth and of my unchanging love, yet if her conduct had not been what I call that of a just and an equitable people I would not rise in the presence of the American people and assert it here. I believe that she has settled her debt honorably.

Now the question comes, "If so, why can you not support the candidate for Sergeant-at-Arms of this body who has done no more than you? Why do you and the people on this side of the House make war upon the new Senator from Virginia for the course that he is taking?" Mr. President, that is avoiding the issue; that is undertaking to skip the issue. The question is not to us "Why can you not support him?" but the question is to gentlemen on the other side, "How can you support him?"

The candidate for Sergeant-at-Arms is a democrat. Well, we upon this side of course can forgive that. The candidate for Sergeant-at-Arms was a rebel and an unrepentant rebel; we on this side can forgive that, for many of us are very much like him in that respect. They say the candidate for Sergeant-at-Arms is also a man who undertook to readjust and settle below its face value the debt of his own State; I, for one, can forgive that, but how can *you* forgive him? He is a rebel, an unrepentant one; he is a democrat, an unrepentant one; he is a readjuster, and an unrepentant one. How can you forgive him—that is the question—not how can *we*, but how can *you*?

Mr. President, I will tell you why I object. I object to voting for any man who calls himself a democrat who has a surname before the word "democrat." I object to the manner in which the republican party have undertaken to foist that candidate upon this Senate for the reason that it is in defiance of the whole plan of political salvation; because he has never repented. They have taken him, as it were, in his sins, unaneled and unshriven, in a state of nature, not in a state of grace. [Laughter.] Yes, sir; he has been translated to the heaven of republicanism without ever tasting of death. [Laughter.] This model democratic rebel readjuster, this political Elijah has been taken to the republican heaven in a chariot of fire before our eyes right here, [laughter;] and all that we could do as the sparks flew from the hoofs of these heavenly coursers as they thundered against the cerulean pavements of the skies, was to throw up our hands and exclaim, "My father, my father; the chariot of republicanism and the horsemen thereof." [Laughter.]

Mr. President, may I be pardoned for telling another story? I am aware that it is contravening the dignity of this august body; but when the Senator from Connecticut [Mr. HAWLEY] told us the other day of the horrors and the power of this democratic solid South, how they were going to break it up by this election, and how they were going to start the ball in motion, I was reminded of a half-witted boy that had been to Sunday school, and when he came one morning instead of attending to his lesson he insisted on telling his teacher about the death of the family dog; and said he "Tige was a good dog, too, and he looked mighty savage but he would not bite a bit;" and then after a solemn pause and scratching his head said he "I bet the angels will be scared when they see Tige coming trotting through the front gate." [Laughter.] Mr. President, we are to see the solid South broken into a thousand atoms, the foundations of the great deep of the southern democracy are to be broken up when "Tige" comes trotting through the front gate. Did you ever know, sir, so great an undertaking inaugurated by such small means? Did you ever know a party to confess by indirection the extremities and the straits to which they were reduced? They announce here that they rely for party success upon an alliance with the Senator from Virginia and the election of Riddleberger to be Sergeant-at-Arms of this body. That is to break "the solid South." Yes, sir, the end of all things is come now. If the success of the republican party in the next four years depends upon that, I beg to say to them they had better make their wills, put their houses in order, and prepare for the end. That is the notion I have.

Why, Mr. President, the papers are full daily of condemnation of such conduct; the republican portion of this Senate, the so-called majority, are called upon to explain every day why they make such an alliance as this instead of going to work and transacting the public business. There is the President of the United States, who convened this Senate in special session for the purpose of confirming nominations of officers that were necessary to enable him to carry on the government of the country; and the Senate of the United States, at least a majority of the Senate—at any rate they call themselves a majority—have determined that all these things must wait, that there is a great crisis upon the country. Well, Mr. President, there may be. I know very well that the safety of the Republic is the supreme law, and that when these great crises arise confirmations and everything else must be stopped, and the momentous questions upon which depend the welfare of the country and of the people must be attended to.

Sir, there have been a number of these great crises in the history of our country. We had that of the Revolution, by which our independence was won from 1776 onward. That was met, fought through, conquered, and our independence was established. Then another crisis arose in the second war with Great Britain, when our right as a nation and our full recognition before the powers of the world was to be established, and that was fought through and established. Not to mention the minor crises which preceded then came the war of the rebellion, and after four years of arduous struggle, when every other interest and subject-matter was subordinated to that all-important thing, the triumph of the Union arms was established, the Union was restored, and that great crisis passed away. Now, we have another: the great crisis now is, whether Riddleberger shall be the Sergeant-at-Arms of the Senate or not; and upon that hangs the destiny of nations. Again that old starry flag is not only fluttering in the breeze, but trembling; that flag which Kane planted at the North Pole, which floats in the winds of every sea under heaven, and the roar of the morning guns beneath which announces to the tyrants of the world that the emblem of the great Republic is here, that flag is about to go down again in blood unless the republican caucus can put an unrepentant rebel and readjuster into the office of Sergeant-at-Arms of the Senate! I am glad to say, fellow Senators, that I think it is a great crisis for Riddleberger; there can be no doubt about that. [Laughter.]

Then we are told this is to be the beginning of a new order of things. The Senator from Connecticut told us that he hailed it as the *avant-courier* of better times, of a disposition to break up this old Bourbonism of the South that never forgot anything and never learned anything; and the Senator from Massachusetts [Mr. HOAR] abandoning, as he sometimes does, the actual region of facts, went into poetic imagination and told us that he saw in the movement from Virginia a disposition of men to come out from among the tombs and turn their faces toward the sunlight and let their brows be illuminated by the coming dawn. I almost give up after that.

Mr. President, the vanguard of this great army is here sure enough, and what must we think of the army itself when we get a good view of the vanguard? Mr. Riddleberger has come out from among the tombs and turned his face eastward toward the sunrise, and is willing to let his brow be illuminated by the dawn as old Trapbois was—for a "consideration," and I understand, though they are not yet presented on the roll of candidates, that from seven hundred to one thousand glorious patriots have come out from among the tombs of Bourbonism in old Virginia and are here and hereabout besieging the aisles and sitting in the galleries and the lobbies of the hotels, willing every one of them to have their brows illumined for a consideration.

Mr. President, Dr. Johnson is credited with saying that patriotism is the last refuge of a scoundrel. So it would seem to me that leaving Bourbonism and turning their faces toward the dawn is the last refuge of a needy and dissatisfied politician in Virginia; and however much of eloquence the republican Senators here may undertake to pour upon this transaction, after all it is simply an endeavor, as was candidly confessed by the Senator from Ohio, [Mr. SHERMAN,] to stay and strengthen the hands of a waning party majority. That is what is the matter. They say they want a free ballot and a fair count, and that is to be the watchword.

Mr. President, when did that free ballot and fair count become necessary? Has it not always been necessary? The honorable Senator from Virginia says that he fell out with the Bourbons some years ago, and if there was any cheating of the people in regard to their votes anywhere in Virginia it must have been done some time ago, for there has been no election there for over six months, and how does it happen that now for the first time this question of a free ballot and fair count becomes necessary to be introduced to the American people? I have noticed—perhaps my powers of observation may be at fault—that a man generally supports his weakest point. If a man is conscious of any particular defect in his character, he is always trying to fool his neighbors in regard to that; and that is why a coward is generally a bully. You will observe that old farmers going around their plantations in the spring of the year do not lay rails up where the fence is high enough. They lay them up on the low places. The commander of a fortress always strengthens the weakest point, and it is said that the strength of a fortification is equal to the strength of its weakest point. So when I hear the leaders of the republican party in this country break out on a fresh trail for a free ballot and a fair count I always look out for some extraordinary outrage upon the ballot-box.

Why, Mr. President, you remember very well that the words which rang through this country like the sound of a trumpet, "Let us have peace," just preceded the time when all the Southern States were deluged with troops. And again it was announced and paraded with another sound of trumpets in regard to the election of 1876, that neither candidate could afford to be counted in by fraud, and that

preceded the great, gigantic, climacteric fraud of eight to seven. Always look out when a politician turns reformer. There is something going to happen just as sure as time permits it to happen. Now the cry of "a free ballot and a fair count" I say is raised by the republican party either because they cannot raise anything else, or because some extraordinary outrage upon the ballot-box and the freedom of the citizens of the South is in contemplation. I have heard it whispered that they were going to raise committees to go down South and overturn a number of elections down there and unseat fifteen or twenty perhaps of the Representatives from that section. I do not know whether that is really so or not; but I think it would have been so if the President had seen proper to call an extra session of Congress. At all events I warn the people of my country so far as my voice can go that instead of this being an alliance for the purpose of promoting the purity of the ballot-box and the freedom of the citizen, it is an attempt once more to subject the people of the Southern States—who have been freed long enough now to accumulate a little money—to subject them once more to the domination of carpet-bag rule, in order that their little savings in the mean time may be gobbled up for the benefit of "loyalty!" That is what I think it means.

Mr. President, I have spoken as to repudiation because it became my duty to say that it was not done in my State; and it becomes my duty to show that if there is or has been at any time any dishonest counting of votes or any want of freedom at the ballot-box in the South, for that too we are indebted to the republican party. That was a part of our reconstruction; that was a part of our apprenticeship.

Why, Mr. President, one of the fundamental principles of the American constitutions is that all governments derive their just powers from the consent of the governed. When in 1868—I speak now for North Carolina alone, though the same remark would apply to all the other States that were reconstructed—our government was overturned in the State of North Carolina and we were ordered to frame another constitution and inaugurate another government entirely, how was it done? In the first place the whole State was given into the hands of the military commander of the department; all civil jurisdiction was ousted and no authority whatsoever in the shape of civil law could be exercised. An election was ordered to be held, at which election fully thirty thousand of the voters of the State of North Carolina, comprising all that were most experienced in government and in the conduct of public business, to wit, all who had ever held an office before, were disfranchised and not allowed to participate; troops were stationed at various parts of the State and the elections were conducted by men selected by the general in command, and in many cases they were selected for their supposed loyalty to the Government of the United States, and in many cases the men selected to preside over the ballot-boxes and to count the returns of the votes were the candidates for the convention and the Legislature themselves.

One case occurs to me, one which occurred in the county adjoining the one in which I live, in which there were three men selected to preside over the ballot-box. One was a carpet-bagger, who was a candidate for the Legislature, another was a negro that it was said could not read, and the third was a white man chosen for his loyalty, which consisted in getting drunk occasionally. So that when the election was over the ballot-boxes were taken by this candidate to his own home and kept for three days, and the count was sealed up and sent three hundred and fifty miles to the commander of the district in the city of Charleston, and the result of the election in that county was determined by him without publicity. There was not a soul from the State of North Carolina who knew how it was except this candidate himself, and he declared himself elected by nearly three hundred majority, and at the very next election, two years afterward, that county went democratic by a large majority. Was that either a free ballot or a fair count? What were people to learn from such things as that?

I give that only as a sample of the elections both for the convention and for the Legislature, which Legislature, by the by, was the one that made havoc with our State credit, as I have shown. Both were elected in that way, and the result declared by the commander of the district three hundred miles away in a distant city of an adjoining State. Was that a fair ballot? Was that an honest count? And for many years afterward we never had an election in the State of North Carolina that some man purporting to speak the sentiments of the Government and of the republican party of the North did not come down and undertake to bulldoze us. In the first place we were threatened if we did not accept the constitution which was provided for us that our property should be confiscated; and then so late as the election for President in 1872 the Attorney-General of the United States made a speech in the State of North Carolina, in which he threatened the people with reconstruction if they ventured to vote for the democratic candidate. Was that a free ballot? I contend here to-day that North Carolina never was a republican State, although for years she remained under the thrall of the republican party and both her Senators were republicans, because we did not have the machinery for a fair count.

Mr. President, pardon me for referring to my own State, but it is necessary to understand the situation. The constitution which was adopted in 1868 in this manner provided that all men twenty-one years of age, &c., should vote, black and white, for all officers to be elected under it. When the constitution came to be voted for itself, as I said about thirty thousand of the best people of the State were not permitted to vote on its adoption, but they supposed they would be permitted to vote for the officers elected under that constitution, because the constitution itself said they should, but for the sake of convenience the election was held for it and for officers under it at the same time, and yet we were refused permission to vote for either the constitution itself or for the officers elected under it. Was that a free ballot? Was that a fair count?

Now, sir, I say that since the democratic party has had power in the State of North Carolina there has been no complaint of an unfree ballot or an unfair count from any respectable source. There has been local disorder, there have been furious contests over particular offices in particular localities, in which the defeated party charged fraud upon the other, as will happen anywhere and which does happen everywhere in the United States of America; but I say that no systematic dishonesty in the public officials who manage elections in North Carolina since the democrats came into power has been seriously alleged, and such an allegation will not be seriously made.

The honorable Senator from Connecticut who spoke on the day before yesterday [Mr. HAWLEY] announced to us as though it was something new that universal suffrage was the law of the Republic, and was bound to prevail; that those who objected to it would do so in vain, and that we might as well prepare for that result. I attempted to get the floor to put a question to that honorable Senator at that time, but failed; he declined to yield. I wanted to ask him, and I now ask any Senator to say if there is any State in the American Union—no, I will not put it that way—if there is any State in the southern portion of the American Union that has any law that deprives a man of the freedom of the ballot-box, if there is any distinction made in any State in the South between races and colors in regard to the exercise of the suffrage? And I would also like to remind Senators that I know of one instance where suffrage has been denied to the negro and denied to him by law and denied to him by the republican party, and denied to him by a republican Congress, by a bill which was approved by a republican President; and that is in the very city in which we sit. At one time universal suffrage prevailed here in the city of Washington; now it does not. The city swarms with black men now, and not a solitary one of them can vote, although there are as many intelligent and upright and well qualified black men to vote in the city of Washington and in the District of Columbia as there are in any other portion of the Union, and yet they cannot vote. They once had the right to vote, but they cannot vote here now. Who took that right away from them? These same gentlemen who plead to us so eloquently about the determination to make universal suffrage the law of the Republic. Negroes are good enough to rule the people of the South, but they are not good enough to provide for the comfort and the safety and security of the honorable Senators who assemble in this Capitol for the transaction of public business; and I say, sir, they *are* good enough for the people of the South: I say if they are let alone they would fraternize with the people among whom they were born and raised.

The black people of my State have the same patriotism that we claim to have; they have the same pride in the character and the reputation and the prosperity of the old North State that we claim to have; and when they came before the exodus committee they showed as much determination to maintain the good character and good name of the land of their birth as the white people did, and they would do it now if you would let them alone. We have no objection to universal suffrage; we have no objection to the black people voting; we are willing for them to vote, and we are willing for them to continue to vote just as long as anybody else votes. They are improving daily; they are far more qualified to vote now than they were when you first gave them the suffrage; they are acquiring property and they are acquiring intelligence, and what is more, they are acquiring good feeling for the people of North Carolina; and the worst thing you can do, Senators, for the comfort and for the advancement of the black race, whose destiny you pretend to have so much at heart, is to step between them and their white neighbors of the South again, proclaiming that they are not receiving their rights at the ballot-box or in the courts or elsewhere. It is not true. It is alleged simply for purposes of party aggrandizement.

Mr. President, I have already detained the Senate longer than I intended, longer perhaps than the circumstances justified. I should not have said one word in this debate if the character of my State had not been impugned, if it had not been attempted to justify others by imputing dishonesty to the State which I have the honor to represent here; and having, as far as I think proper, vindicated the State of North Carolina from that aspersion, and given warning to the people of what they may expect from the coalition that has been formed here for an intrusion and assault upon their rights, I shall leave the subject.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the pending resolution be postponed indefinitely.

Mr. KELLOGG. Mr. President, I do not propose to go into the question of the debt of North Carolina to any great extent, because I confess I am not familiar with it; but understanding that the Senator from North Carolina [Mr. VANCE] proposed to call the attention

of the Senate to the condition of the debt of his State, and combat what he averred had been improperly charged to the political party of the State which he represents, namely, that the debt of the State had been repudiated in part or in whole, I occupied myself while the honorable Senator was speaking in examining into the condition of the debt of that State, and the policy pursued in reference thereto by the democratic party of his State. I was very much amused and interested by the speech of the Senator from North Carolina, always, as he is, an attractive, interesting, and eloquent speaker. But, sir, as I perused these documents bearing the stamp of authenticity, I marveled much at some statements that fell from the honorable Senator's lips. Now, if perchance I misstate anything in regard to the debt of his State and the relation of his State or the party that he represents in reference to that debt, he will correct me. I will endeavor not to occupy the attention of the Senate long.

I lay down the proposition that the debt of the State of North Carolina, eliminating the entire carpet-bag debt from beginning to end, exceeded $20,000,000; indeed, with the accrued interest it approximated $26,000,000. A report of a committee on the debt of the State, I think made in 1875, to whom had been referred various propositions on the subject, is as follows:

The committee on the debt of the State, and to whom have been referred various propositions on the subject, have carefully considered the whole matter, and recommend that no action be taken at the present time. It is unnecessary for us to declare our faith in the integrity and honesty of the people of North Carolina. Our State has ever borne an honorable name for her fidelity to her engagements, and we are sure her character in this respect has not degenerated.

Further on:

In the opinion of the committee the State is not now in a position to offer her creditors such a settlement as they would likely accept. At the same time the committee are of opinion that it is very desirable to have the debt settled upon principles of equity and justice.

We therefore recommend that a commission be appointed, to be composed of the governor, treasurer, attorney-general, and two members each from the senate and house of representatives, to consider the whole matter and report to the next meeting of the General Assembly, and we hope some plan of settlement will be reported acceptable to the bondholders and not too burdensome to be willingly sanctioned by the people of North Carolina.

Here was a high-toned declaration in favor of some honorable adjustment of the debt, but subsequently a scheme of compromise, commutation, or settlement, as I see it is generally termed in the State papers of North Carolina, was adopted, a scheme that first originated, I believe, in 1875. I will state the substance of it by reading, as briefly as I may, to show the policy that had been proposed in reference to the settlement of the State debt, which plan was ultimately substantially adopted. The debt consisted at that time of $38,921,848.05.

The act here proposed does not recognize that part of the debt known as construction bonds, amounting to $14,700,000, but rejects it. The bonds composing the rest of the debt are apportioned by the act into three classes, to be funded at the respective rates of forty cents on the dollar for the first class, and of twenty-five cents for the second and third classes; the new debt bearing a gradually increasing rate of interest for a certain time, namely, of 2 per cent. per annum for the first two years, of 3 per cent. for the next three years, of 4 per cent. for the next five years, and of 5 per cent. for the next twenty years. By this process the whole indebtedness of North Carolina would be reduced to $14,500,000.

Information of the features of this bill in its early stages having reached the creditors abroad, a citizen of New York, who holds North Carolina bonds to the amount of $87,000, wrote to Governor Brogden, complaining of the contemplated provisions of the funding act as partial in favor of the State, and unjust to her creditors; and proposing that the rate of funding the principal should be at the least fifty cents on the dollar, and the annual interest 6 per cent.

This referred mainly to the *ante bellum* debt for which the State of North Carolina, as I understand—and I do not think it will be contradicted—had received dollar for dollar at par or nearly par, that she had hypothecated the money and expended it upon public works and otherwise.

The governor communicated this letter—

From a cititizen of your State, sir—

to the senate of North Carolina on the 8th of March, 1875, when a member of the senate characterized it as an insult, and moved to table it, which was done without further consideration.

That disposed for the time being of the letter and of the debt question. It seems, however, by the financial history of the State that notwithstanding the report of the committee whose report I read a few minutes since, a report declaring that the State ought to adjust its debt honorably, and deprecating any non-payment of the debt, principal or interest, another scheme, substantially the one proposed and that failed to be carried out, was proposed. It was an act "to compromise, commute, and settle the State debt." On the bonds issued before the war (except for the North Carolina Railroad) it proposed to pay 40 per cent. of the principal; not on the bonds issued before the war, but the debt originating under the acts passed by democratic legislatures, no carpet-bag government, that is, none before the war, authorizing the governor of the State to sign and issue bonds at the rate of 40 per cent. on the dollar; and for all bonds issued during the war for public improvements and immediately after the war, under acts passed prior to the war, they were to issue bonds for 25 per cent., but for all that portion of the carpet-bag debt which they admitted ought to be paid, which was a small portion of the debt proper, they proposed to pay 15 per cent. That is the nature, as I understand it, of the adjustment proposed by the debt of North Carolina.

At this time the debt of the State was acknowledged to be $16,960,045 principal, and $10,160,182 interest. This was known as the recognized debt, and distinct from the special tax bonds.

Which I believe was generally denominated the carpet-bag portion of the debt. This recognized debt was referred to in the message of the Senator from North Carolina, then governor, to the Legislature in the following language:

It is out of the question for us to attempt to pay it at its face value. Indeed, I do not conceive that there is any moral obligation on us to do so, nor do our creditors expect it of us. Quite one-half of our property upon which our bonds were based was wantonly destroyed by consent of a large majority of those who held them, and no court of conscience upon the earth would permit a creditor to destroy one-half of his security and claim full payment out of the remainder. But we *can* and *should* pay something.

And they proposed to pay, as I have said, 40 per cent. of the old debt before the war, and for the *post bellum* debt they proposed to pay 15 per cent. for that portion under the carpet-bag *régime*, as they said, and 25 per cent. for what properly belonged to themselves, incurred under acts passed before the war. I believe that is a fair statement, and if I have fallen into any error it is unintentional, and I am sure the Senator from Nortb Carolina will at once correct me—indeed, I ask him to do so now.

Mr. VANCE. If the Senator will permit me, three millions of that debt that the Senator from Louisiana has read about is paid dollar for dollar, because it is a statutory lien on the stock of the State in the North Carolina Railroad, and he ought to take that into account. Four and a half millions is commuted and three millions is paid dollar for dollar, making seven and a half millions; he ought to give credit for that as he goes on.

Mr. KELLOGG. Well, I can afford to do that, I think, and still leave sixteen millions principal and ten millions accrued interest as the recognized indebtedness, the unquestioned debt of the State of North Carolina. There is twenty-six millions, in round numbers, conceding all the Senator claims. If that be so, the proposition embraced in the legislative act "to compromise, commute, and settle"—to use the terms of the title of the act—the debt of North Carolina proposed to reduce it to less than four millions, wiping out twenty-odd millions by this process of scaling or repudiation. I do not desire to deal in harsh names; but they proposed by this readjustment or commutation to strike out twenty-odd millions from twenty-six millions of debt heretofore acknowledged as valid.

Now, Mr. President, if I understood the Senator from North Carolina correctly, he stated in his speech that the Government of the United States in submitting the so-called fourteenth amendment to the people of his State, and, to use his expression, compelling them to adopt it, practically taught them repudiation, and he justifies the subsequent acts of his Legislature and of his State government in repudiating seven-eighths of the honest principal and interest of the debt, that debt which he admits to have been legal and binding and for which the State received one hundred cents on the dollar, only and entirely upon the ground that the Federal Government said that the debts incurred in an endeavor to overthrow the Constitution, disrupt the Union, and trample the flag under foot should not be paid. That is his entire justification as I understand.

Moreover, if I understand the honorable Senator correctly, he justifies the act of his Legislature up to the present moment, and thereby justifies as I think—and I am sure the record bears me out, save in the matter of the Louisiana State debt—the most unjustifiable as it is the most sweeping act of repudiation that disgraces the record or any State of the South. It more than bears out on examination all that the honorable Senator from Ohio said yesterday and all that the honorable Senator from Virginia said some weeks since in his speech regarding the State debt of North Carolina. This is more and worse than I expected the Senator from North Carolina to concede by far.

Now, sir, I ask in conclusion to have read the extract that I have marked from the International Review, Porter's article on southern repudiation.

The Secretary read as follows:

The State of North Carolina was comparatively free from debt until the year 1849. It had, previous to that time, indorsed or assumed the bonds of a few hundred thousand dollars issued by one or two of its first railroads. The General Assembly, at its session of 1848-'49, and 1850-'51, authorized the issue of $490,000 of bonds of the registered class, without coupons, which were the first State bonds issued. At the same session (1848-'49,) the first coupon bonds were authorized, which were for the construction of the North Carolina Railroad from Goldsborough to Charlotte. The first of these bonds bore date January 1, 1853. Under various acts of the Legislature, large sums of money were voted during the next ten years, principally for the aid of railroads; and at the opening of the war the debt of this State amounted to about ten million dollars. The recognized debt, including bonds issued by the funding debt act of March 10, 1866, and August 20, 1868, amounted to $18,167,300. Under acts of the General Assembly, by which various classes of bonds were retired, this debt was largely reduced. The General Assembly of 1879 passed "An act to compromise the amount and settle the State debt." The act provides that the bonds shall be exchanged for the principal of outstanding bonds some at 40 per cent., which are old, or ante-war bonds; some at 25 per cent., which are bonds issued for certain railroads since the war; and some at 15 per cent., which are the bonds issued under what are known as the funding acts of March 10, 1866, and August 20, 1868. Of the $18,167,300 of debt there had been retired, to the date when the compromise act of 1877 was passed, $2,484,255.

* * * * * * *

The bondholders were by no means Shylocks in this case, and they were willing to offer a settlement which would have cost the State of North Carolina about $10,704,691. The State was able to pay the interest on this sum, and is able to do it to-day; and a sinking fund could have been created by which the principal of the debt might have been canceled within a period of thirty years. But unwise legislation preferred repudiation, and so they forcibly scaled down upward of eighteen million dollars bonds which they recognized as valid debt, and refused to recognize upward of twelve million dollars more, which, it must be admitted bore upon its face the taint of corruption. Taxes in North Carolina are to-day very

light. To pay the interest on a debt of $10,000,000 and defray the current expenses of the State, on the basis of the last few years, calls for about one million two hundred thousand dollars.

Mr. KELLOGG. I notice in a State authority I have before me, a message to the Legislature, these words:

> Very little property is assessed anywhere within the neighborhood of its value.

To that I wish to add that according to the same authority as that which the Secretary has just read the assessed valuation of real and personal property and the rate of taxation were as follows for the years named:

	Valuation.
1877	$146,390,493
1878	142,308,102
1879	157,967,481

Tax, thirty-eight cents on the $100.

This is the tax on all real and personal property. The assessed value, the chronicler says, is 60 per cent. of the true valuation. That bears out the extract from the message of the governor I have just read. Last year the tax was only thirty-three cents on the hundred dollars.

I have just this moment turned, and turned hurriedly to the New York Herald of to-day which has just been laid on my desk. It will be noticed, however, before I pass to that, from what has been read that the rate of taxation in North Carolina is thirty-eight cents on the hundred dollars, or less than one-half of 1 per cent. In many Northern States the rate of taxation is 1½, and 2 per cent. in some cases, in some cases even higher, rates to which the people voluntarily submit rather than repudiate.

Referring to the reports of transactions on the stock exchange in New York yesterday, I find in regard to the bonds of the Southern States that the issues of bonds of North Carolina under the act I have read having received I presume the sanction of the honorable Senator from North Carolina when he was governor, and since issued at the rate of forty cents, twenty-five cents, and fifteen cents on the dollar, so good is the credit of the State even with all that debt thus scaled so low (well known as it is by moneyed men)—some of the bonds of that State quoted on the New York stock exchange were sold yesterday for the enormous sum of nine cents on the dollar. Now will the Senator from North Carolina tell me how this is?

Mr. VANCE. I want to ask my distinguished friend from Louisiana——

Mr. KELLOGG. I am only seeking for information.

Mr. VANCE. The Senator ought not to be talking about what he does not know anything about.

Mr. KELLOGG. I state what the New York Herald reports to-day.

Mr. VANCE. What bonds are those these reports are talking about? Those are the bonds of his friends, the carpet-baggers, who had charge of North Carolina, that we have turned our backs upon.

Mr. KELLOGG. Then these are the bonds of the repudiated portion of the debt. Is that it—the special-tax and other bonds?

Mr. VANCE. The special-tax bonds, the carpet-bag bonds of North Carolina.

Mr. KELLOGG. It seems that yesterday they were all the bonds that were sold in the market—at least all I can now find quoted.

Mr. VANCE. Very likely.

Mr. RANSOM. I have simply to say that I do not know whether any of the four percents of North Carolina were sold in New York yesterday or at any other time; but I know they are in demand now at 84 per cent., and are advancing every day.

Mr. KELLOGG. There were large sales of North Carolina bonds, the honorable Senator will permit me to say, quoted in New York.

Mr. VANCE. Read them if you please. What bonds are they?

Mr. KELLOGG. I find in the New York Herald of to-day:

1,000 N. C. 6's, s. t., 1st c	9¼
2,000 N. C. 6's, s. t., 2d c	9
10,000 N. C. 6's, s. t., 3d c	9⅜
50,000 N. C. 6's, s. t., 3d c	9¼
5,000 N. C. 6's, s. t., 3d c	9¼
4,000 N. C. 6's, s. t., 3d c	9⅜
10,000 N. C. 6's, s. t., 3d c	9
10,000 N. C. 6's, s. t., 3d c	9¼
100,000 N. C. 6's, s. t., 3d c	9⅜
20,000 N. C. funding act, 1866	17
20,000 N. C. funding act, 1866	17½
20,000 N. C. funding act, 1866	18
10,000 N. C. 6's, s. t., 3d c	9

These seem to be all the transactions at the stock exchange yesterday. They seem to command some kind of price; they seem to command some price.

Mr. RANSOM. These bonds which have been alluded to are the bonds which the State of North Carolina has declared she does not justly owe and which the State has put her foot upon and says she will never pay. Those bonds are quoted at seven or eight or nine cents on the dollar in New York; but the bonds to which my colleague alluded, the new bonds which have been issued in payment of the old debt are now selling above eighty-four cents on the dollar and advancing daily.

Mr. KELLOGG. Very well. It seems these bonds have been trampled under foot without any test of their validity in the courts. Now I ask the honorable Senator for information, what is the amount of these bonds on the market to-day? What is the amount of the entire indebtedness as represented by these bonds? I mean on the bonds recognized now by the State as the debt of the State extant.

Mr. VANCE. The debt is not all taken up as provided for. The bonds on the market now are about three million dollars.

Mr. KELLOGG. Then there are $3,000,000 of bonds representing all the indebtedness of the State of North Carolina that is acknowledged and recognized by its State authorities, and upon which I assume they pay interest. These are the bonds which command eighty-odd cents on the dollar, and that $3,000,000, now in all the marts of the world, represents over twenty-six million dollars of debt that the State received par for, and which, up to the passage of the so-called funding or scaling or repudiating act, was recognized as valid and binding.

Mr. RANSOM. Not at all.

Mr. KELLOGG. Here are the authorities:

> The debt of the State was $16,960,045 principal and $10,160,182 interest. This is known as the recognized debt and distinct from the special-tax bonds.

This is in a State paper of 1878, when the honorable Senator from North Carolina, [Mr. VANCE,] who addressed the Senate a short time since, was governor of the State; and in his message referring to that he says:

> It is out of the question for us to attempt to pay it at its face value.

And then he proposed some scheme of adjustment. Subsequently the Legislature passed an act that they called adjusting the debt, by which they proposed to pay the *ante bellum* debt at forty cents on the dollar and the debt issued prior to the war for public improvements at twenty-five cents, and the carpet-bag debt, which they recognized, leaving out the special-tax bonds which they repudiated, at fifteen cents on the dollar, and they issued $3,000,000 to represent all this old debt. Upon that process of scaling those bonds in the New York market command eighty, or eighty-two, or eighty-five cents, and the senior Senator from North Carolina [Mr. RANSOM] has just said that is the condition of the finances of the State of North Carolina. It has now that debt and that debt only to represent its enormous debt of over $26,000,000, which was admitted to be binding, and it commands but eighty-odd cents on the dollar. Further comment is unnecessary.

Mr. VANCE. Mr. President, I desire to do something that perhaps ought to have been done in my original remarks, to read a statement made to me by a member of the committee of the Legislature of North Carolina which settled this debt, a gentleman for whose character for integrity and usefulness I vouch. I have here his statement made to me since this controversy began as to what occurred when the proposition was made to settle this debt. As I had the honor of stating yesterday, a delegation of the creditors of North Carolina came to the Legislature to see what could be done. There was a conference, a frank and free conference between that delegation of the bondholders of the State and the legislative committee that had the debt matter in charge, and here is the statement of that honorable member of that committee which I propose to read to the Senate:

> The bondholders were before the committee several times with many statistics from which they argued that we could pay seventy-five cents and forty cents on our indebtedness. I showed them we now collected double the tax that we did before the war, and when we paid interest on only ten millions of debt that this increase in taxation in State, county, and cities on half of the property that we had before the war, was caused by the Canby government forcing us to overturn our judicial system and repudiate all our confederate debts. It was agreed by the bondholders and the committee at the start that we should have a free and frank conference and answer all pertinent questions when the arguments were concluded on both sides. I requested that they inform the committee what they gave for their bonds, and when they purchased them. They answered about 10 per cent. less, as I remember, than we gave them in this bill, and they cheerfully agreed to accept that sum.

Now, I want to know of the Senator from Louisiana if he was indebted, which I hope he is not, and his creditor proposed to take a certain sum, would he feel that he was dishonored by agreeing to give him the sum which he proposed himself to take and which was satisfactory to him? I want to know if he, either as a public or private man, has attained such a height that he insists upon paying the creditor more than the creditor is willing to take?

Mr. PLUMB. Before the Senator from North Carolina sits down I would like to ask a question. I did not quite understand from the statement which he read whether the sum paid by the bondholders for their bonds was the sum that the State of North Carolina received or only the sum which they paid for them in the market at some time after they were issued.

Mr. VANCE. It was the sum which the bondholders paid for them in the market, as I understand.

Mr. PLUMB. And not the sum that the State of North Carolina received?

Mr. VANCE. Not the sum which the State of North Carolina had received.

Mr. PLUMB. The issue, then, I understand to be somewhat in this way: North Carolina received par for her bonds and claimed the right to take them up at less than par because somebody by reason of a purchase in the market had got them for less.

Mr. VANCE. For the first class the State received par. The bonds were nearly all at the time of the settlement in second hands; in other words, they were in the hands of speculators. The credit of the State had been destroyed by the action of the friends of the Senator from Kansas who had control of our government, and the bonds were very low in the market. These bondholders purchased them on speculation in the market and confessed before the committee that the bill which was then before the committee and which subsequently

passed gave them 10 per cent. more than they had paid for the bonds in the market and that they were perfectly willing to accept that sum.

Mr. PLUMB. Replying now to that part of the Senator's remarks in which he says that the republican party by their act had destroyed the credit of his State, I beg leave to call his attention to the fact that after the people with whom he acts have wiped out all of the debt but $3,000,000 the bonds are now selling in the market, what is left of them, at about eighty cents on the dollar; and I should like to ask him what particular act he refers to as destroying the credit of North Carolina which was the act of the republican party?

Mr. VANCE. I presume that the Senator from Kansas did not hear my remarks this morning in which I showed that the carpet-bag government which had possession of the State of North Carolina under the reconstruction acts, which was forced upon us by the disfranchisement of our citizens and by military law, was the party that destroyed the credit of the State by issuing $22,000,000 or $23,000,000 in bonds for various purposes and wasting the money and putting everything to ruin.

Mr. HOAR. When that carpet-bag government came into power, before they did anything at that time, say a month before they came into power, what was the old, the then existing debt of the State selling for in the market?

Mr. VANCE. I am unable to answer.

Mr. HOAR. Was it five cents on the dollar?

Mr. VANCE. No, sir.

Mr. HOAR. So, when the Senator's friends got through with it, the carpet-bag government taking possession, the credit of the State was not, according to its experienced governor's opinion, worth five cents on the dollar, and that was destroyed by the carpet-baggers.

Mr. VANCE. That is a suggestion simply out of the head and imagination of the Senator from Massachusetts. I am unable now to say what the bonds were selling for; but up to that time there had been no kind of denial of the debt due by the State of North Carolina; and while we were not able to pay the accumulated interest, it had been funded by the issue of new bonds bearing 6 per cent. I presume they had a greater value in the market than five cents on the dollar; I know they had, but I am not able to give the exact figure now.

Mr. KELLOGG. The Senator from North Carolina a moment since asked me a distinct question. He asked me, if I understood him aright, whether I would feel dishonored if I were to pay that amount and that only which my creditor was willing to accept. I certainly would. If he had my note, and that note upon its face specified a sum that I declared by the terms of the note to be due him for a consideration received, I should feel bound to pay that sum, and should feel dishonored if I refused to pay it, especially if I had said to him, "Sir, I have put my property in such a condition," or "I have gone out of the jurisdiction of any court to which you can appeal," or "I have put myself in such a position that you cannot collect it, and you shall take that or nothing else; if you do not take such an amount as I choose to give, I shall not pay you anything, either principal or interest." Then if a creditor in that condition, with that kind of option which my colleague [Mr. JONAS] suggested the other day that the creditors of Louisiana had, the option that the traveler has when a highwayman puts a pistol to his head and tells him to stand and deliver—with such an option if my creditor were to say, "Well, sir, I will take twenty cents on the dollar" rather than get nothing, I should consider that he did it as a *dernier ressort;* that he accepted it because he chose to take what he could; but that in his heart he thought, and thought justly, that I was a repudiator and a dishonest man.

Mr. VANCE. Will the Senator allow me to ask him if he has any proof that the Legislature of North Carolina declared that the creditors should take that or nothing?

Mr. KELLOGG. The proofs are full it seems to me. That was one branch that I proposed to go into; but I did not want to occupy the attention of the Senate so long. If the Senator desires me, I will show what he himself in his message when he was governor said——

Mr. VANCE. Said what?

Mr. KELLOGG. Here it is—that referring to your State debt:

> It is out of the question for us to attempt to pay it at its face value——

Mr. VANCE. Certainly.

Mr. KELLOGG.

> Indeed I do not conceive that there is any moral obligation on us to do so——

Mr. VANCE. Certainly, I did say so.

Mr. KELLOGG. That is in your own message to the Legislature of North Carolina.

Mr. VANCE. At the same time I did not tell those gentlemen in my official recommendation to the Legislature that if they did not take forty cents of the principal they could not get anything. The Senator has either to acknowledge that he is mistaken about that, or he has to prove that I did say so.

Mr. KELLOGG. You say in your message that no court of conscience in the world—to use your expression:

> No court of conscience upon the earth would permit a creditor to destroy one-half of his security and claim full payment out of the remainder. But we can and should pay something.

The words "can" and "should" pay something are italicized. The speech that the Senator from Massachusetts [Mr. HOAR] quoted yesterday as having been made by the Senator from North Carolina breathed a more uncompromising spirit, as much as to say, "You, people of the North, and you, people in Amsterdam and London, who own our bonds and have paid dollar for dollar for them, we have taken that money and hypothecated it, put it in our treasury, put it in improvements and to defray the expenses of the State government. Still we do not propose to pay you because there was a rebellion or a war and a portion of our property or our assets has been eliminated; though you hold these bonds abroad and are foreigners, commercial men, dealers in bonds, financiers, investors in New York, tutors, administrators, executors, savings-banks who represent the poorer class of people, though only one in ten thousand of you own our bonds, still since the fourteenth amendment prohibited the payment of any debt incurred to maintain the war and thereby set us an example, we will not pay any of your debts, we will not pay any of our creditors, any of these widows or orphans, and we will go into the marts of the world dishonored as bankrupts and repudiators."

Mr. VANCE. I desire to interrupt the Senator from Louisiana a moment, with his permission.

Mr. KELLOGG. Certainly.

Mr. VANCE. The gentleman for proof of the charge that he made, that I said to the creditors if they did not take this they should have nothing, cites the speech that was quoted by the Senator from Massachusetts yesterday, which I made in the valley of Virginia. Does the Senator know that that speech was made eighteen months after the bill was passed and the debt was compromised; and if so, how could it have gone backward and acted retroactively?

Mr. HOAR. The Senator will permit me to remark that he stated in that speech what he said to the creditor. He said, "We fixed this thing up; we said to them, you just credit us with fifty cents in the dollar and we will pay you the balance." That is the Senator's own narrative of what he had said to the creditors of his State.

Mr. VANCE. I think that the Senator from Massachusetts has strangely for a Massachusetts man fallen into some confusion as to tenses. I do not know that I said I told them that; because in point of fact my official utterances show that I did not tell them that. The Senator no doubt has the documents which contain all my official utterances concerning the public debt while governor of the State of North Carolina.

Mr. KELLOGG. I have them.

Mr. VANCE. At no time can the Senator find that I ever did tell them that. I was reciting upon the stump the basis upon which we settled our debt in North Carolina, but that language was never used to the creditors. I never said it was, sir.

Mr. KELLOGG. No, but the honorable Senator, when governor, in treating upon this question of the debt, said to the creditors of the State, "The debt is so much, $26,000,000, more or less, and we do not propose to pay half of it; and there is no court that ought to compel us;" and in a speech that he made after that he simply enunciated what he enunciated in his message prior to the passage of that bill. The language points to it when he said this——

Mr. RANSOM. Will the Senator allow me to say——

Mr. KELLOGG. One moment. Let me finish.

The PRESIDING OFFICER, (Mr. SAUNDERS in the chair.) The Senator from Louisiana declines to yield.

Mr. KELLOGG. When speaking of the past he said:

> We just said we had lands and negroes; you took the negroes, which were equal to the lands, away. Now you just credit us with fifty cents in the dollar, and we'll pay you the balance. We settled it, and didn't have anything to do with a presidential election either.

Sir, to whom was he saying this? He was saying it to the creditors, was he not? He was saying it to the world. It was a public utterance which was going forth to the four corners of the land; and indeed he said yesterday, if I recollect aright, that this speech was published broadcast throughout the country. He was speaking of the politics of Virginia, but treating of the question of the debt of his State and the manner in which that debt had been dealt with by the people of his State.

One word more. What does the honorable Senator say in view of these utterances of his and as to what the Legislature of his State did do? The Legislature for years failed to levy any tax whatever to pay the interest. They appealed to the creditors and said, as the honorable Senator himself did in his message which I have read, "We are not able to pay; at least if we have the ability we have not the inclination to pay this debt. We do not intend to pay it; we never intend to pay you more than fifty cents on the dollar; and in the mean time we will not levy any tax whatever or provide any manner or way by which you can receive one single penny of interest." You not only said you would not pay half of the principal, but you said until your creditors came forward and settled upon the terms proposed by the Legislature you would pay no portion of the debt, and thereby compelled your creditors, in order to get a moiety of their principal and even a reduced rate of interest, to accept your repudiating or scaling proposition. Do you not call that dishonoring the credit of the State?

Mr. VANCE. Will the honorable Senator be kind enough to state wherein I ever said officially to the Legislature of North Carolina that I would not pay any portion of the debt unless upon such terms as I proposed?

Mr. KELLOGG. We will settle this very quickly. I ask the honorable Senator if the Legislature of his State in passing the usual annual appropriation bill appropriated or made any provision whatever for the payment of any interest upon any portion of that debt?

Mr. VANCE. Certainly not.

Mr. KELLOGG. Very well.

Mr. VANCE. But still that does not answer my question. The Senator has undertaken to say that I said to the creditor, like a man on the highway with a pistol at his head, "you shall take this or nothing." I say it is not true, sir, and though the Senator dodges well and adroitly I call upon him to show officially that that was what I said to the creditors of North Carolina.

Mr. KELLOGG. From the time the war closed until the republican governor went out and a democratic governor was reinstated in his place, as I understand—the Senator will correct me if I misstate it—an annual appropriation was made for the payment of the interest, though it was not collected; and when the Senator's party went into power they failed to make any appropriation thenceforth for any part of the interest on any of the debt good, bad, or indifferent, and while with one hand he refused to pay one cent of the interest, with the other he said to the creditors, "We do not intend to pay half of your principal." Then they passed an act through their Legislature, approved by him if I mistake not—the Senator will correct me if I am in error—saying to the creditors, "For that debt, for those bonds that you hold representing the debt that originated before the war, for which we received par, we will pay only forty or fifty cents or less on the dollar, and we will issue to represent that forty cents or less bonds on which we will pay 4 per cent. interest," and to those who hold the bonds that represented the debt of the State issued under laws passed prior to the war and during the war, for which the State received money at par or approximating par, they said, "We will pay you twenty-five cents; and to you, gentlemen in the North or abroad, who hold that portion of the bonds of the carpet-bag or republican government that we are willing to take into account, we will pay you fifteen cents on the dollar;" and then they provided that no other bonds should be issued but those. When they said to the creditor, "We will not pay interest, we will not pay you more than forty cents or twenty-five cents or fifteen cents, as the case may be," and there is the law spread upon the statute-book, interdicting the payment of anything else except upon those terms. If that is not pretty nearly, figuratively speaking, putting a pistol at the head of a creditor and compelling him to accept that proposition or nothing, then I do not know what is.

Mr. VANCE. I want once more to remark that I have never known in the time of my brief career a Senator or anybody else who could make as many mistakes in as short a time as the Senator from Louisiana. He speaks of an act that I approved when governor of the State.

Mr. KELLOGG. I said the Senator would correct me if I made a mistake.

Mr. VANCE. Of course if I undertook that job I should have a contract.

Mr. KELLOGG. It is a very simple matter, a matter of proof.

Mr. VANCE. If I should undertake to correct all the gentleman's mistakes I should have to send for some provisions and be kept here for the next two weeks. In the first place, the governor does not approve bills.

Mr. KELLOGG. They become laws without his approval, then; that is all.

Mr. VANCE. I was here in the Senate looking into the face of the Senator from Louisiana when that bill was passed.

Mr. KELLOGG. Very well.

Mr. VANCE. There is about as much correctness in all the rest of his statements in relation to the public debt of North Carolina as there was as to the circumstances under which the bill was passed. The whole truth is that the State of North Carolina never repudiated any of her debt; she never turned her back upon any of her debt. She funded the interest by the issue of new bonds when she could not pay the interest. The power was taken away from her people by the Legislature elected under the reconstruction acts to which I have so often adverted; and when we finally got the power we settled the debt by the act which has been so often read here, and settled it with the full and free consent of the creditors of the State. When the honorable Senator asks us to believe that he would consider that dishonorable and would insist on paying more than the creditors asked, I am compelled to say as was said by Him of old, "I have not found so great faith, no, not in Israel."

Mr. KELLOGG. Mr. President, I do not pretend to assert that the Senator is not correct. Indeed, I assume that he did not approve the act as governor. Sir, I said that act was passed by the Legislature of North Carolina. That is not denied. I stated the terms of the act, and that is not denied. I have not the dates before me; I have given this subject but a cursory examination. It was only since the honorable Senator took the floor this morning that I sent for these documents. I knew nothing about the debt of the State until then. I did state I thought the honorable Senator approved the act, and that he would correct me if I was in error. He said nothing; but he now corrects me, and says that he did not approve the bill. What of that? It was a law. The Senator says that it is not necessary for the governor of North Carolina to approve a bill. I did not know that; I have not examined their constitution; but what I asserted was that such a law was passed, and that it conformed to the expressed views of the Senator when governor and in his public speeches. I read from his message addressed to the Legislature when he was governor uttering the sentiments embodied in that act. I did assert, what I reiterate, and the honorable Senator will correct me if I am in error, that no appropriation was ever made by his Legislature for the payment of any of the interest upon the bonds that they themselves acknowledged and recognized as part of their valid debt; and they pleaded their inability to pay it in full and provided to pay it by the scaling process, as I have already stated; and this was done, as the honorable Senator from Massachusetts [Mr. HOAR] suggests, when their rate of taxation was really lower than the rate paid by many of the Northern States. If I have committed any error of fact and have not stated the record correctly I shall be very glad at any time to be corrected. The Senator approved the act, as I am reminded by the Senator from New Hampshire, [Mr. BLAIR,] in one way. His party Legislature passed the act, and as it was in conformity with the suggestions or sentiments declared in his message I suppose it may be said that he approved the doctrine of refunding or scaling, by whatever term it may be called, that his party resorted to.

I see that North Carolina under the funding act of 1866 has bonds upon the market, and a large number of those bonds were sold yesterday. I ask the Senator from North Carolina for information, for I confess I do not know myself—I have not investigated the matter—what was the funding act of 1866?

Mr. VANCE. If the Senator wants an answer, I have stated in my opening speech this morning——

Mr. KELLOGG. I did not hear all of the Senator's speech.

Mr. VANCE. That the funding act of 1866 was to fund the maturing interest that we were not able to pay, by the issue of new bonds at 6 per cent.

Mr. KELLOGG. I see that there was $6,000 in one block of those bonds sold yesterday, and they rate from seventeen to seventeen and one-half cents on the dollar. Those are bonds issued under the funding act of 1866.

Mr. VANCE. Those are bonds not yet funded under this new act. Those are bonds which the creditors have not brought in; they are outstanding.

Mr. KELLOGG. They were funded once.

Mr. RANSOM. Dollar for dollar.

Mr. KELLOGG. Dollar for dollar; but what they represent is the interest that accrued on the debt prior to the date of the funding act, namely, in 1866. Then the bonds that were sold yesterday at seventeen cents on the dollar are issued under the authority of the Legislature of the State, as I assume, representing indebtedness in the nature of accrued interest on old bonds issued before the war. There is a little more of the pistol practice. Then they give a bond worth seventeen cents to-day or yesterday representing the interest that had accrued on the debt prior to the war, and that is all they give.

Mr. RANSOM. Mr. President, I do not propose this morning to enter into any discussion of this question, for reasons that are very satisfactory to me; but if I can have the attention of the Senate for a moment, I will satisfy the country, I will satisfy the Senate, I will satisfy every person who can feel an interest in this question, that the statements which have been made here this morning in reference to the bonds of North Carolina and in reference to her credit should have no weight anywhere.

Words in reference to money matters, as we all know, are worth but little. Of all subjects in the world rhetoric is perhaps most worthless when applied to financial questions. When we treat of questions of money men who deal in that subject wish facts, and nothing but facts will satisfy their minds.

Let me put under foot at once the assertion that the credit of North Carolina is not good and ought not to be good. The statement has been made here upon the casual and, as it is called, the cursory reading of the small print in a newspaper, that although North Carolina had but $3,000,000 of her new consolidated bonds on the market those bonds were now discredited and brought but eighty-five cents on the dollar. I see before me, and I am very happy to see him in his seat, the late Secretary of the Treasury, the distinguished Senator from Ohio, [Mr. SHERMAN.] I ask him here, and I ask him in confidence, if eighty-five cents is not a high price for 4 per cent. State bonds? The Senator will pardon me for appealing to him, for he is the best authority I see here; I have not time to send for books; and I ask him if eighty-five cents on the dollar for 4 per cent. State bonds is not a high price, is not a good price?

Mr. SHERMAN. I should say that upon the general run of the market for State bonds that would be about a fair price for a 4 per cent. bond.

Mr. RANSOM. I thank the Senator from Ohio; it was what I knew I had a right to expect from his candor and intelligence. Though it has been held up before the country to-day that North Carolina credit is below par, I establish the fact by the highest authority known in this country that the bonds of her new consolidated loan are selling to-day at eighty-five cents on the dollar. The inquiry was made with an air of triumph to know what would be thought of the credit of a State when her bonds with $3,000,000 in the market were only bringing eighty-five cents. The Senator from Ohio, the best authority in this country on that question, says that is a fair

price for such a bond. The same ratio applied to a 6 per cent. bond would make it above par. If these had been 6 per cent. bonds selling below par, the allegation which was made on this floor to-day might have some justice in it.

When North Carolina four percents, under her new loan, bring on Wall street, New York, the highest price that any 4 per cent. bond brings, or as high a price, as the Senator from Ohio says, as such bonds usually bring, it will not do to say that her name is discredited. Wise men, wealthy men, the money brokers of New York, will not pay a high price for a dishonored bond, and when I show you that they pay eighty-five cents on the dollar for North Carolina 4 per cent. bonds of the new loan, I show that by the judgment, by the authority, by the money of the capitalists of this country, the credit of that State is fair and good. I stand upon that fact, upon that authority; and with that I hurl back and kick and spit upon every word that is said against the fair name of my State.

I have said that I do not mean to go into this discussion to-day, and I shall not trust myself to go into it.

Mr. KELLOGG. I do not propose to let the Senator from North Carolina escape in that manner. The Senator from North Carolina now is diverting the question. I appeal to the Senate; it was a mere incident in the course of the discussion in regard to the status of the State of North Carolina touching the debt of that State, in which incidentally as a side issue, allusion having been made to the quotations in the New York market of the bonds of his State, the question came up what they rated at. Some I showed, issued under the funding act of 1866, rated at seventeen or eighteen cents on the dollar, and the old bonds not funded at nine cents on the dollar.

Mr. RANSOM. May I interrupt the Senator?

Mr. KELLOGG. Certainly.

Mr. RANSOM. I did not think it necessary to state before, but I will state now what I did not care to mention before. Although the Senator quoted the special tax bonds and the consolidated bonds of 1868, if he had looked a little more carefully into this paper which he had read casually and cursorily he would have seen that North Carolina fours consolidated sold at eighty-five cents. There it is, [indicating.]

Mr. KELLOGG. I have not pretended to controvert it; I have not said anything about it.

Mr. RANSOM. Here is the statement.

Mr. KELLOGG. Certainly. I turned to the honorable Senator and I asked him how it was, and he said those were the old bonds. "Very well," said I; "I see they are quoted here." Now he finds a paper containing a quotation in New York of the 4 per cent. bonds at 85 per cent., and he tells me with some degree of triumph, unnecessarily, I think, that if I had looked further I should have discovered what he intimates was an error on my part. That is a side issue. He appeals to the ex-Secretary of the Treasury to know if that is not a fair price for a Southern State bond. I think the Secretary of the Treasury has stated correctly that it is on a State bond; but the honorable Senator from New York, [Mr. PLATT,] who is conversant with those matters, will tell you that there is scarcely a school-district bond or a bond issued by any incorporated city in the great State of New York drawing 4 per cent. but that is above par. He will tell you that the bonds of corporations in the great city of New York, that the bonds of counties and the bonds of his State and of other States rate at above par when drawing only 4 per cent. interest, which goes to show that the canker of repudiation, if it has existed, does affect the credit of a State. The question at issue is not the question what the rate of a 4 per cent. bond is, whether the bonds of the State of North Carolina, compressed and ginned down from $26,000,000, admitted to be the legitimate debt for which the State received par, to $3,000,000, and ginned down and by a double-twisted hydraulic pressure put into $3,000,000, drawing 4 per cent., with all the resources of the State quadrupled giving pledges to pay that interest, rate at eighty-five cents in New York. That does not seem to be a very high rate for $3,000,000 out of $26,000,000, to say nothing of the $15,500,000 that they repudiated aside from that; for the debt was over forty-one million dollars, principal and interest, when they started, and there are but $3,000,000 now to show for it. That is the vital point; that is the question in controversy. It is "a new way of paying old debts," and it is to that I was addressing myself.

The question broadly before the Senate is not the particular side issue of whether the bonds rate at eighty-five cents, or whether the honorable Senator from North Carolina [Mr. VANCE] approved that law, or whether it is necessary that any law shall be approved by the governor of North Carolina; but the Senator from North Carolina comes into the Senate this morning and in answer to a statement made by the Senator from Virginia [Mr. MAHONE] some days ago and yesterday by the Senator from Massachusetts [Mr. HOAR] undertakes to arraign their statements, and to say that the reputation of his State regarding the finances of the State, regarding the debt of the State, is not questionable; that if it is not above reproach, he can at least justify it. I undertake to say that upon the showing he has made, in the face of the record, he cannot justify that act of open and patent repudiation of seven-eighths of the debt. He cannot do that.

Mr. SHERMAN. Having answered the question of the honorable Senator from North Carolina [Mr. RANSOM] according to my judgment correctly, I desire to state that, as I understand, the debt of North Carolina was scaled down in this way: All the ante-war debt, the old debt of the State, was paid at the rate of forty cents on the dollar. The debt that was issued after the war was paid at the rate of twenty-five cents on the dollar without interest—a debt that was acknowledged to be a valid debt. The $12,000,000 of debt referred to by the Senator from North Carolina farthest from me, [Mr. VANCE,] which was issued to railroad companies, was repudiated entirely. That I understand is the actual fact in regard to the North Carolina debt. I do not care to enter into a discussion about it, because I have not the figures before me, but I presume she reduced it from some twenty-six million dollars, acknowledged to be due, to about three million dollars, or thereabout.

Mr. RANSOM. I did not intend to have another word to say, but I know the Senator from Ohio desires to reach the truth in this matter. The conclusion to which he comes would do our State injustice, and would do violence to the facts. He has substantially stated the facts in relation to the condition of the North Carolina debt correctly, but a part of that debt, the ante-war debt, as he designates it, did not enter into this settlement. Why? That debt constituted what are known as the North Carolina Railroad construction bonds; and there is what my colleague calls a statutory lien upon the stock of the road for the payment of the interest on those bonds, and the holders of those bonds are now receiving 6 per cent., paid semi-annually, upon them.

Mr. SHERMAN. From the railroads?

Mr. RANSOM. Yes, sir; from the railroads; the State's interest which it held in the railroads. The stock of the railroads was bound to the State for these bonds, and the State binds that stock for the payment of them. So there is in the neighborhood of $3,000,000 to be added to the $3,000,000 of which the Senator speaks.

Then, if I may further instruct the Senator from Ohio, (I use that word with very great respect,) even before that time, under a statute to which my colleague did not allude to-day, North Carolina immediately after the war tried to settle a great part of her debt, and did settle a large part of it in this way: to every creditor that she had, owning stock in all the railroads and canals in the State which she had borrowed money to construct, she made a proposition to come in and take that stock for her bonds issued upon those works, at par. A large amount, I do not know what amount, though, of the North Carolina debt was settled in that way.

I desire furthermore to say—and I thank the Senator from Ohio for giving me the opportunity of saying it—that I am informed by gentlemen who were on the committee of the North Carolina Legislature who settled this debt, and I have been informed by a large number of Senators upon this floor who are interested in the debt, that the settlement was satisfactory to the creditors of North Carolina. Hours, days, nights were consumed at Raleigh in the arrangement of that debt.

Let me say, Mr. President, to the credit of our State that when the bill settling the North Carolina debt was passed it was voted for irrespective of party. I have the vote here, if any gentleman desires to see it. The act was voted for by both parties; it was approved by all the people of our State; it was approved by the creditors, I believe universally; it has been accepted; and every bond that can be heard of has been brought in and funded under that settlement. As an evidence that that settlement was honorable, as an evidence that it was equitable, as proof conclusive that it was fair, I hold up to the country here to-day the fact that on Wall street yesterday North Carolina four percents brought eighty-five cents on the dollar.

Mr. ROLLINS. And six percents sold for seventeen cents on the dollar.

Mr. RANSOM. Those are the bonds that are still to be funded. What does the flippant statement of an uninformed Senator amount to against the judgment of the men who put their money in these North Carolina bonds? It has been eloquently said on this floor that one of the great misfortunes, or perhaps one of the good fortunes, of dishonored credit is that the person who dishonored his credit could make no further debt, and that has been held up in financial works against a glorious State in this Union; but here North Carolina can make a new debt and her bonds sell to-day at eighty-five cents on the dollar—a fair price, a good price, a high price for four percents.

Mr. ROLLINS. I merely wish to suggest in reply to the honorable Senator from North Carolina [Mr. RANSOM] that it seems to me the price which is paid in the New York market to-day, about seventeen cents on the dollar, for six percents authorized by the act of 1866 is a fairer indication of the credit of North Carolina than the price of a bond which actually costs, owing to the repudiation or scaling-down process, perhaps 250 and which brings 82 or 85.

One word more, Mr. President, while I am upon my feet. There has been some allusion made to a carpet-bag governor from New Hampshire. I want to ask the Senator from North Carolina how long it takes to make a northern man a citizen of North Carolina? How many years has a man got to live there before he is recognized as anything but a carpet-bagger?

Mr. VANCE. If the Senator will allow me I will answer him.

Mr. ROLLINS. I should like to know, and the people of this country would like to know, how long it is necessary for a man from a Northern State to live in a Southern State before he will be recognized as anything but a carpet-bagger?

Mr. VANCE. If he brings a trunk about twenty-four hours will

do. If he brings a carpet-bag and hunts around in the purlieus of a city for some colored man to begin to operate with for an election it takes a longer time. [Laughter.]

Mr. ROLLINS. The gentleman to whom the Senator from North Carolina alluded did carry his trunk to North Carolina many years ago, and he carried with him not only his own money, but the money of many other people of New Hampshire. He has planted it upon the soil of North Carolina, and now here, at this late day, fifteen years after, you are talking about the carpet-baggers of New Hampshire who had gone down and settled upon your soil. What we want to know in the Northern States is how long have we got to live there before you will recognize us as citizens of your State? I have put some money into the Southern States; I have been down there and spent some money in Florida, for instance. I hope they will not call me a carpet-bagger if by and by I go down there and live for fifteen years. I hope by that time at least they will be willing to recognize me as a citizen of that State.

Mr. VANCE. Will the Senator yield to me?

Mr. ROLLINS. Certainly.

Mr. VANCE. He alluded to some citizen of his State who went to North Carolina, and planted his money on the soil, and so forth. I do not know who it was. I should like to ask the Senator who it was.

Mr. ROLLINS. The Senator alluded to a New Hampshire governor of North Carolina.

Mr. VANCE. Oh, no, I did not; I beg pardon.

Mr. ROLLINS. A New Hampshire carpet-bagger.

Mr. VANCE. No; I said that the State of New Hampshire loaned the governor of the State of North Carolina money to arm a motley crowd to make war upon the liberties of our people. That is what I said.

Mr. ROLLINS. The Senator from North Carolina alluded to carpet-baggers; I did not catch the whole of his remark. I supposed he alluded to one of our citizens who had gone down there. I may be mistaken in that respect, but I am not mistaken as to the real facts in the case. I am not mistaken as to the general idea that is entertained in the Southern States with reference to carpet-baggers. I know what I state to be true.

Mr. President, I did not purpose at this time, and I do not now, to detain the Senate with a discussion of this question; but there is one other feature to which I wish to call the attention of the Senate and the country. While gentlemen upon the other side, the Senators from North Carolina, for instance, are so shocked at the idea that we upon this side of the Chamber should dare under any circumstances to give a vote for a readjuster of Virginia, they have supported upon that side for any and every office of the Government, no matter how large or how small, the strongest and the boldest repudiators in the land, and not even my friend from Delaware [Mr. BAYARD] is shocked. That is what I have to say. You gentlemen are disturbed in your nightly dreams, you are horrified because we upon this side, forsooth, determine to vote for a readjuster of Virginia, who purposes to readjust in some way the debt of that great State, when we find he is with us upon all important questions, when we find that he is with us upon the question of a free ballot and an honest count, and we see fit to support him, you are shocked; but you are not disturbed by repudiation in Louisiana, you are not disturbed by repudiation in North Carolina, you are not disturbed by the repudiation of your friends all through the South, you are not disturbed by the repudiation which has taken place in this country in democratic States, and in democratic States alone. You are only disturbed when we under some circumstances dare to vote or indicate a purpose to vote for Riddleberger, of Virginia.

Mr. VANCE. Will the Senator yield to me one moment for a question?

Mr. ROLLINS. Yes, sir.

Mr. VANCE. When the Senator states that Mr. Riddleberger is with him in favor of a free ballot and an honest count, I should like to ask him what is the difference between counting a man out of the votes he has got and counting him out of the money that is due him? [Laughter.]

Mr. ROLLINS. You have tried both; you ought to be able to answer that question yourself. [Laughter.]

Mr. RANSOM. Mr. President——

Mr. ROLLINS. I want to say a word myself.

Mr. VANCE. The Senator does not answer my question.

Mr. ROLLINS. I say to the Senator from North Carolina that you have tried both experiments in your State and ought to know.

Mr. VANCE. I say to the Senator from New Hampshire that I have not tried either.

Mr. ROLLINS. You have denied the right to cast a free vote——

Mr. VANCE. I have not tried either.

Mr. ROLLINS. You have repudiated your debt.

Mr. VANCE. And the Senator knows I have not tried either.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. VANCE. The Senator cannot substantiate that charge by dodging it in that way. I have not tried either. My State has not tried either.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. VANCE. The assertion was witty, but it lacked truth.

Mr. DAWES. You counted out fifty cents on the dollar on all your debt.

Mr. VANCE. The Senator knows very well what that assertion is based upon. He knows very well that the Government of the United States deprived us in North Carolina of half of our property.

Mr. DAWES. Yes, but——

Mr. ROLLINS. I have the floor.

Mr. VANCE. We were willing to submit and anxious——

Mr. ROLLINS. I think I am entitled to the floor, and I guess I will keep it.

Mr. DAWES. I do know that the Government of the United States deprived the Senator from North Carolina and his coadjutors of the power of making slaves work for them for nothing; and he deliberately avows that for that offense of the United States against the power to enslave men he will pay but fifty cents and forty cents on the dollar of his honest debts.

Mr. ROLLINS. Mr. President——

Mr. VANCE. I hope the honorable Senator from New Hampshire will not farm out the floor to his friends to strike at me and not allow me the privilege of striking back.

Mr. ROLLINS. But I have the floor.

Mr. VANCE. I want to ask the Senator from Massachusetts a simple question, if the honorable Senator from New Hampshire will be kind enough to yield.

Mr. ROLLINS. I may say——

Mr. VANCE. Just one question, and then I will leave off; I will sign a bond to quit.

Mr. ROLLINS. Will you pay forty cents on the dollar? [Laughter.]

Mr. VANCE. I will pay a hundred. [Laughter.] I want to ask the honorable Senator from Massachusetts if his ancestors did not bring those slaves over here to this country in ships provided by the people of Massachusetts and sell them to the people of the South?

Mr. DAWES. Is that any reason why you should cheat your honest creditors? [Laughter.]

Mr. ROLLINS. There is one——

Mr. JONES, of Florida. Will the Senator yield to me?

Mr. ROLLINS. No; I will not yield at this moment; by and by I will give way.

Mr. JONES, of Florida. You alluded to Florida.

Mr. ROLLINS. I will hear you by and by, after I get on a little further.

Mr. JONES, of Florida. Let me ask one question.

Mr. ROLLINS. I cannot yield now.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor and declines to yield.

Mr. ROLLINS. Before I leave the subject I want to say one other thing, and that is, that the gentlemen upon the other side of the Chamber, unless they have been most wickedly misrepresented, would have been quite willing to have received the vote of the Senator from Virginia, [Mr. MAHONE,] and to have made any arrangement with him that would have inured to their benefit and given them the control of the Senate.

Mr. HILL, of Georgia. But we would not have bought it.

Mr. ROLLINS. You wanted to make arrangements, but you could not do it. You made your offers, but they were spurned. It would have been all right if you had received the vote of the Senator from Virginia; it would have been all proper for you to have done it, but it is all wrong for us, in your estimation. A great difference it makes whose bull it is that gores the ox. It is all right if you could have had the vote of the Senator from Virginia, although he was elected in spite of you, in spite of your democratic organization in Virginia, in spite of all the combined efforts of the great democratic party. He was elected a Senator upon this floor, and because he dares to stand up here and vote in accordance with his convictions he is denounced; ostracism is threatened, as the Senator from South Carolina [Mr. BUTLER] told us in the campaign last fall that ostracism and contempt had been heaped upon Longstreet, over and over again. It is all right when you can receive the benefit, but all wrong for us. Now I will listen to what the Senator from Florida has to say.

Mr. JONES, of Florida. I wish to ask a question of the Senator from New Hampshire, and he knows very well there is no malice in it, because he alluded to the fact that he made an investment in my State, which I sincerely hope will prove to be profitable, for I know he will manage it well. I desire to know whether that investment was made at a time when the State was under the control of the democrats or whether it was made under republican control?

Mr. ROLLINS. It has been made under both. I do not think it has improved under democratic administration. I hope it will pan out well in the end, for I have great faith in the State of Florida, and particularly in that portion of it where I happened to invest. There are many very respectable people there; and I hope that by and by, if I and other citizens of the North wish to go down there to live, we will not have to stay there fifteen or twenty years before the people of Florida will recognize us as something else besides carpet-baggers. That is the point I have to make. If my friend from Florida, whom I esteem so much, should have his way, I think it would not require a residence of fifteen years in that State to make a citizen of a man, even though he be a Yankee. That is all I have to say on this point.

Mr. RANSOM. Only one word in reply to my kind friend from New Hampshire, if he will pardon me. I do not know what he has done with himself, but he has satisfied me that he is not serious in the charges that he is making against the Southern States. I have never had the great pleasure of being in New Hampshire——

Mr. ROLLINS. You ought to go there.

Mr. RANSOM. I anticipate such a visit with a great deal of joy, for I have great respect for that people; I have great respect for their intelligence. I do not believe the Senator from New Hampshire had real faith in the statements which he has made here about repudiation in the South, or he never would have carried his money to one of those States.

Mr. ROLLINS. I put some of it there before they began the work of repudiation.

Mr. RANSOM. Since, too.

Mr. ROLLINS. Yes, I did; but I had to stay with my money. [Laughter.] The gentleman will understand me——

Mr. RANSOM. I thought you would stay with it.

Mr. ROLLINS. Certainly. I have no unkind feelings toward the South. I would vote for a measure that would benefit the State of North Carolina or South Carolina or Georgia or Florida just as quickly as I would vote for a measure that would benefit my own State of New Hampshire. All we ask of you, gentlemen, is fair play; all we ask of you is honest and square treatment of our citizens when they go there; all we ask of you is that you shall give us in those States a free and fair ballot, for we are just as much interested in that as you are yourselves. We do not want you to send men to the other branch of Congress by means of fraud, intimidation, and tissue ballots, as many have been sent there within the last six or eight years, but we want men sent there by a free and fair election, who represent the honest voters of those States. That is what we ask at your hands. Give us that, and we will show you that we at the North are not to be outdone in generosity or magnanimity.

Mr. DAWES. Now I hope we shall have a vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to indefinitely postpone the resolution of the Senator from Massachusetts, [Mr. DAWES.]

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE,] who is now absent. I should vote "yea" if he were here.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. LOGAN, (when his name was called.) I am paired for the day with the Senator from Mississippi, [Mr. GEORGE.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

Mr. WALKER, (when his name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded.

Mr. JONES, of Nevada, (after having voted in the negative.) I withdraw my vote. I am paired with my colleague, [Mr. FAIR.]

The result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Bayard,	Farley,	Johnston,	Ransom,
Brown,	Gorman,	Jonas,	Saulsbury,
Call,	Groome,	Jones of Florida,	Slater,
Camden,	Hampton,	Lamar,	Vance,
Cockrell,	Harris,	Morgan,	Vest.
Coke,	Hill of Georgia,	Pendleton,	
Davis of W. Va.,	Jackson,	Pugh,	

NAYS—27.

Allison,	Edgerton,	Kellogg,	Platt of Conn.,
Anthony,	Ferry,	McDill,	Platt of New York,
Blair,	Frye,	McMillan,	Plumb,
Burnside,	Harrison,	Mahone,	Rollins,
Cameron of Wis.,	Hawley,	Miller,	Sawyer,
Conger,	Hoar,	Mitchell,	Sherman.
Dawes,	Ingalls,	Morrill,	

ABSENT—23.

Beck,	Fair,	Jones of Nevada,	Teller,
Butler,	Garland,	Logan,	Van Wyck,
Cameron of Pa.,	George,	McPherson,	Voorhees,
Conkling,	Grover,	Maxey,	Walker,
Davis of Illinois,	Hale,	Saunders,	Williams.
Edmunds,	Hill of Colorado,	Sewell,	

So the Senate refused to proceed to the consideration of executive business.

Mr. CALL. Mr. President——

Mr. DAWES. Nothing is in the way of taking a vote upon the resolution.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. DAWES. I beg the Senator's pardon. I did not observe that he rose.

Mr. SAULSBURY. The Senator from Florida yields to me for a few moments. I think the criticism by New England of other portions of this country deserves some little attention at least. I have been surprised frequently not only to-day but heretofore at the moral and political superiority that the people of New England assume over the people of other sections of the country. I have no doubt there are very many fine people in the New England States; I have no doubt there are many good people, honest people, upright people in all the walks of life, but when New England Senators on this floor assume the prerogative over other people in reference to morality and politics, they ought, in my opinion, to begin to look a little at their own records.

As I came to the Senate this morning I happened to buy a book written by one of New England's own distinguished poets, Whittier, entitled "The King's Missive," and on the very opening pages the poet narrates in poetry the early traditions of the people of Massachusetts, and he tells how they persecuted the poor Quakers in those early times. From that day to this there has been a persecuting spirit manifested by some of the people of New England toward their brethren in other parts of the country, and we have had an exemplification of it to-day in the criticisms of the Senator from Massachusetts and the Senator from New Hampshire in reference to the people of the Southern States. I presume they could find, if they were disposed to look around their own door-sills, objects there that ought to engage their attention, but their benevolence and charity are of that expansive kind which looks away from home to ascertain what they can do for people in remote sections of the country.

I read not very long since that there had been in the New England States within the last year six hundred divorces granted, and two hundred of the number were granted in the State of Massachusetts. I really think that before the Senators from Massachusetts take hold of the doctrine of readjusting a State debt they had better go to work to readjust the marriage relations in their own State. I do not find any fault with the people of New England; they are like other people.

Mr. HOAR. I want to ask my friend from Delaware if the fear of divorce gives him any personal alarm? [Laughter.]

Mr. SAULSBURY. If I lived in New England I conscientiously believe that I should be afraid to enter into the marriage relation for fear of the contamination from that source. [Laughter.] But we frequently hear these gentlemen lecturing southern people, and to-day they are arraigning the noble State of North Carolina for the repudiation, as they allege, of her debt. If they turned their attention to their own factory hands and tried to improve the condition of that class of their people—a class which is held in as abject slavery to-day as the negroes of the Southern States were ever held, I think it would be much more creditable to those Senators than to expend all their charity and all their benevolence in reference to another class of people in a different section of the country.

Yes, sir, in New England to-day—I assert it in the presence of her Senators—men who are doomed to poverty, honest men toil in her factories with no hope of advancement, and delicate females who, if they had the opportunity, would shine in the best circles of society, are doomed to the labor of her factories; and why do you not expend your benevolent humanity in trying to elevate the condition of that class of people? Why should you be always taking charge of the freedmen of the South? Turn your attention to the people of your own States and you will get the credit at least for something of honesty in your pretensions of philanthropy for the colored people.

We hear these lectures on all occasions. One of the Senators from Massachusetts yesterday repeated for the second time a favorite text of Scripture, which he is apt to quote and seek to give an application of to this side of the Chamber. More than once he has said, "Beware ye of the leaven of the Pharisees, which is hypocrisy." Well, sir, if I were a preacher and were going to give an exegesis of that passage, I should first inquire who is the Pharisee. I should inquire whether that man who was constantly preaching fidelity to public trusts, honest payment of debts and in the practical illustration of his political life was making affiliations to encourage repudiation in the Southern States, was in fact, or not, the Pharisee. If so I would say, beware of the Pharisee; "beware ye of the leaven of the Pharisees, which is hypocrisy;" and when I hear men here crying out for "a free ballot and a fair count," and who yet when the opportunity arose that they could disfranchise the people of the Southern States when they sat upon the electoral commission and examined into the work of returning boards, cast out 10,000 votes of the white people of Louisiana and failed to look behind the returns, I think it proper to quote the passage of Scripture and say, beware of the leaven of the Pharisees, for the Senator from Massachusetts says it is hypocrisy.

It is time that we were plain on these things. If gentlemen will turn their attention first to their own section of country and strive to improve the moral and political condition of that people, if, for instance, the Senator from Massachusetts will take out of his constitution that provision which disfranchises a large number of poor men in his State before he comes here and preaches "a free ballot and a

fair count," it would come with something more of grace from his lips than it does at present. There stands a provision in the constitution of Massachusetts requiring that a man shall read the constitution of the State and write his name before he is permitted to vote, and write it in the English language, too, when many of the citizens of that State are not educated in the English language. What is the consequence? You make poverty a disfranchising cause, a crime, and incorporate it in your State constitution, and yet you come here and cry out for "a free ballot and a fair count." Beware of the leaven of the Pharisees, says the Senator from Massachusetts, for it is hypocrisy.

Mr. President, I have got tired of all these lectures and fault-findings with the people of the other States; and if this thing goes on we will drive it home, and we will read the history of the different States of this Union. I am perfectly willing that we shall commence anywhere, with my own State or any other State. Let us compare records. We have probably in all the States something with which we can find fault; as much fault can be found with Massachusetts as with other States; and before those Senators come here to lecture the people of other sections of the Union let them go home and put their own houses in order; especially let them inculcate upon the people of Massachusetts that when they enter into the marriage relation it ought to be a sacred tie, binding a husband indissolubly to his wife. Let them at least shut up their courts against the continual applications for divorces, which are likely to become contagious still more than they are, and I hope it will not interfere with the marriage relations of any Senator on that side of the Chamber.

Mr. BLAIR. The Senator should bear in mind that in New England an existing cause of divorce is taken notice of. I imagine that the difference may be that there some notice is taken of it, while in other States it may be passed over without observation.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, that the resolution be postponed indefinitely.

Mr. CALL. Mr. President, the honorable Senator from Ohio [Mr. SHERMAN] yesterday made the following remarks:

> Indeed we know very well that any act whatever of independence on the part of a democrat in the Southern States is punished with a severity that we in the North know nothing about. When a democrat in the South rebels against the intolerant arrogance of that old Bourbon democracy we know what his fate is.

Again, the honorable Senator used the following language:

> I admire the courage of any man who dares express his opinion openly and freely and follow the dictates of his conscience, and you will not find our northern republicans shrinking from the fellowship and aid of men who dare to do what they think is right in the face of an ostracism like this. How unnatural it appears to us in the North! In the North we have our differences. My colleague and I may agree very well, although we differ as wide as the polls in our political relations. It does not affect or disturb the social relations of men. So in the Northern States generally men differ. So it was before the war; they differed and had their debates and discussions.

It is not the first time, Mr. President, that the charge has been made upon the floor of the Senate of an ostracism and an intolerant arrogance on the part of the southern people toward those who entertain different political opinions from their own. The assumption is that the South is democratic by causes of repression, by causes of violence, by unlawful means. Mr. President, I desire to say to the honorable Senator from Ohio and also to the honorable Senator from Connecticut, [Mr. HAWLEY,] whom I know only by that high reputation which he holds in the hearts of the American people as a man of kindly sympathies and true loyalty to the principles which he entertains, that they have no evidence for the assertion which they have made, that they cannot produce any evidence which will bear any examination since the close of the war that there has been either intolerance, ostracism, or violence of any kind on account of political opinion. I make the challenge for my own State with perfect confidence, and I have no question as to the other portions of the South.

MAHONE REPUBLICAN COALITION.

But, Mr. President, the declarations of the honorable Senator from Ohio, who occupies so high a position before the country, have been drawn out in defense of a coalition made in this Chamber, or at least disclosed in this Chamber since the 4th day of March last. That coalition has announced to the country, it has announced to the Senate here, that its object is to obtain "a free ballot and a fair count," "a priceless suffrage," as the Senator from Virginia [Mr. MAHONE] terms it, in the State of Virginia and in the Southern States. The honorable Senator from Connecticut has informed us and warned us that universal suffrage is the law of this land, and that it must be enforced; the assumption being that in the Southern States it is not enforced. I propose to discuss that subject, to discuss it in its relations to the Southern States and in its relations to the other States of the Union, but before doing so I desire to look for a moment at the peculiar aspects of that coalition which has been formed here, in relation to the present condition of the public business of the country, in relation to the constitutional duties and obligations which rest upon us here, for I desire, so far as I am concerned, that my individual action shall rest upon solid ground which may be sustained before the country.

And, Mr. President, I desire to ask for one moment what is that coalition which has been disclosed here in the Senate? We are presented with a view of the honorable Senator from Virginia as the chief and central figure, an ex-confederate soldier, fighting as he has informed us here under the authority of the confederate government for what he now terms a dream of empire, an aspiration and a hope, but which was quenched in blood, and standing by his side the Senator from New Hampshire—the Senator from Massachusetts I should say—since the coalition declares and proclaims to the country that he was fighting for the perpetuation of human slavery.

Mr. ROLLINS. Will the Senator repeat that remark.

Mr. CALL. The Senator from Massachusetts I should have said. I beg the Senator's pardon if I said "New Hampshire."

Mr. ROLLINS. You said "New Hampshire."

Mr. CALL. I beg pardon. I meant to refer to the Senator from Massachusetts, [Mr. HOAR.] The Senator is sustained on the other side by the honorable gentleman who represents in part the State of Louisiana here, [Mr. KELLOGG,] and he declares since the coalition, upon the floor of the Senate, that to have been a democrat since the war in a Southern State was to have been an assassin and a murderer.

So, Mr. President, the honorable Senator from Virginia, sustained by gentlemen who characterize him in his political attitude as a soldier for the perpetuation of human slavery, as an assassin and a murderer since the war, is announced here as in favor of "a free ballot and a fair count;" and we are told to herald the day when the scales are falling from the eyes of southern men and that the new South is about to reveal itself.

Mr. President, if this be sincere, if there be a real, honest, and true purpose in the heart of any man to ally himself to any political party or association for the real good of the country or from honest convictions, I do not desire to cast any aspersion upon that man. I regard the right of change of opinion as absolute as the duty of sincerity, the duty of truth, the duty of a real devotion to the interests of his country and his people.

Let us examine this subject and see. The honorable Senator from Ohio has presented to the people of the South, to the young men of the South, the flattering picture and the bright hope of a country in which there are to be no longer sectional parties, and he has exhorted them to follow the example of the Senator from Virginia, although he has been, in the language of one of his political associates, as a democrat, and so declared on this floor to have been, an assassin and a murderer, and as a confederate to have been fighting, not for a dream of empire, a hope, and an aspiration, but for the perpetuation of human slavery. Still we are told by this example to take note that the republican party holds out the hand of generous fellowship to the men of the South who come with true purpose and advocate "a free ballot and a fair count."

Mr. President, the honorable Senator from Ohio said yesterday that the attitude which this side of the Chamber held in opposing the passage of the resolution providing for the election of officers was one which, although not in this instance perhaps revolutionary, might become so, and he charged that in the special instance here presented there was not enough in the attitude of the Senator from Virginia and his relations toward the democratic party or in the propositions of the learned Senator from Delaware [Mr. BAYARD] to justify the action of this side of the House. I do not propose to enter at large into that subject; but I desire to ask the honorable Senator from Ohio that he will do me the honor to answer me a question.

The honorable Senator in his able speech answered propositions which, like Falstaff's men in buckram, were only the creatures of his own imagination, and not the real propositions made by the honorable Senator from Delaware and on which we rest our case here.

I ask the honorable Senator from Ohio if he will do me the honor to answer me an abstract question, which every Senator may apply for himself and which may or may not determine the rightful attitude or the wrongful attitude of this side of the Chamber upon this question?

I will ask the honorable Senator whether a bestowal by a caucus of lucrative offices and a simultaneous support for the first time of the party or caucus bestowing the offices, a simultaneous change of party relations and principles by the person who either for himself or his friends and supporters receives such offices, and a simultaneous transfer of political power made by the change of party relations by the person thus benefited, can coexist properly and with a due regard to the public interest at any time or under any circumstances?

Mr. SHERMAN. Does the Senator want an answer to that question?

Mr. CALL. I do, and shall be very glad to have an answer.

Mr. SHERMAN. In the first place I do not know that such a condition of facts as is assumed in that question exists. I do not know that the Senator from Virginia was under any obligation whatever to go with the democratic party under any circumstances, and I do not see how a man with any self-respect, with any sense of honor, with any love of manhood, could vote with the democratic party after they had treated him as they had treated that Senator at his election and before and since.

Now I will say, in further answer to the question, that it was just as natural, just as proper for the Senator from Virginia to act with us as it was possible for men who have previously differed upon other collateral questions. When he comes here and tells us that he is willing to act with us in carrying out all the great principles for which the republican party stands and has stood for the last twenty years, namely, equal civil and political rights to all men, I say we will receive him into our fellowship, we will treat him as one of us; we will confer upon him and his offices and honors, and share with him the bread and meat at our table as friends and kinsmen.

I think that is a full answer to the Senator from Florida, if I properly comprehend his question.

Mr. CALL. Then the honorable Senator thinks there can properly be a simultaneous bestowal of lucrative office by a party or caucus, a simultaneous acceptance, and a simultaneous action for the first time with the party or caucus thus bestowing office, a simultaneous transfer at the same moment of political power from one side of the Chamber to the other.

Mr. SHERMAN. Mr. President, when every republican member of the Legislature of Virginia, I believe—I do not know whether every one or not—when at least the great body of the republican members of the Legislature of Virginia co-operated with the personal friends of the Senator from Virginia in electing him, they baptized him, and we have only approved that baptism. Long ago it was manifest by the drift of events that the Senator from Virginia had no stopping-place short of the republican party, because we know, by the discipline exercised by the democratic party upon every man in the South who differs with them on any question whatever, that there is, to use the language of the honorable Senator from South Carolina, no half-way house; and I expected before I came here that the Senator from Virginia, although he never has participated in our caucus, never has gone into our conferences, never has made any promises to us, that "the logic of events" would drive him into the ranks of the great party to which I belong.

Mr. HARRIS. Did the Senator from Ohio hear the Senator from Virginia announce on this floor that he was a better democrat than the Senator from Georgia, [Mr. HILL?]

Mr. SHERMAN. Yes, Mr. President, I have heard that remark made over and over again. I heard a former colleague once say that he was a better democrat than any democrat on the other side of the House, and he was a famous republican. I am a better democrat, according to the literal sense of the word, than any Senator on the other side of the House, because what is the meaning of democracy? It means equality, love of liberty, equal rights, and in the true sense and meaning of the word "democrat," we claim to be democrats while we are republicans; and therefore it is a very common thing for a person to say, "I am a better democrat than you are;" and I think I could use the same language.

Mr. HARRIS. Did not the Senator from Ohio understand the Senator from Virginia when he used that term to mean it in the ordinary current party sense of to-day?

Mr. SHERMAN. No; I understood him, on the other hand, to go on to say that the kind of democracy he belonged to—and he was a better democrat than you are—was not the Bourbon democracy, which he denounced and defined and explained in the very speech in which he made that remark.

Mr. CALL. Then, Mr. President, the honorable Senator from Ohio has taken another position. He does not admit the fact that the simultaneous change of party relations and political principles occurred at the time of the bestowal of this lucrative office; he holds that it antedated it. That is a question of fact, and therefore I will now ask the honorable Senator another question. I ask him to say whether an avowed and open candidacy for a nomination for governor from a political party, and the support of the candidate of the same party for the Presidency some years afterward, and the absence of any declaration of dissent from the platform and principles of that party except upon certain local issues and questions, and the declaration of the most intimate friends and political associates of such person of his continued identity with that party on all questions except on the expressed local issues, is or is not sufficient and conclusive proof of the party relations of such person?

Mr. SHERMAN. Mr. President, although I am rather submitting to these interrogatories I do it in perfect good humor. I will say that although the Senator from Virginia voted for an electoral ticket pledged to vote for General Hancock he did not do what I would do. He was willing to vote for General Hancock upon the platform that he, the Senator from Virginia, framed, taking General Hancock's promises to be true; but if he had known what I knew, or what I believed, that the democratic party could not be trusted to carry out the promises made by General Hancock, the candidate for whom the Senator from Virginia was willing to vote, he, I think, would have come over a little sooner and a little more rapidly. That is the answer.

Mr. CALL. Mr. President, the honorable Senator will note that in these cases the argument which he is required to meet is not the single instance, not the single fact, but the *concurrence of facts*, the cumulative facts, all tending to one conclusion; and it is no answer to the argument to take each of these facts singly and say that no one of them by itself is sufficient to maintain the conclusion. The argument itself affirms this in declaring that the cumulative force of these *concurring facts* is absolute and conclusive.

It is not, as the honorable gentleman ably and astutely treated the argument of the learned Senator from Delaware yesterday, a single fact, but he must come here and meet the concurrence of facts; he must either deny that these facts do exist and do concur, or he must show that the honorable Senator from Virginia before the 4th of March acted with the republican party in some shape or form. He cannot deny the concurrent force of simultaneous facts, and the force of the proposition is the bestowal of the lucrative offices of the Senate and the simultaneous transfer of political power at that moment and in connection with that act, and the continued enforcement here before the Senate of the United States of the purpose of bestowing those political offices contemporaneously with the first declaration of political action and political support between the party and the Senator. I say again it is the concurrence of facts which bears its weight and furnishes the justification to this side of the Chamber.

THE REPUBLICAN PARTY DENY A FREE BALLOT TO THE SOUTH.

But, Mr. President, the honorable Senator from Ohio and the honorable Senator from Connecticut, the latter of whom I know only as a Senator standing high in the public regard and holding a place in the hearts of the American people as a man of kindly sympathies and sincere devotion to principle, have declared this coalition to be a movement for a free ballot not only in Virginia, but in the South; they have spoken of ostracism for political opinion's sake, of the courage which independent political action requires in the Southern States, and they ascribe the unity of political action in these States to repressive causes. With great respect to the honorable Senators, I may say that I admire the audacity of this declaration. You have learned from the Frenchman's philosophy of success, *Audace, audace, audace toujours.* Why, Mr. President, was it not the Senator from Ohio, greatly respected and learned as he is, and his party, under his teachings and influence, who instead of a free ballot disfranchised a majority of the intelligent and virtuous and property-holding men of the Southern States in the first reconstruction by the direct denial of the ballot?

Mr. BLAIR. I should like to ask the Senator right at that point, if it was not the fact that every southern man who by the original constitutions of those States as they existed at the outbreak of the war was allowed to vote had a right to vote, most of them without conditions, and all of them who would take the oath of amnesty prescribed by the proclamation of President Johnson?

Mr. CALL. No man had a right to vote except those whom the military officers permitted to vote, and thousands of men who ought to have voted were not allowed to vote.

Mr. BLAIR. If the Senator will refer to the proclamation itself he will find that my assertion is correct, and that every man who had a right to vote by the constitutions of the Southern States as they were at the outbreak of the war had that right to vote under the proclamation of the President and the instructions of the provisional governors, if that man would simply swear fealty to the Union of these States.

Mr. CALL. And thousands were disfranchised, and the military officers of the country were made the judges.

Mr. BLAIR. The Senator confounds the distinction between the right to exercise the suffrage and the right to hold office.

Mr. CALL. I do not confound the two. The reconstruction was under military authority; it was not a civil act.

Mr. BLAIR. Necessarily under military authority, for there was no other authority which could preserve the peace. All reconstruction must take place under military authority in the first instance, because military authority was in possession of those States; but the suffrage was extended, under instructions to those military authorities, to the entire southern population which had the right to vote under their old constitutions, provided they would but swear loyalty to the Union.

Mr. CALL. I beg the honorable Senator's pardon; he is speaking of the text, of the letter of the law, but its main and distinguishing feature was that it was to be executed not under the guarantees of the Constitution and the courts, not as a civil right, but by military force and power.

Mr. BLAIR. Will the Senator allow me? Do I understand him to concede that I state properly and correctly the letter of the law?

Mr. CALL. No, I do not, because my memory does not serve me.

Mr. BLAIR. The documents will bear me out in what I say.

Mr. CALL. I think it possible that the Senator may be right, that the general terms of the law, with special clauses of disfranchisement, did allow a general suffrage in the country.

Mr. BLAIR. Does the Senator claim that as a matter of fact, that any man who chose to take that oath was not allowed to vote?

Mr. CALL. Oh, thousands were disfranchised, and it always will be so under military authority as contradistinguished from civil. That was the object of depriving the civil power and the courts of their authority to protect individuals.

Mr. BLAIR. The Senator is entirely incorrect in his statement. There is no historic fact to support him.

Mr. CALL. The difference between the Senator from New Hampshire and myself is that I know the fact and that he does not, that I am sustained by the whole concurrent authority of history and the Government records themselves, and the Senator is not.

Mr. BLAIR. There is no fact that stood between the exercise of the suffrage and the citizen as the citizen was before the outbreak of the war, except the sole fact that he refused to take that oath.

Mr. VANCE. And except the bayonets of the United States Army.

Mr. BLAIR. No bayonets of the United States were ever interposed, South or North, but for the protection of the ballot, and the Senator cannot specify one single instance in which the armed forces of the United States ever exercised any authority whatever but in the protection of the suffrage of the people of the United States, North or South.

Mr. SAULSBURY. If the Senator from New Hampshire will allow me, I will say to him that in my State, which never was in rebellion

but held her relations with the Federal Union during the whole time, I myself was disfranchised by a military order which prescribed a qualification in addition to that which was prescribed by the constitution and laws of my State; and I saw a Federal officer stand with his sword at the polling place to enforce a military order made by General Schenck, which military order was made for the very purpose of trying to carry the election for the republican party.

Mr. BLAIR. The Senator will bear in mind that my remark was only with reference to the statement of the Senator from Florida as to the period of reconstruction. The Senator from Delaware now speaks of a military order issued during the prosecution of the war itself, taking supervision of a state of things quasi-rebellious, if not really so, and an order issued by his own subsequent candidate for the Presidency, General McClellan, during the war.

Mr. SAULSBURY. General McClellan?

Mr. BLAIR. General McClellan.

Mr. SAULSBURY. It was not issued by General McClellan. It was issued by General Schenck. He was the general.

Mr. BLAIR. But was he not a subordinate of General McClellan, and did he not merely repeat the order of his superior?

Mr. SAULSBURY. No; General McClellan at that time had passed out of the public service and been displaced. There never was a more unjustifiable act on earth by any military officer, and his own party there were ready to condemn it, and at the very next election they would not permit it themselves.

Mr. BLAIR. Does the Senator from Delaware controvert the statement which I made that the original efforts at reconstruction, that the provisional governments established by virtue of the proclamation of Andrew Johnson, were reconstructed upon the basis of suffrage as it existed in the Southern States just at the breaking out of the war and by virtue of the constitutions of those States, subject only to the condition that whoever was to vote must declare allegiance to the laws of the land?

Mr. CALL. I have asserted the proposition, and I reassert it, that to put the suffrage in the hands of the military is to deny under the Constitution and laws of this country "a free ballot and a fair count." Whatever may have been the precept of the law, the mode of reconstruction in the Southern States was a registration and an arbitrary authority as to voting in the hands of military officers; and it depended, to say the least, upon the intelligence, upon the right purpose, and upon the fairness of the officers into whose hands that power was confided. As a matter of fact they did return the vote so as to disfranchise the intelligent, the virtuous, the influential people of the entire South; they did build up majorities where none existed, and for eight years they held power against the votes of a majority of the people.

I ask again was it not the Senator from Ohio who reconstructed the Southern States upon the basis of black or colored suffrage avowedly for the purpose of excluding the white citizens from a free ballot and a fair count by the Freedman's Bureau and the use of the Army of the United States, for that was the instrumentality by which the colored man was built up into a deep and settled and a profound animosity, which it took years to overcome, against the intelligent, the virtuous, the kind, and the friendly people who had nurtured him from infancy to manhood? I ask was it not the Senator from Ohio and the Senator from Massachusetts—and I ask it with great respect and kind feeling to them, and I refer to the facts of the past without indulging in personal feeling although I may differ with them—who maintained the force bill long afterward in the Congress of the United States for the purpose of substituting force for civil process and civil means in the government of those people? And what does that show? Is that "a free ballot and a fair count?"

I ask again, Mr. President, was it not the Senators from Ohio and Massachusetts who sustained the returning boards in refusing "a free ballot and a fair count," and thus disfranchising whole districts and States? Was it not those Senators who sustained the corrupt courts and officials who packed the juries with partisan jurors selected for conviction of accused persons by suborned and perjured witnesses bought with the public money? Was it not you, gentlemen upon the other side, who sustained these governments by force until they had beggared the people with taxes, exhausted the public credit with riotous expenditure, and made virtue and religion stand aghast with horror and shame at the unbridled lust, the unlicensed passions which were installed in the high places of power, and like Absalom, in the very wantonness of crime and power exhibited its shameless passion to all the world?

RECONSTRUCTION.

You talk about polygamy and the Mormons; but the governments which you established in the Southern States on the basis of the denial of a free ballot, directly and indirectly on the basis of the exclusion of the virtue, the intelligence, and the property of the country from all places of power have never had a parallel in the history of mankind either for the extent of criminal practices, unrestrained licentiousness, and open, admitted, and unblushing bribery, fraud, and theft.

I hold in my hand a report, which is sustained by republican authority, made by a committee of the Legislature of South Carolina, the record of which will cause any citizen of America to hang his head with shame and with sorrow. The very capitol and executive mansion were disgraced by the public exhibition of crimes that would bring the blush to the cheek of every American mother and make the heart of every father shrink within him at the contemplation of licentiousness openly proclaiming itself to the world.

The honorable Senator from New Hampshire a few moments ago called my attention to the letter of the law under which the first reconstruction occurred. The honorable Senator controverted my statement that that was a reconstruction in which "a free ballot and a fair count" was not permitted. My statement that it was done by military coercion he admitted, but he claimed that under the law the naked right existed. Let us see how far he was correct even in that. This is the act:

Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

I knew that the fact was that the law and the practice had disfranchised a large proportion of the intelligent people of the South. So again the oath which they were required to take operated as a disfranchisement. I will send to the desk the law prescribing the oath and have it put in my speech.

The Secretary read as follows:

An act supplementary to an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, and to facilitate restoration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before the 1st day of September, 1867, the commanding general in each district defined by an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, shall cause a registration to be made of the male citizens of the United States twenty-one years of age and upward, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, ——— ———, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am a citizen of the State of ———; that I have resided in said State for ——— months next preceding this day, and now reside in the county of ———, or the parish of ———, in said State, (as the case may be;) that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterward engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof. That I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterward engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;"—which oath or affirmation may be administered by any registering officer.

Mr. BLAIR. Will the honorable Senator allow me a moment, for I should like to be perfectly accurate in a statement of this kind? On page 10 of McPherson's History of the Reconstruction, a work which, as we all know, is made up from official documents very largely, almost wholly, you will find a portion of the proclamation of amnesty issued by President Johnson, May 29, 1865, which enumerates the several classes excepted from absolute unconditional amnesty. There are fourteen in number. I will read them:

The following classes of persons are excepted from the benefits of this proclamation:

First. All who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended government.

Second. All who left judicial stations under the United States to aid the rebellion.

Third. All who shall have been military or naval officers of said pretended confederate government above the rank of colonel in the army, or lieutenant in the navy.

Fourth. All who left seats in the Congress of the United States to aid the rebellion.

Fifth. All who resigned or tendered resignations of their commissions in the Army or Navy of the United States, to evade duty in resisting the rebellion.

Sixth. All who have engaged in any way in treating otherwise than lawfully as prisoners of war, persons found in the United States service as officers, soldiers, seamen, or in other capacities.

Seventh. All persons who have been or are absentees from the United States for the purpose of aiding the rebellion.

Eighth. All military and naval officers, in the rebel service, who were educated by the Government in the Military Academy at West Point or the United States Naval Academy.

Ninth. All persons who held the pretended offices of governors of States in insurrection against the United States.

Tenth. All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the pretended Confederate States for the purpose of aiding the rebellion.

Eleventh. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States.

Twelfth. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement, or custody, or under bonds of the civil, military, or naval authorities, or agents of the United States, as prisoners of war, or persons detained for offenses of any kind, either before or after conviction.

Thirteenth. All persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over twenty thousand dollars.

Fourteenth. All persons who have taken the oath of amnesty as prescribed in the President's proclamation of December 8, A. D. 1863, or an oath of allegiance to the Government of the United States since the date of said proclamation, and who thenceforward kept and maintained the same inviolate.

Then comes this provision:

Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes; and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States.

And the instance of the refusal of clemency upon such application I never heard of in the world, and I do not believe that a single such instance exists where the application was made.

Mr. BECK. Mr. President——

Mr. BLAIR. The Senator will bear with me a moment, for I wish the two parts of this statement to be made in connection with each other. On the eleventh page of the same work is the proclamation appointing William W. Holden provisional governor of North Carolina, and which provides under the supervision of the military power for the re-establishment of civil authority in that State. The second paragraph goes on in this wise, and it is all that is pertinent to the proposition which I made:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said State to organize a State government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander-in-Chief of the Army and Navy of the United States, do hereby appoint William W. Holden provisional governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal Government, and to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention, as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken the oath of amnesty, as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of North Carolina, in force immediately before the 20th day of May, 1861, the date of the so-called ordinance of secession; and the said convention when convened, or the Legislature that shall be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the State, a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And in connection with this I wish to read the oath of amnesty alluded to in this appointment of Governor Holden.

Mr. CALL. I must beg the Senator from New Hampshire to remember that this is not exactly fair. I cannot consent to his filling up the whole RECORD now. If my learned friend wants to make a short speech, selecting the salient points of that document, well and good, but it is scarcely right that he should take a half hour——

Mr. BLAIR. I desire to read only nine lines more.

Mr. BECK. Will the Senator allow me to say a word?

Mr. BLAIR. I understand that I occupy the floor by the courtesy of the Senator from Florida. I was reading certain documentary evidence in connection with evidence of like character which he introduced, that the whole might be considered together.

Mr. CALL. I do not want the Senator to put in a document that is so long that it takes an hour to read.

Mr. BLAIR. I have read about five minutes, the Senator will bear in mind, and one minute will let me get through with nine lines. I wish to put in this connection the oath of amnesty alluded to in the proclamation:

I, —— ——, do solemnly swear, (or affirm,) in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

Mr. BECK. Will the Senator allow me one word? I have risen not to make a speech, but the Senator from New Hampshire either forgets or carefully refrains from reading the reconstruction acts of March and July, 1867.

Mr. BLAIR. Mr. President——

Mr. BECK. One moment; I do not want to be interrupted now.

Mr. BLAIR. But the Senator will allow me to correct him when he charges me with an incorrect statement, either intentionally or ignorantly made.

Mr. BECK. Yes, sir.

Mr. BLAIR. I assure the honorable Senator that he is at least two years out of his bearings. I am talking about the initial act when civil government was restored in those States, and he has got two years this side, when the abuse of power under the exercise of the suffrage compelled the reconstruction of those provisional governments themselves.

Mr. BECK. Mr. President, the acts under which those States were reconstructed I shall take occasion to examine the first of next week or to-morrow when we meet if you like. I happened to be a member of the reconstruction committee. I happened to be one of the perambulating committee of twenty-one where all this matter was taken up. It was because the people of those States under the proclamation of Andrew Johnson were about to send decent men to Congress and did send them—the Senator from Arkansas [Mr. GARLAND] was sent, Judge Sharkey, of Mississippi, was sent, the best men of the country were sent to overthrow the infamous laws which had been passed by the Congress then existing—that those States were turned out, declared to be subject provinces, placed under military rule worse than all the satrapies of Turkey, and the General of the Army was required to take absolute control over them. You would not even allow the President to interpose. You passed laws in the Congress of the United States that disfranchised a man if he had been a constable or a justice of the peace forty years before the war, and had during any of the years of strife given a pair of shoes to his son whose feet were bleeding from the frost, and allowed every negro and every carpet-bagger and every thief and every plunderer to control that people in a way that no people were ever tortured before. It was the most cruel, the most iniquitous legislation that ever was resorted to. The men of property, the men of intelligence were crushed in the dust, and their former slaves were made their masters, and the Army was put over all, and a band of men nine-tenths of whom were never in the Federal Army, who were the cow-boys, the squaws of the war, were sent to give a double representation to the North in order to maintain the legislation then upon the statute-book. They were not content with disfranchising the South, but they doubled their own representation by sending the most infamous men they could find to plunder that people until General Grant and all the decent men of the republican party protested against it. I will show that when I come to consider the subject.

Mr. CALL. Now, Mr. President——

Mr. BLAIR. Mr. President, will the Senator from Florida submit to a moment's further interruption?

Mr. CALL. Only a moment; not to read another document.

Mr. BLAIR. I will not read another document, but I will take that moment to remind the honorable Senator from Kentucky that he knows very little of the history of which he was himself a part or he fails to state it with accuracy. I was reading documents having a bearing, a genuine bearing upon the point which was raised by the Senator from Florida, and I said, and the documents bear me out absolutely, I think, certainly substantially, in the assertion which I made, that the original reconstruction of the Southern States, the transition from military to the exercise of civil power was, by virtue of the authority of the United States, based upon precisely the same right of suffrage which existed at the date of the passage of the various ordinances of secession in the several States; and this is the truth that the Southern States were reconstructed upon that suffrage. They framed their constitutions, they organized their Legislatures, they enacted their laws, all based upon precisely that same suffrage; and so inhuman were they, so absolutely subversive of the great objects and purposes and results of the war were they that it became necessary, in order to prevent the actual re-establishment of slavery in the Southern States in a worse form than it had existed prior to the war and which had been abolished as the result of the war, that a reconstruction of those governments should be had. It was absolutely indispensable, and thereupon the National Congress took the matter in hand two years afterward and appointed the committee on reconstruction of which the Senator from Kentucky was so prominent and so able a member. That committee upon reconstruction recommended a measure which passed the Thirty-ninth Congress, a Congress ending March 4, 1867. It and the Fortieth Congress immediately following proposed and enacted measures which based the reorganization of the South upon manhood suffrage, giving to those who had been in the war, those who constituted the confederate army, and the colored man as well a vote, so that the right to be heard at the ballot-box belonged to all. And they initiated and carried out the measures which were necessary to give to every man, white and black, at the South, whether he had been in the rebellion or not, the opportunity to speak at the ballot-box and to be represented in the resulting government. If there were abuses resulting it was simply because the white population at the South, the controlling, the intelligent, the wealthy population at the South rebelled in spirit once more, and fell sullenly back and refused to participate with their colored brethren in these efforts to reconstruct their governments upon the basis of universal suffrage. If these intelligent and wealthy men who had reconstructed the South in the first place, and who have recaptured it since, had asserted themselves at the polls at the same time when the negro went there and deposited his ballot, can it be pretended that they would not have been able by the force of intelligence and by their superior numbers to have controlled the subsequent reconstruction in the South, based as it was upon universal suffrage?

No, Mr. President; this is all an idle and hollow pretense. Whatever calamities the carpet-bag governments brought upon the South the South brought upon herself, because she refused to exercise her right and her power under these reconstruction measures which are so much belied; and she chose, rather than vote at the side of a freedman, who might also be a black man, to ignore the reconstruction which was provided by the national authorities; and her calamities, if they are calamities, are due to herself.

But, Mr. President, the carpet-bag governments were the best governments the South ever had; and the common school and the principles of universal liberty which prevail there now and which are the basis of your rising prosperity, all those great ideas of genuine liberty extended to all men which are the basis of your prosperity and of your future happiness, and which will make you the crowning glory of our great Union of States, come to you by virtue of these same carpet-bag governments which you curse.

Mr. BECK. Now, Mr. President, one word, and I will say nothing further. If the Senator from New Hampshire had not displayed absolute ignorance before, he has done it now. He says that the reconstruction acts allowed every man to vote. I say they did not. They lie before me and I can prove it by reading them.

Mr. BLAIR. I have at no time intended to say that the recon-

struction acts of 1867, two years later than the proclamation which I read, gave to every man the unqualified right to vote, but every man who chose to be a loyal man and to give evidence of his loyalty by taking the necessary oath—nearly every man, but there were a very few of those men who had been prominent in the rebellion excepted, I grant.

Mr. BECK. And a man could not take the oath, as I say, if he had been a constable or an overseer of a highway or a justice of the peace twenty years before the war, and had resisted secession all he could, if he had at any time, and he was obliged to admit that he had, given a pair of shoes or a pair of stockings even to a conscript son during any of the years of strife.

I shall go into that matter at some early day, because this thing is going to last a week; these gentlemen dare not go into executive session; they do not propose to do it until next Wednesday or Thursday when their friends come back from Wisconsin; and this is all a pretense we know. They are afraid to go into executive session; we all know that; and they are endeavoring to make the country believe that we are responsible for their not going there. They can do their work there and come back into this wrangle if they want to, but they are afraid to face the responsibility of the nominations of their own President, and therefore next week when there is ample time I will go into this discussion. They will adjourn to Monday now if they can. I will show the Senator from New Hampshire that the statements he is making of the laws under which those people were reconstructed, and his laudation of the carpet-bag governments are not only untrue in the eyes of the American people, but will meet with no response except with himself and with a few others who hate the southern people as badly as he seems to do.

Mr. DAWES. Mr. President, the Senator from Kentucky has said three or four times——

Mr. CALL. I thought I had the floor.

Mr. DAWES. Just one moment. He has said three or four times that we dared not go into executive session. I would like to have him state what is the ground of that.

Mr. BECK. What is the ground of what?

Mr. DAWES. Of that assertion.

Mr. BECK. Because you have such divisions among yourselves that you dare not face the questions that will arise if you venture to go into executive session.

Mr. DAWES. That is not an answer. I ask him on what ground he says I dare not go into executive session?

Mr. BECK. The Senator from Massachusetts is not the republican party. I know he has been scolding us here for days, and it has given him a wonderful amount of satisfaction. I know for eight years, when I was in the other House with him, he used to indulge in it nearly every day, scolding everybody. He used not to do it here, but he has taken more courage the last few weeks, because he has a new set to deal with that he never had before. I do not mean him alone; I mean his party.

Mr. CALL. Mr. President, I must claim my rights.

The PRESIDING OFFICER. The Senator from Florida is entitled to the floor.

Mr. DAWES. I will not interrupt the Senator but one moment. The Senator has been informed by me three or four times——

Mr. HARRIS. I understood that the Senator from Florida declined to yield.

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. DAWES. The Senator from Florida knows whether he declines, just as well as the Senator from Tennessee.

Mr. HARRIS. I understood the Senator from Florida distinctly to say that he declined to yield, and yet the Senator from Massachusetts persevered. I call the Senator from Massachusetts to order.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. DAWES. Will the Senator yield a moment?

Mr. CALL. How long does the Senator wish to speak? One minute?

Mr. DAWES. About a minute.

Mr. CALL. Very well.

Mr. DAWES. I wanted to ask the Senator from Tennessee who constituted him the guardian of the Senator from Florida?

Mr. CALL. I think I must go on.

The PRESIDING OFFICER. The Senator from Florida declines to yield further.

Mr. CALL. I thought the Senator from Massachusetts had something he wanted to say. [Laughter.]

Mr. DAWES. I thought so, too.

Mr. CALL. Mr. President, I stated as a fact that the first reconstruction, not the reconstruction under the provisional governments under President Johnson, but the first reconstruction under the act of Congress, was a forced reconstruction in which a free ballot was denied to the intelligent and the property-holding classes of the South. I find in the message of President Grant in 1870 the following language:

> In view, however, of the vast importance of the fifteenth amendment to the Constitution, this day declared a part of that revered instrument, I deem a departure from the usual custom justifiable. A measure which makes at once four millions of people voters, who were heretofore declared by the highest tribunal in the land not citizens of the United States—

The Senator from New Hampshire must know that those four millions of people by military authority were permitted to vote in the reconstruction, while by General Grant's declaration, and by the past they were not until the adoption of the fifteenth amendment eligible to vote in any State or in any form; and while that was so under the oath required to be taken and under the provisions of this law which provided that no person should vote for a member of the convention who was not eligible to the convention under the law there was a disfranchisement of the larger portion of the men of character, of virtue, of religion, of honesty, and of integrity in the Southern States.

CARPET-BAG GOVERNMENT.

I said, Mr. President, in the progress of this history, charging as I do that you are not sincere, gentlemen, in your proposition when you say that you are in favor of "a free ballot and a fair count," that in your course toward the southern people, instead of inviting the affiliation and support of virtue, of capacity, of character, you have refused to accept them, and sought to develop, to purchase infamy, degradation, infidelity, insincerity, and hypocrisy as your allies in those States. I said, and I say again, that upon the record the history of the world furnishes no parallel to the carpet-bag governments which have become infamous in history as such, which you created in the Southern States on the basis of a solid black power and a minority of whites gathered from all quarters of the world to govern and control that people by denying "a free ballot and a fair count" through returning boards, through military power, through the terror of cruel laws administered by corrupt and perjured judges, by corrupt and perjured district attorneys, by jurors selected from the most ignorant and bitterly prejudiced parts of the community for the purpose of conviction and not of a fair and honest trial. Let us look a little at the proofs.

The honorable Senator from Massachusetts [Mr. HOAR] said a few days ago, "Point us to the proof." Sir, I do not impeach the character of the great political organization known as the republican party; but I do impeach the wisdom, the success, the honesty of their reconstruction work in the Southern States. I do charge upon that work the unity of opinion and feeling, gentlemen, which not only makes southern men but makes every northern man who carries into that country his wife and young children, just budding into womanhood and manhood, a democrat, however stalwart a republican he has been, because you bring him in contact with the infinite vileness of that system of things which you established there.

Is this empty declamation? The Almighty has not set his seal upon mere bold assertion. Gentlemen on the other side cannot destroy the truth of facts, the truth of society, the truth of political action, by gathering falsehood and detraction and abuse from the lips of hired and perjured men. What are the facts? I hold in my hand a report, which I venture to say cannot be controverted by any fair processes of investigation or denial anywhere, a report that rests alike upon republican and upon democratic authority. That report is the report of a committee of investigation of the South Carolina Legislature after there had been a reassertion of the great conservative forces of society, after the intelligence, the religion, the industry, and the virtue of the country, whether of northern or southern origin, whether republican or democratic, had combined to restore power to the hands of the better and the wiser and the honester portion of the people. What does that report show? Let us look for a moment at the great picture of this work of reconstruction which beggared the people of the South, which insulted by gross crimes and licentiousness in public places the purity of the domestic household and cast abroad throughout the land vice and the examples of vice in its most horrid form. What does that report show?

The expenses of the Legislature of South Carolina in 1871 were $822,698.83; in 1871–'72 they were $1,533,574; in 1872–'73 they were $908,865; in 1873–'74, $922,000, and in 1877, under Governor Hampton's administration, they were $84,096, as against a million and a million and a half preceding that time. And what was done with that sum of money drawn from an impoverished State and people whose industries were ruined? Look at the list of articles purchased; look at the unbridled luxury and looseness, see the provision for shameless passion and indulgence which it is not even becoming to read in the Senate of the United States, in which nearly one million four hundred thousand dollars was expended to gratify the passions and lustful tastes of the men holding power by virtue of that forced reconstruction.

Gentlemen, there is nothing new in this, and I am not using extraordinary language when I say that the religion and the virtue of the North and the South, of every man and every family in that country, stood aghast at the spectacle presented.

Talk about a free ballot! Gentlemen, you talk about ostracism. There has not been ostracism except in cases where a man countenanced and upheld such wicked crimes, and then not because of his political opinions or his party relations, but because he was *particeps criminis* to these offenses against good order and public decency, against religion and good morals.

Why, sir, in the very first political convention which was a convention of both parties that met in my State and composed of men that were northern and southern, we offered a unanimous nomination to a republican then and now as loyal to his convictions of party duty and principle as any of you who sit upon the other side. I refer to Captain James, a citizen of the State of Massachusetts, a graduate of one of her great institutions of learning, a captain in the

war and a captain of that class of troops against whom it was supposed the greatest prejudice existed on the part of the southern people. I say that every man's house has been open to every man without regard to his republican faith who was a gentleman and a man of fair and honest character and demeanor and who did not make it his business to incite strife and murder and crime on the part of the colored people toward the white or the white people toward the colored.

You proposed, gentlemen, to reconstruct government and to maintain it on the basis of the supremacy of the black man over the white; you propose to maintain that state of things under the lead of strangers and the few southern white men who would sell themselves for the purpose by the bribe of office. I know some good men, both northern and southern, who could find it in their conscience to be reconciled to this condition of things; but while there was one of this kind there were ten, whether they came from the North or the South, whose moral nature recoiled from the hideous reality. But under all aspects and at all times your scheme proposed to govern these people with a solid black power and a small minority of whites, and to exclude the great body of the young men and the old from all participancy in and control over their own State governments, and to supplement this state of things with the power of the sword and the terrors of cruel laws administered by stalwart judges and district attorneys and packed juries and perjured witnesses. This is what you call "a free ballot and a fair count!"

And this is what you propose to renew in the Southern States, and you wish to encourage enough independents to accept it; but first, gentlemen, abolish the churches, stop the schools, shut out the literature and the learning, and all the sources through which morals and decency are taught, and you may begin to accomplish your object.

You must forbid the access of your New England newspapers and forbid the ministers of religion and the humble priest from going with his Bible from house to house and administering his moral instruction with the consolations of religion; you must prohibit your northern men from coming with their wives and their young daughters growing into beautiful and virtuous and intelligent womanhood, and their boys into an honorable and truthful manhood, for as surely as they go and come in contact with the condition of things you established there their stalwart religion and virtue will change their stalwart republicanism into horror at the contact with the vileness of that political system which you are seeking to establish on the basis of a solid black power, resting on bitter hatred and animosity, fomented in secret political societies where no free discussion is allowed, and where absolute ostracism of the respectable elements of the country is practiced; where no colored man's life or property is safe if he is independent. You will have again placed vice and crime above virtue and innocence, ignorance above learning, idleness and vagabondism over industry, and theft and dishonesty above honesty. Then licentiousness will be made respectable, and qualifications for office will be falsehood and perjury. When you have passed such laws, you will have begun to accomplish your purpose of proving to the people who shall live in that unhappy country that you intend to press them down to the level of this infamous and terrible condition of things.

Mr. President, this has been the history. The Senator from Ohio bore a large part in producing this condition of things. The Senators from Ohio and Massachusetts who are responsible for that terrible condition of things revealed by the history of that South Carolina Legislature and measurably by others, appear here and reproach the South for what they call repudiation. They reproach them for the refusal, or the failure rather than the refusal, to pay the obligations incurred by bribed legislators, to pay obligations not one dollar of which has ever gone into public uses. Well, Mr. President, in my State we have not done so. The statement which has been read here is, so far as we are concerned, utterly and absolutely false. No obligation of the State of Florida has ever been refused to be met; every obligation of the State, with the single exception of a few bonds held in the Department over which the honorable Senator from Ohio so lately presided, and against which the State has thought and still thinks that she has a right to an honest offset of money due to her under an act of Congress and the laws of the country and once appropriated for its payment—no other bonds, created by any government of the State of Florida, stand unpaid or, at least, unacknowledged and the interest upon them paid.

MASSACHUSETTS DENIES A FREE BALLOT.

But, Mr. President, I further say that this proposition of "a free ballot and a fair count" is a pretense that you have no right to make. Why? Where have you a free ballot? What do you mean by a free ballot? Do you mean a ballot extended to everybody? You certainly do not. The Senator from New Hampshire—the Senator from Massachusetts, I mean—holds his place here by virtue of a law disfranchising enough of her adult male population to change the politics of the State.

Mr. ROLLINS. I should like to inquire of the Senator from Florida what portion of the population of New Hampshire is disfranchised?

Mr. CALL. I said Massachusetts.

Mr. ROLLINS. You said New Hampshire.

Mr. CALL. I said Massachusetts. The gentleman's ears are open to hear what he wants to hear.

Mr. ROLLINS. I appeal to the Reporter. The Senator said New Hampshire. If he says he meant Massachusetts, all right.

Mr. CALL. I have corrected it, and you heard the correction.

Mr. DAWES. If the Senator would understand the constitution and laws of Massachusetts a little better he would correct himself about Massachusetts.

Mr. CALL. Does the Senator from Massachusetts deny—I do not blame the qualification—the fact that there are one hundred thousand or nearly that number of adult males in Massachusetts who have not the right of suffrage?

Mr. DAWES. Certainly I do, sir. Nobody who understands anything about the facts would ever make such a statement as that.

Mr. CALL. Well, that will not do. The honorable Senator from Massachusetts cannot get out of the proposition by bravado and bold assertion. We must have facts and proof. It is stated in the report of a special committee of which the late Senator from Pennsylvania, Mr. Wallace, was chairman, and it has been asserted time and again. Now, will the Senator tell us whether there are any persons disfranchised in the State of Massachusetts?

Mr. DAWES. More is the pity that men should state in a report that which has not the slightest foundation in fact.

Mr. CALL. I beg the Senator's pardon. He cannot truthfully deny upon this floor that there are thousands of people disfranchised in Massachusetts by her qualification. I challenge him to the proof; whether the number be one hundred thousand or not, the Senator cannot truthfully deny that there are many thousands of people in Massachusetts disfranchised.

Mr. DAWES. Mr. President, I think I know pretty well about the people of Massachusetts, and without a great deal of assumption I know as much about them as the Senator from Florida, and I repeat what I have said here in the hearing of Massachusetts.

Mr. CALL. Well, Mr. President, I will not stop now, but I think I shall be able to prove that there are thousands of men to-day disfranchised under the laws of Massachusetts, which require that men shall read and write, which require that they shall pay a poll-tax; and I want the Senator from Massachusetts to tell us how in the face of the people of the United States and of this Senate he can undertake to sustain the Senator from Virginia, who noted his point of departure in opposition to the democratic party of Virginia because they have a capitation suffrage tax. I should like the Senator from Massachusetts to tell us as to that.

Mr. DAWES. Mr. President, I have nothing to do with that question just at this time. I am responding to the Senator's accusation against Massachusetts. We will settle that before we pass to any other State. I have no doubt the Senator can find just what he says in the report to which he alludes, but that does not alter the fact. Now, if the Senator desires to know just what the fact is, I will state it.

Mr. CALL. I always like to know what you say the fact is.

Mr. DAWES. The State of Massachusetts adopted some twenty years ago an amendment to her constitution which provided that every person who became a voter from and after that date should be able to read and write, but especially providing that it should deprive no man already a voter of his right to vote, and then provided that every man at the expense of the State should have the means of learning how to read and write, so that every man if he chose to remain in ignorance did it voluntarily, and was not deprived by the law or the constitution of the right to vote, but deprived himself of it.

Mr. CALL. Well, now, Mr. President——

Mr. DAWES. It took no right to vote from anybody. It furnished everybody with the means of conforming to the provisions of its law, and then if he chose voluntarily himself to deprive himself of the right to vote he had no complaint to make.

Mr. CALL. Mr. President, that won't do. The proposition which the Senator is denouncing the people of Virginia for is that they provide a capitation tax as a qualification for voting, and he says here Massachusetts only imposes a qualification that a man can get rid of if he chooses; it does not deprive him of any right. It withholds the right, and that is a deprival of it.

Mr. DAWES. Does a single word I have said about any capitation tax occur to the Senator from Florida?

Mr. CALL. Oh, well, the principle is the same thing. You have a limitation of intelligence.

Mr. DAWES. Have I said anything, I ask the Senator, about a capitation tax in any Southern State?

Mr. CALL. Oh, no; but you affirm the same principle; they are both a qualification. I said you allege that nobody is disfranchised, that there is no person who does not vote in the State of Massachusetts because of its disqualification.

Mr. DAWES. Let us have a clear understanding. If our Southern brother will see to it that everybody qualified by their laws to vote shall have a free ballot and a fair count, he will hear no word of complaint from me.

Mr. CALL. I ask the Senator what do you mean by a free ballot? Do you mean a ballot that is free to everybody because of manhood? If so, you have no right, as I said, to come here while you hold your own seat under a ballot that deprives your people by its qualification of the right to vote.

Mr. DAWES. I will not go back, but I will tell the Senator what I mean by a free ballot.

Mr. CALL. Let us come to the point. Do you mean free in respect of manhood suffrage, every adult male having the right to vote?

Mr. DAWES. I have answered what the Senator said about people being deprived of the ballot in Massachusetts, and I do not propose to answer that again.

Mr. CALL. You have not answered it.

Mr. DAWES. I will tell him what I mean by a free ballot. I hold that every State has a right to prescribe the qualifications of its voter within the Constitution of the United States; but having prescribed them, I insist, so far as I am concerned, and am in for that to the end, that a man who is a lawful voter by the laws of the State in which he lives and by the Constitution of the United States shall have a right to walk up to the ballot-box without fear and deposit his ballot, and it shall be counted, and nothing else counted.

Mr. CALL. That is all that you mean. You mean that he shall not be prevented by violence. If you mean that we are with you; and the ballot is freer in our States than it has been in Massachusetts. If your ballot was as free as ours you would have a democratic representation from the State of Massachusetts to-day. It is because of fear, the fear of starvation, the fear of disease, the fear of your great corporate capital, which is actively brought in, as you know, and as the philosophy and truth of the case demonstrate beyond a doubt, to prevent your Massachusetts adult males from voting as they desire. That is the reason why——

Mr. DAWES. If a single man entitled to the ballot in Massachusetts should have a straw laid across his path to the ballot-box the whole judiciary and executive power of the State would come down upon the offender.

Mr. CALL. Yes, and so it would in any State of the South. The fact is that in the South nobody ever seeks to interfere with the ballot by force or in any other way than by those persuasive arguments of reason, of kindness, and sympathy which exist in all societies. I brand it as a falsehood, without one particle of evidence. You may swear, and swear, and swear; but for one oath of a bad and perjured man I will bring you fifty of respectable republicans, and your instances, like that of the man you brought here the other day, will fade into disgraceful obscurity. They do not exist; they never did. But under the constitution of society in Massachusetts, a dense population, the money accumulated all upon one side and poverty upon the other, starvation and disease threatening the employé, with nothing but your splendid though cold charities for the feeble infant and the sick wife, everybody knows that the power of money coerces and controls the suffrage.

Mr. DAWES. The Senator speaks of the instance I alluded to the other day as fading into obscurity. I suppose it faded into obscurity just as the accusations and the evidence of violence in the Southern States fade into obscurity, because the authors of the acts of violence get up and say they never heard of them. The author, the inventor, the man under whose administration in the State of Mississippi a majority of 15,000 or 20,000 faded into the stillness of death, is the only man who never has heard of the instance I brought here.

Mr. CALL. When the honorable Senator from Massachusetts says that, he says it without evidence; but here stand the sworn oaths of a dozen respectable men from Massachusetts who have sworn that they have been intimidated by fear of starvation, by the power of employment, into voting against their principles. He knows that there are over a hundred thousand men in Massachusetts, adult and white intelligent males, who would constitute a majority against him and who are changed by the power of capital to bring him here. There is the proof. He asserts that about the Senator from Mississippi, [Mr. GEORGE,] but the evidence is here against him that he stands here by the suppression of a free ballot in the State of Massachusetts.

Mr. DAWES. I should like to inquire of the Senator from Florida if he was ever in Massachusetts? Was he ever in New England?

Mr. CALL. Let us see——

Mr. DAWES. Will the Senator answer the question? Was the Senator ever in New England?

Mr. CALL. Oh, yes, I have been in New England.

Mr. DAWES. Was he ever there on election day?

Mr. CALL. No. Were you ever in Mississippi on election day?

Mr. DAWES. If the Senator will allow me——

Mr. CALL. Tell me. Were you ever in Mississippi or Florida on election day?

Mr. DAWES. No, sir.

Mr. CALL. Then we stand even.

Mr. DAWES. No; I should not be very safe if I was there then.

Mr. CALL. I beg your pardon; if you are an honest man and true to what is right in New England and what is taught in your schools and your churches, you will be welcomed in Florida or in Mississippi; but if you are disloyal, treacherous, and false, if you are a conspirator against the public peace and the decency and good morals of society, alike in Massachusetts and in Mississippi and in Florida, you will not be welcomed.

Mr. DAWES. And do not vote the democratic ticket!

Mr. CALL. That is a question I suppose we have a right to decide ourselves.

Mr. DAWES. I want the Senator to allow me to say a word about what he calls the domination of wealth over the voter in Massachusetts.

Mr. CALL. Precisely; those are the words.

Mr. DAWES. He speaks of the splendid but cold charity of Massachusetts.

Mr. CALL. Of Massachusetts' benevolent institutions. Now, I do not mean any reflection on Massachusetts in that.

Mr. DAWES. Of Massachusetts' benevolent institutions; and yet he says he has been in Massachusetts. Sir, the charities of Massachusetts reach around the globe, and they are no respecter of persons. No man, woman, or child, the world over, in want, in suffering, in distress, whether it be from yellow fever in the southern country or starving for food in Ireland, or whatever it be, ever appealed in vain to the charity of Massachusetts. No man in Massachusetts with the right to vote according to her laws ever had the slightest restraint put upon him. Perhaps the Senator does not know that any voter in Massachusetts can seal up his ballot in an envelope furnished him by the State and put it into the ballot-box, and no mortal man can know how he votes until the envelope is unsealed and the ballot counted. There is no contrivance of law, no enactment of law, that wisdom or patriotism ever devised that Massachusetts does not gladly embrace and put in force to throw around the voter every safeguard that shall make him walk a sovereign to the ballot-box. There is not a man in Massachusetts entitled to vote who is not a sovereign on election day. The man who says that a single voter in Massachusetts was ever deprived of a free ballot by the influence of money, by the influence of corporate associated wealth, or anything else but his own crime or his own voluntary choice, states that which does not exist in Massachusetts; and I do not care who the man is, if he will come to Massachusetts and stay there long enough to know and will take cognizance of what his own eyes see and his own ears hear, he will be ashamed to go anywhere else and say that the voter in Massachusetts is deprived of a free ballot and an honest count.

Mr. CALL. The honorable gentleman says I shall be ashamed. I ask him if he does not know that a committee of the Senate have been into Massachusetts, and they have brought back the charge in their report. They state here:

A witness describes the process thus:

"My attention was called to the peculiar way they had of managing the voters there. I stepped up to the little railing that they had there to go around and up to the polls, and I saw two men stationed at the entrance where the voters went in. One was a Mr. Chase, and the other was a Mr. Knox. I saw that the help of the village (I was acquainted with a great portion of them) came along in a sort of rotation. Mr. Chase was on one side and this Mr. Knox was on the other."

Talk about a secret ballot!—

"and as each man came up they would take hold of the ticket that the man had, and say, 'That is right, pass on.' Another would come up, and they would say, 'That is right, pass on.' Another would come up, and they would say, 'Hold on, that is not the vote you want to cast.' 'Why, yes, it is the vote I want to cast.' 'No, it is not.' 'Why certainly this is my vote.' 'Oh, no;' and he got it out of the man's hand, tore it up, and threw it on the floor. He said, 'You do not want to vote such a damned vote as that.' He then handed the voter another one. The man then remarked, 'I don't want to cast this vote.' The reply was, 'Go right along; that is the vote you want.' The man went right along and put it in the box. Mr. Hastings, the constable, stood right opposite, and I stood, perhaps, four feet from this Mr. Knox."

Mr. HOAR. Was not that thoroughly contradicted by the democratic witnesses?

Mr. CALL. Wait a moment and I will let you come in.

Mr. HOAR. Will the Senator answer that question?

Mr. CALL. Another instance is given thus:

"Q. Who was at the polls to receive the employés in November last?

"A. Mr. Chase.

"Q. Is he connected with the corporation?

"A. He is the bookkeeper there.

"Q. Who takes them from the mills to the poll?

"A. The teams of the corporation take them.

"Q. What have you seen in regard to tickets when they have got to the polls?

"A. I have seen Mr. Chase change their tickets. He generally stands at one side there where there is a small place to go through, and as they come along he always has the ballots there, and I have seen him change them, and have seen them get tickets from him and carry them in.

"Q. The specific tickets you speak of, did they examine those?

"A. I do not know whether they could or not. Pretty nearly all of those who work there are French, and I do not know whether they could examine them.

"Q. Do you know whether those tickets were in envelopes or open?

"A. I have seen Mr. Chase give tickets to them that were open.

"Q. Did you see this occur in November, 1878?

"A. Yes, sir.

"Q. Specify an instance and describe how this occurred, if you can.

"A. As they passed along he was standing there on this side, and as they would come up to the polls he would stop them, hand them one of the tickets, and say, 'Here, carry it in.' They might have had an envelope or something of that kind. I have seen them have envelopes. I have seen that occur."

The ballot-boxes were open boxes and those in charge could see the form and appearance of the ballot voted, and they were easily distinguishable apart.

Mr. HOAR. Now will the Senator permit me to say——

Several SENATORS, (to Mr. CALL.) Do not yield.

Mr. HOAR. I appeal to the courtesy of the Senator from Florida, not to gentlemen who sit in their seats expressing their opinion.

Mr. CALL. Yes, I will yield, if not too long.

Mr. HOAR. If it is inconvenient to the Senator, I shall not make the appeal again.

Mr. CALL. I have no objection, unless the Senator is going to talk a long time.

Mr. HOAR. I wish to say that the village concerning which that testimony is given is a village within ten or twelve miles of my own city. I know its people. I know that the democratic employés of that Manchaug corporation remain in its employ year in and year out and vote the democratic ticket as freely as the republican ticket; that

if one agent or another agent happens to hold a town office or be on a committee, it is because it suits him to be, whether he is a republican or a democrat; and that evidence which the Senator from Florida has read was met, overthrown, disproved by abundant democratic testimony. I say what I said the other day, that if my friend from Florida will go down into the village of Manchaug and call together an audience of the democrats of that village and undertake to imply to them that any fear of loss of employment, of the face of man, ever affected them in their votes, they will laugh in his face.

I denounce that report, I do not care who made it, made by a democratic portion of a committee as a political report, made up for political purposes and contrary to the fact. If my friend from Florida will take the evidence on which that report is based, on both sides, read the report of my friend from New Hampshire [Mr. BLAIR] to the contrary, and look it over in his own room over night, I know he is too good a lawyer and too upright a man to come in here and reaffirm what he has read. It is a garbled extract of the evidence of one or two persons. You can find around every manufacturing village some fellow who will appear before a committee and testify in that way. The report of that committee is absolutely contrary to the evidence which they took. This same committee brought in before the Senate and made speeches based upon fraudulent documents which had been put before their hands knowing that they were fraudulent, which the Senate itself suppressed and ordered to be stricken out from the publication. It is an insult to any community to make such a charge.

Mr. CALL. I ask the honorable Senator why it is that you wish the patronage of the Government and the Senate to be so dispensed if men are not influenced in their political suffrage by fear or interest? Then I say that by all reason and argument it is obliged to be true that the employer in a great corporation with vast amounts of capital must hold a great influence and power over those people who live at his will and his pleasure. You cannot meet the proposition that starvation and pestilence are influential forces over the human mind.

Mr. HOAR. If my friend will allow me to answer his question, I desire to say to him that I suppose nine-tenths of the people of Massachusetts get their living by working in mills and factories. The legislation of the State, the policy of the State, the government of the State, the law which controls corporation and factory and factory owner is dependent upon their will, and anybody who would venture to use such influences upon the voters of Massachusetts would encounter a storm of indignation which would drive him and his party and his manufacturing property and his corporate rights in disgrace out of the State. The reason why property does not control labor in Massachusetts is because the arm of labor is a thousand-fold stronger than the whole aggregate force of capital, property, or factory ownership in that State. I could not go home to Worcester County if her mechanics and her mill operatives who are my neighbors and friends who sent me here, who agree with me in politics, should dream that I would undertake to constrain, or to defend the man who constrained their honest and free vote. Can the Senators from the South stand here and affirm that?

Mr. CALL. The Senators from the South can stand here and before the Senator from Massachusetts defy him upon the truth when they say that their elections are a thousand times freer and fairer than they are in his State.

I am amazed that the Senator from Massachusetts should undertake to maintain here, in view of all the experience of labor unions and of strikes, that capital has no power over labor; that it is not a conservative force. The proposition is too absurd for reason. The whole laboring people of the North protest against the crushing power of capital. It must be so. I am not denouncing it; I do not know but that it may be a just and a conservative influence when properly used; but you, gentlemen, do know that without the power of your great moneyed men and your corporations you could not hold control in the Northern States. My friend, [Mr. LOGAN,] who used to be so good a democrat, who stood upon the Constitution so fairly and squarely, (better than I did; I did not go with him in some of his views,) will soon have exhausted the animosities of the war; they will all be gone; and what would you do if the conservative powers of money, of your great corporations, of intelligence, of religion, did not qualify the mere force of numbers? Yet both the Senators from Massachusetts get up here in the face of the American people and assert that in Massachusetts with its qualification of intelligence and of residence for men of foreign birth, and payment of taxes, they believe the mere naked and absolute power of numbers is the great and controlling force of the country, without intelligence, without property, without capital. That is what they say. That will not do.

Mr. DAWES. Is the Senator through?

Mr. CALL. Oh, no, unless you want to move to adjourn.

Mr. RANSOM. That is what the Senator from Massachusetts wishes to do.

Mr. CALL. I have no objection to a motion to adjourn. I have something further to say, however.

Mr. DAWES. I wish to make a few remarks in connection with what the Senator has said.

Mr. CALL. I will yield for a motion to adjourn.

Mr. DAWES. I wish to say something about the Senator's remarks on the malign influence of education, of wealth, of morals, and of religion in Massachusetts.

Mr. CALL. No, I do not want to yield for a speech unless the gentleman is very anxious to come in and say something right here. If he is I do not care to object particularly. I am not afraid of these propositions. I know the Senators from Massachusetts cannot meet them. I know every capitalist in Massachusetts to-day will read with astonishment the denial that there is any power of money over voters, any influence upon the electoral qualification, and the assertion that to be a rich man and the head of a great corporation does not give him any more influence in society than if he were a beggar in rags. I am willing for you to demonstrate the proposition that the beggar has just as much influence, just as much power as the great capitalist, Jay Gould, with his $100,000,000.

Mr. DAWES. The Senator will allow me to say that it will be news in Massachusetts that any one vote has any greater power than any other vote.

Mr. CALL. You mean after it is in the ballot-box.

Mr. DAWES. The man who can assert that the influence of education, of religion, and of morals in Massachusetts upon the voter is a malign influence, seems to me to be past all cure. Massachusetts does two things: she brings her laws within the reach of every man in the State; she throws them alike around all. She then declares by her laws that every operative in every factory shall be secure in an education furnished that operative by the State free of cost; and any man who deprives an operative during the years of school age of the opportunity of obtaining such an education as will enable him to act his part with intelligence in this world is indictable for it. Any man who employs the poorest and the humblest individual in the State without allowing him or her to have a school education during that time, furnished by the State, is indictable for it and may be imprisoned for it. The operatives hold the power in Massachusetts, and it is because they wield it so wisely, because they are intelligent, because they are moral, because they are religious, and because by this means they gather together around their homes competence and comfort and intelligence and influence.

Sir, it is a libel upon the voter in Massachusetts to say that there is any power this side of God himself that can control him to cast his vote differently from his honest and intelligent conviction. No man can say it in Massachusetts and live politically an hour. No man asserts it in Massachusetts who has any political influence or who dare pretend to ordinary intelligence and common honesty. Men must live five hundred miles from there who have intelligence and ought to have honesty before they assert with impunity any such allegation as that against the free, honest, intelligent, and upright, humble though he may possibly be, voter in Massachusetts. There is not one so humble that he is not a sovereign, proud of his sovereignty, and on the day of election he walks side by side with the proudest and the richest and deposits his ballot, knowing that on that day the law and the constitution of Massachusetts are no respecters of persons.

Mr. CALL. I want to ask the Senator from Massachusetts a question right there. I ask him if a colored man, a citizen of my State, who is a voter there, shall go into Massachusetts, and if he cannot read and write, would he be entitled to suffrage?

Mr. DAWES. If he has common intelligence, and knows the value of the institutions of Massachusetts, he will not sleep a night before he will take hold of her opportunities held out to him to be a voter there.

Mr. CALL. Then you admit he cannot vote?

Mr. DAWES. I want to ask the Senator from Florida, in all kindness, if the man who from the lap-stone works his way up by degrees to the second highest office in the gift of this nation, who had hardly property enough to bury him when he was dead, who commanded more influence among the voters of Massachusetts in his time than any other man within her borders, and who wielded it, enlightened as he was by his own experience to help the poor and the humble to be like him efficient, influential, honest and honored men in the community, could ever have accomplished all that if what the Senator from Florida now says is true? He lived among the corporations, he lived within a stone's throw almost of Lowell and of Lawrence, and of the seats of all those large corporations; he moved in and out among their operatives, and among their overseers, and among their owners. He was a king among them all. He had no money, and when he began he had no education, he had nothing but that which was common to all the voters in Massachusetts—brain, energy, honesty, and that opportunity which Massachusetts guarantees to every living soul within her borders.

Mr. CALL. I had expected that the honorable Senator from Massachusetts would have made just the remarkable speech he has made. He tells us that there are no people in Massachusetts who cannot read and write; there are no poor people there; disease and the ills that man is heir to do not exist in that happy Commonwealth. Sir, I wish to go further than the Senator in his love and appreciation of the honest laboring man in this country. He, his wife, and his children, and his interests are dear to me, but it is no evidence because a great man rose as they rise continually from the poor and the humble to the high places of government, that a man who cannot read and write (which was the question I asked the Senator) can or cannot vote. We know that he cannot vote in Massachusetts. We know that hardship and poverty and labor confine and press down some of the noblest spirits and the kindest and best of men. I say that when

the Senators from Massachusetts come here and strike hands with the Senator from Virginia upon the ground that they are for a free ballot when in Massachusetts there is no free ballot, and inaugurate a crusade against those people where there is a free ballot, upon false charges which this coalition have made of murder, assassination, and crime upon a whole people, they cannot make the record right or justify themselves in reason and in argument upon that proposition.

Mr. President, I want to discuss this subject further. I have been greatly interrupted, but I do not object to that. I desire to submit some remarks upon this general subject. Whatever I say I shall say in kindness. I propose to justify my action here, I propose to demonstrate and I shall demonstrate by incontestible proof that the charges which have been made of a ballot not free and a count not fair are false.

Mr. FARLEY. Will the Senator yield for a motion to adjourn?

Mr. CALL. Go ahead.

Mr. FARLEY. This debate seems to have changed the condition of things on the floor of the Senate. It has changed from the defense of the South to the defense of Massachusetts. I hope that both sides will have an opportunity to be heard; and as the South has attempted to defend itself and I come from the North myself, I want Massachusetts to have a fair show. If she can remove the charges that have been made against her, I hope she will have an opportunity of doing so. I therefore move that the Senate adjourn.

Mr. DAWES. I hope not.

Mr. HOAR. Will the Senator withdraw that motion one moment? Then he can renew it. I merely want to ask the Senator from Florida a question, if he will permit me; he is not now speaking.

Mr. FARLEY. Certainly; I withdraw the motion.

Mr. HOAR. I want to ask the honorable Senator from Florida if he has read the minority report of the Senator from New Hampshire, [Mr. BLAIR.]

Mr. CALL. I have, and I think it is an admirable report in many respects.

Mr. HOAR. I wish to ask him if he observed the statement that the witnesses on whose statements rests this extraordinary charge against the people of Manchaug, which he has restated, were two persons who had fled from Connecticut to escape State's prison, and escaped it by a mere flaw in the indictment? I ask whether he knew that?

Mr. CALL. I have known many a good man who ran away to keep out of State's prison. [Laughter.]

Mr. HOAR. Let me put this seriously. My question to the Senator from Florida is this: I wish to know if, when he made this charge against the people of Manchaug, he knew that the evidence on which it rested was that of two fellows who had run away from State's prison, and that it was contradicted by a large number of leading democrats of the place? I ask the Senator whether he knew that?

Mr. CALL. I will answer the honorable Senator. In the first place, I have made no charge against the people of Manchaug.

Mr. HOAR. If you do not make the charge, it is all right.

Mr. CALL. I say that men who possess property and influence everywhere exercise the influence and weight of that property in the control directly and indirectly of the suffrage. I say, furthermore, that I have read the report of the Senator from New Hampshire, [Mr. BLAIR,] but that I had not noticed, nor do I now know except from the statement of the Senator from Massachusetts, the particular character of these witnesses; but I do say that I think the Senator will find abundance of other evidence, and of a man who has been honored, a man of great intellect and power in his State, and whom it took a combination of all the corporations, democratic and republican, to defeat.

Mr. HOAR. Who was that?

Mr. CALL. Benjamin F. Butler. He has not run away to keep out of State's prison yet; and he brings some powerful evidence upon this subject.

Mr. HOAR. If I have any controversy with General Butler anywhere, I should rather not have it in his absence, and he is abundantly able to take care of himself at home. I do not think it is quite desirable that he should be drawn into the discussion.

Mr. CALL. I agree with the Senator in that.

Mr. HOAR. It would not be manly for me to be drawn into a discussion with General Butler here, as I should have to be driven into it, which I do not propose to be. If I have any criticism to make on him, I will make it in Massachusetts, and he will be likely to make a reply, as everybody knows he is able to do. But I wish to say that the evidence which was furnished, which it was said was furnished by that gentleman to this committee, is the evidence which with the consent of its chairman the Senate itself ordered to be struck out of this document as fraudulent.

Mr. DAWES. As the Senator from California does not renew his motion, I think I will make a motion myself.

Mr. BURNSIDE. Will the Senator from Massachusetts yield to a motion which I desire to make?

Mr. DAWES. It depends upon what it is.

Mr. BURNSIDE. I am satisfied that the Senate should adjourn over to-morrow and Saturday; and I think that the quieting influences of Sunday may have some good effect on our friends on the other side of the Chamber. I therefore move to adjourn until Monday at twelve o'clock.

Mr. FARLEY. I hope that motion will not prevail.

Mr. SAULSBURY. Let our friends come here to-morrow and go into executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island, [Mr. BURNSIDE.]

Mr. CALL. Before that motion is put I should like to have incorporated in the RECORD the electoral qualifications of the constitution of the State of Massachusetts. They are as follows:

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upward at the time this amendment shall take effect.

ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified according to the constitution and laws of this Commonwealth: *Provided*, That this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof: *And provided further*, That it shall not affect the rights of any child of a citizen of the United States born during the temporary absence of the parents therefrom.

Mr. FARLEY. Mr. President, it strikes me——

Mr. DAWES. I have no objection to taking the sense of the Senate upon the motion of the Senator from Rhode Island.

Mr. FARLEY. I have been recognized by the Chair, but, unfortunately, the two Senators from Massachusetts seem to think that they have a right to monopolize this entire discussion. If a motion is made and a Senator is trying to give the reasons why the motion ought not to prevail, he is immediately interrupted by the distinguished Senator from Massachusetts.

I suggest that on to-morrow, Friday, and on Saturday we can consider some executive business that is important to be considered.

The PRESIDING OFFICER. The motion is not debatable.

Mr. FARLEY. A motion to adjourn to a day certain surely is debatable.

The PRESIDING OFFICER. Not under the rules.

Mr. FARLEY. I do not understand that any point of order has been made.

The PRESIDING OFFICER. The question is not debatable unless by unanimous consent.

Mr. BURNSIDE. I make no point of order.

Mr. FARLEY. I want to say this: I appeal to my colleague and his friends on that side of the Chamber to assist me in getting into executive session to consider matters pertaining to the interests of our people on the Pacific coast; and you, gentlemen, who are anxious to consider this question of the election of officers, give us to-morrow and next day to consider the treaties that are lying on the table of the Secretary of the Senate, and then renew your contest for the election of officers.

Mr. DAWES. Mr. President, just stay here ten minutes and adopt this resolution, and then I will agree to it.

Mr. FARLEY. That has become monotonous; that has been the facetious remark of the distinguished Senator from Massachusetts——

Mr. DAWES. It seems to be.

Mr. FARLEY. I believe I have the floor.

Mr. DAWES. You are right.

Mr. FARLEY. That has been the cry from that side of the Chamber for the past two weeks. It must have become apparent, and I think has become apparent, to every Senator on this floor that that resolution will not be considered.

Mr. DAWES. Then, Mr. President, I am afraid the Senator will not get his matters considered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island, that the Senate do now adjourn until Monday next at twelve o'clock.

Mr. PENDLETON. We may as well have the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired on this and all other questions with the Senator from Maine, [Mr. HALE.] If I were allowed to vote, I should vote "nay."

Mr. SLATER, (when Mr. GROVER'S name was called.) My colleague [Mr. GROVER] is paired with the Senator from Nebraska, [Mr. VAN WYCK.] If my colleague were here, he would vote "nay."

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. HARRIS.]

Mr. PLATT, of Connecticut, (when his name was called.) I am paired with the Senator from West Virginia [Mr. CAMDEN] unless my vote should be needed to make a quorum. If it be, I shall vote.

Mr. ROLLINS, (when his named was called.) I am paired with the Senator from Florida, [Mr. JONES.]

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The roll-call was concluded.

Mr. HAWLEY. On this question I am paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. PLATT, of Connecticut. I understand that a quorum has not voted.

Mr. ROLLINS. I inquire if there is a quorum?

The VICE-PRESIDENT. The Chair is informed by the Secretary that as yet there is not a quorum voting.

Mr. ROLLINS. I vote "yea." I reserved that right.

The result was announced—yeas 23, nays 16; as follows:

YEAS—23.

Allison,	Dawes,	Kellogg,	Morrill,
Anthony,	Edgerton,	McDill,	Platt of N. Y.,
Blair,	Ferry,	McMillan,	Rollins,
Burnside,	Frye,	Mahone,	Sawyer,
Cameron of Wis.,	Harrison,	Miller,	Sherman.
Conger,	Hoar,	Mitchell,	

NAYS—16.

Bayard,	Coke,	Hampton,	Pendleton,
Brown,	Davis of W. Va.,	Jonas,	Ransom,
Call,	Gorman,	Lamar,	Saulsbury,
Cockrell,	Groome,	Morgan,	Slater.

ABSENT—37.

Beck,	George,	Jones of Florida,	Teller,
Butler,	Grover,	Jones of Nevada,	Vance,
Camden,	Hale,	Logan,	Van Wyck,
Cameron of Pa.,	Harris,	McPherson,	Vest,
Conkling,	Hawley,	Maxey,	Voorhees,
Davis of Illinois,	Hill of Colorado,	Platt of Conn.,	Walker,
Edmunds,	Hill of Georgia,	Plumb,	Williams.
Fair,	Ingalls,	Pugh,	
Farley,	Jackson,	Saunders,	
Garland,	Johnston,	Sewell,	

So the motion was agreed to; and (at five o'clock and thirty-eight minutes p. m.) the Senate adjourned until Monday next at twelve o'clock, noon.

MONDAY, *April* 11, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of the last day's session of the Senate, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. DAVIS, of West Virginia. In the absence of the Senator from Ohio, [Mr. PENDLETON,] I move that the Senate proceed to the consideration of executive business. I believe that is what we ought to do, and I hope that is what we will do.

Mr. DAWES. When the Senate adjourned on Thursday the Senator from Florida [Mr. CALL] had the floor. Does the Senator from Florida yield the floor?

Mr. CALL. I yield that the Senator from West Virginia may make the motion he has just made.

The VICE-PRESIDENT. Does the Senator from Florida yield the floor?

Mr. CALL. For the purpose of the motion of the Senator from West Virginia.

Mr. DAWES. Can the Senator yield for a particular purpose?

Mr. FERRY. I think that cannot be done. The Senator must either retain the floor, or if he yields it he yields altogether.

Mr. DAVIS of West Virginia. The Senator from Florida can get the floor when he wants it. There will be no trouble about that. Senators need not trouble themselves about that, I say to my friends.

The VICE-PRESIDENT. The Senator from Florida yields the floor to the Senator from West Virginia, who moves that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. He yields for all purposes.

Mr. DAWES. I did not suppose there would be any trouble about it. I wished to see if the Senator from West Virginia really wanted to go into executive session. The Senator discloses that this is only a by-play for some purpose. I trust that the regular business of the Senate will not be thrust aside by any such sort of performance as that on the part of the Senator from West Virginia.

The VICE-PRESIDENT. Debate is not in order.

Mr. DAWES. If the Senator from West Virginia really wants business done, let the Senator address himself to the matter before the Senate. If the Senator from West Virginia——

The VICE-PRESIDENT. The Senator from Massachusetts is not in order. The motion of the Senator from West Virginia is that the Senate now proceed to the consideration of executive business, which motion is not debatable.

Mr. DAWES. Mr. President——

Mr. HARRIS. I call the Senator from Massachusetts to order.

Mr. DAWES. The Senator from West Virginia is not in order if the Senator from Florida retains the floor.

The VICE-PRESIDENT. The Senator from Florida has yielded the floor.

Mr. DAWES. Very well; that was all I wanted to know.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia, that the Senate proceed to the consideration of executive business. [Putting the question.] The motion seems to be carried.

Mr. DAWES. I ask for a division.

Mr. FERRY. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired to-day on political questions with the Senator from Mississippi, [Mr. LAMAR.] I should vote "nay" if he were here.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. DAVIS, of West Virginia, rose when his name was called.

Mr. BLAIR. I voted.

Mr. DAVIS, of West Virginia. I notice that the Senator from New Hampshire [Mr. BLAIR] is present, but the Senator from Iowa [Mr. ALLISON] is not here, and I will announce a pair with him unless he should come in before the roll-call is concluded.

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. GORMAN, (when Mr. GROOME'S name was called.) My colleague [Mr. GROOME] is paired with the Senator from Illinois, [Mr. LOGAN.]

Mr. HARRIS, (when his name was called.) I agreed to pair with the Senator from New York [Mr. CONKLING] who is absent. The Senator from Indiana [Mr. VOORHEES] is also absent, and I transfer the pair with the Senator from New York to the Senator from Indiana, and I announce the fact for the day. I vote "yea."

Mr. JACKSON, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. HAWLEY.]

Mr. JONAS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. EDGERTON.] If he were here I should vote "yea."

Mr. VEST, (when the name of Mr. JONES, of Florida, was called.) I was requested to announce that the Senator from Florida [Mr. JONES] is paired with the Senator from New Hampshire, [Mr. ROLLINS.]

Mr. KELLOGG, (when his name was called.) I am paired on this question with the Senator from Illinois, [Mr. DAVIS.]

Mr. COKE, (when Mr. MAXEY'S name was called.) I desire to announce for the day that my colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] If my colleague were here he would vote "yea."

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. SAUNDERS, (when his name was called.) On all political questions I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. SHERMAN, (when his name was called.) I am paired with the Senator from Delaware [Mr. SAULSBURY] for this week. I announce the pair now so that there will be no occasion to announce it hereafter this week.

The roll-call was concluded.

Mr. MCMILLAN. My colleague [Mr. EDGERTON] has been called away from the city for a day or two, and is paired with the Senator from Louisiana, [Mr. JONAS,] as the latter has stated.

Mr. EDMUNDS. I wish to announce that I have been for a long time paired with the Senator from Arkansas, [Mr. GARLAND,] who I believe is absent. As I have been absent until now, of course the pair will continue, and I announce it once for all. It may be that the Senator from Arkansas, as he had a right to do, has transferred the pair to some other gentleman. If so, it operates the same. I regard my pair with the Senator from Arkansas or any other gentleman to whom he may have transferred it.

Mr. DAVIS, of West Virginia. I will state to the Senator from Vermont that I understand the Senator from Arkansas has gone home with the understanding that he is paired with the Senator from Vermont.

Mr. EDMUNDS. Undoubtedly; it will stay so.

Mr. HARRIS. He told me so distinctly, I will state to the Senator from Vermont.

Mr. FERRY. I should like to state in that connection that the Senator from Arkansas [Mr. GARLAND] paired with me on a particular question of executive business. I do not know whether he expected the pair to extend any further, but on that question I am paired with him and stand paired. I suppose it does not apply any further; I so understand it.

Mr. WALKER. On general questions my colleague [Mr. GARLAND] left a written statement that he is paired with the Senator from Vermont, [Mr. EDMUNDS.] On the matter of executive business referred to by the Senator from Michigan [Mr. FERRY] my colleague is paired with that Senator.

Mr. SEWELL, (after having voted in the negative.) I desire to withdraw my vote. I am paired with my colleague, [Mr. MCPHERSON.]

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Beck,	Farley,	Harris,	Slater,
Brown,	George,	Johnston,	Vance
Butler	Gorman,	Morgan,	Vest,
Call,	Grover,	Pendleton,	Walker.
Coke	Hampton	Pugh,	

NAYS—20.

Blair,	Ferry,	Ingalls,	Morrill,
Burnside,	Hale,	McDill,	Platt of N. Y.,
Cameron of Pa.,	Harrison,	McMillan,	Plumb,
Conger,	Hill of Colorado,	Mahone,	Sawyer,
Dawes,	Hoar,	Miller,	Van Wyck.

ABSENT—37.

Allison,	Edmunds,	Jones of Nevada,	Saulsbury,
Anthony,	Fair,	Kellogg,	Saunders,
Bayard,	Frye,	Lamar,	Sewell,
Camden,	Garland,	Logan,	Sherman,
Cameron of Wis.,	Groome,	McPherson,	Teller,
Cockrell,	Hawley,	Maxey,	Voorhees,
Conkling,	Hill of Georgia,	Mitchell,	Williams.
Davis of Illinois,	Jackson,	Platt of Conn.,	
Davis of W. Va.,	Jonas,	Ransom,	
Edgerton,	Jones of Florida,	Rollins,	

So the Senate refused to proceed to the consideration of executive business.

Mr. CALL. Mr. President——

Mr. DAWES. I regret that the Senator from Florida should give over the regular business of the day. I hope now that the Senator will not object to proceeding to the business before the Senate; I hope there will be a vote upon the question before the Senate and let us determine it as we may, let the majority be as it may, I trust that we shall proceed with the business of the Senate and consume no more time. I shall listen with pleasure to the Senator from Florida to-day; but as he seems to have lost interest in the matter and has given way for the dilatory motion of the Senator from West Virginia, I hope now nothing will be in the way but that we may proceed. I ask for a vote upon the pending question.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the resolution be indefinitely postponed, on which the Senator from Florida [Mr. CALL] has the floor.

Mr. DAVIS, of West Virginia. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield?

Mr. DAVIS, of West Virginia. I ask the Senator to yield just one moment.

Mr. CALL. I yield for a moment.

Mr. DAVIS, of West Virginia. When there are several hundred nominations of the President pending before us ready for action, I am rather suprised to hear the Senator from Massachusetts say when a motion is made to go into executive session for the purpose of doing the business that we were called here to transact that it is a dilatory motion. That Senator certainly has lost that business sense which he is generally credited with having when he says that a motion to go into executive session is a dilatory motion, with several hundred nominations pending here ready for confirmation or ready for action in some form or other. I hardly think the Senator from Massachusetts meant what he said when he called a motion to proceed to the consideration of executive business a dilatory motion.

Mr. DAWES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. DAWES. Will the Senator yield to me a moment?

Mr. CALL. For a moment only. I desire to go on in a moment with my remarks.

Mr. DAWES. If the Senator will indulge me a moment, it is because the Senator from West Virginia is confused as to the way to get at the business that I speak. I realize quite as much as that Senator the necessity of getting at the business in executive session. There are a great many nominations there pending and the public service is suffering because of the persistency of Senators in interrupting the regular public business and preventing our reaching the business in which we are ultimately to be engaged. The Senator from West Virginia made the motion knowing full well that it would consume without avail just so much time that ought to have been devoted to the pending business in order that we might reach that which is before us. Has the Senator's experience here taught him nothing? Does he not know that the only way to reach the public business is to clear out that which is before it? Does the Senator propose to go round in front and put his head against that which it is necessary to do before we go at the public business? The Senator cannot be in earnest when he says he wants to proceed to the business in executive session, while he refuses to go to work and do that which lies before it. I hope the Senator will re-examine his own situation and come to a clearer understanding of the obstruction which he is throwing in the way of public business.

THE COALITION HAS NO COMMON GROUND OF OPINION.

Mr. CALL. Mr. President, on Thursday last when the Senate adjourned I had affirmed that there was no common and real ground of opinion in the coalition which has been formed between the Senator from Virginia [Mr. MAHONE] and the republican Senators here; that the members of the coalition of the republican party have always opposed a free ballot and a fair count; that the Senators of the coalition themselves hold their seats here under State laws in the Northern States which deny a free ballot, and that in their own States they justify and defend these laws.

I affirmed that the capitation tax, which the Senator from Virginia made in his speech here the point of his departure from and his opposition to the democratic party of Virginia, is the law of several of the Northern States whose republican Senators are in this coalition for an alleged free ballot; that Mr. KELLOGG, of Louisiana, a prominent member of the coalition standing on the right hand of the Senator from Virginia, and one of his main supports, has always opposed a free ballot, and is here by virtue of a device which denied "a free ballot and a fair count" to the people of Louisiana by a returning board supported by military force; that the republican Senators from Ohio and Massachusetts and other States have sustained the denial of a free ballot to the Southern States and have sustained the disfranchisement of that class of the southern people in whom was the intelligence and the wealth and the property of that country, both directly and indirectly, both by the device of false counts by returning boards which made and unmade votes in the will and discretion of its members and by preventing a free ballot with military force. I affirmed that the Senators from Massachusetts are here members of a coalition for an alleged free ballot, and that they hold their seats here under State laws which deny a free ballot to more than one hundred thousand adult males who cannot vote because of a suffrage capitation tax and an intelligence qualification of reading and writing the English language, even though the citizen is a highly educated person of foreign birth, and he was under a qualification of two years' residence in addition to the period of naturalization. I asked the attention of the Senate and the country to the fact that while holding their seats here under laws which deny a free ballot to more than one hundred thousand adult males the Senators from Massachusetts at the same time declare that they are opposed to the readjustment or non-debt-paying views of the Senator from Virginia, which is the alleged reason for which he left the democratic party of Virginia; and that they also oppose his suffrage-capitation-tax theory, the only point on which he claims ever to have differed with the democratic party of Virginia respecting a free ballot. Yet they join in a coalition with him for "a free ballot and a fair count" which is denied by the laws of their own State, and which, upon the principles which their laws affirm, cannot prevail.

MASSACHUSETTS LAWS DENY A FREE BALLOT.

I propose further to examine this subject in respect to the Northern States: First, the Senator from Massachusetts [Mr. DAWES] denied on Thursday that more than one hundred thousand males in Massachusetts were deprived of a free ballot, and he denied that any large number of persons were deprived of the ballot in Massachusetts. I stated then that I would prove it, and I now propose to do so; but before doing so let us define with some degree of accuracy the meaning of "a free ballot." It must mean either a ballot free from all limitations of law, or it must mean a free ballot in the sense of the voter being free to cast it as he pleases, without fear, favor, or affection for, of, or on account of any person, and free from all motives of interest. If the term means anything it must mean one of these things.

The Senators from Massachusetts are in favor of "a free ballot." How free is it in the State of Massachusetts in respect to limitations of law, in respect to the actual number of people who cannot vote and do not vote there? The Senator from Massachusetts [Mr. DAWES] says everybody can vote there. If a colored man goes there from Florida where he has been voting, he has the privilege of learning to read the English language and of paying a capitation tax, and then he can vote. If an educated person of foreign birth, learned in all the lore of the ages, goes there, he has the privilege of learning to read the English language and of paying his capitation tax, and then after staying two years beyond his naturalization under the laws of the United States, he may vote.

This is the "free ballot" of Massachusetts which justifies the Senator holding his seat here under it in stopping the public business which the Constitution requires to be done by the Senate, in order that he may give the patronage of the Senate toward making the ballot free in Virginia, where both black and white, native and foreign born, can vote without any of these limitations except a suffrage capitation tax.

But here is the evidence on the point on which the learned Senator denied my statement on Thursday. I have two witnesses, neither of whom have run away to escape State's prison, one of whom, Hon. George B. Loring, was a member of the last Congress from the sixth district of Massachusetts, the other the contestant, Hon. E. M. Boynton, both republicans, and with their statements is a great mass of evidence taken and sworn to in respect both to the way in which they may have "a free ballot" in Massachusetts and also the way in which they have "a fair count," or, in the words of the Senator from Massachusetts, [Mr. DAWES,] the way in which they lay straws across the voter's path in Massachusetts and how they punish men for it.

The distinguished member of Congress, a man of great intellect, deservedly standing high throughout the country, Hon. George B. Loring, says upon the point of the number of disfranchised persons:

> Taking his figures, namely, 134,256, and of that number, according to his tables, 86,258 are aliens and therefore not citizens. Now, add to this last the number of paupers, idiots, criminals, and insane, namely, 9,271, and we have 95,529 disqualified for the above reasons, leaving 38,727 to be otherwise accounted for. Of these 14,691 naturalized citizens and 3,437 natives, or only 18,128, are disqualified for illiteracy.

There is an admission that the whole of this vast number of people are disqualified for one reason or another, but it needs no admission

upon the subject; it is well known; and I was surprised that the honorable Senator should have hesitated to admit the fact that in Massachusetts, under her suffrage laws of qualification, her capitation suffrage tax, which the Senator from Virginia makes the express point of his departure from the democracy of the State of Virginia, there are more than 130,000 (by a calculation which is impregnable on the returns of that State) disfranchised adult males in the State of Massachusetts.

Mr. President, how can gentlemen talk here about "a free ballot" when by the laws of their State the ballot is subject to this qualification? The contestant, Mr. Boynton—and this is the report of the minority of the committee in the other House of Congress sustained by the facts in the case—says:

That of the 376,501 citizens of the United States made so by the fourteenth amendment, (allowing that 4 per cent. of the total vote of the State remained away from the polls,) 136,859 were disfranchised from other causes than criminality, idiocy, and insanity, the causes being what are known as "illiteracy," failure to pay a tax, and pauperism.

The honorable Senator from Massachusetts [Mr. HOAR] the other day engaged in a very tragic recitation here of the laws of the Southern States in regard to the colored population made soon after the surrender, when in regard to those poor people who had never had charge of themselves nor had to provide for their wants there was some necessity for such legislation as would enable them to be protected against want and starvation; and yet I find what I shall read in the laws of Massachusetts; and I ask gentlemen with what candor, with what truth, with what justice can they come into the Senate and inveigh in such declamation against the people of the country, exciting animosity and strife where peace and friendship exist, when we turn to the laws of their States and find even upon the suffrage question in Massachusetts a law of this description? I am not assailing the State of Massachusetts; I honor and respect her and her great history, but I insist that her Senators may not come with justice upon the floor of the Senate and in defiance of the very provisions of her own laws in regard to their own people assail the people of the South for laws which are not as severe, which upon the suffrage question are vastly more liberal. I read here:

By chapter 109, section 9 of the general laws of Massachusetts, when any person, by excessive drinking, gaming, idleness, debauchery of any kind, so spends, wastes, or lessens his estate as to expose himself or his family, the mayor and aldermen, or the selectmen of the city or town of which such spendthrift is an inhabitant or resident, or upon which he is or may become chargeable, may present a complaint and have him put under guardianship, according to the provisions of that chapter.

When he gets to be under guardianship he does not vote.

Mr. HOAR, (in his seat.) Where do you get that?

Mr. CALL. I get that in this report. Let us see if it is not so. Perhaps I may have misread it; I will not be positive about that. But I say this about it: you cannot find any law, anywhere in any Southern State, putting men under guardianship. It may be a very good law; I do not pretend to say it is not; I am not assailing your laws. I am assailing you because, taking your own laws, you are condemned in the attitude you occupy toward us.

Mr. HOAR. I ought to beg pardon of the Senator from Florida for making such an exclamation from my seat.

Mr. CALL. Not at all.

The VICE-PRESIDENT. Does the Senator from Florida consent to be interrupted?

Mr. CALL. Yes, sir.

Mr. HOAR. The Senator is commenting upon a law providing that after persons have shown an utter incapacity to take charge of their property they may be put under guardianship as spendthrifts; and I suppose the court of chancery has such power in England, if I am not mistaken, independent of statute. But, however that may be, the Senator added that persons put under guardianship for that purpose could not vote. I denied it by an exclamation in my seat. In that I was mistaken.

Mr. CALL. Let us see:

By section 1, chapter 376 of the law of 1874, every male citizen twenty-one years of age and upward (except paupers, persons under guardianship, and persons excluded by "article 20 of the amendments to the constitution) who has resided in the State one year, and within the city or town in which he claims a right to vote six months next preceding any election of city, town, county, or State officers, or of Representatives to Congress, or electors of President and Vice-President, and who has paid by himself, his parent, master, or guardian, a State or county tax, assessed upon him in this State within two years next preceding such election, and every citizen exempted from taxation, but otherwise qualified, shall have a right to vote in all such elections; and no other person shall have such right to vote."

The honorable Senator can explain that; I am not very familiar with the laws of Massachusetts.

Mr. HOAR. I will explain it in the most frank possible manner by repeating what I have already stated, that I was entirely mistaken.

Mr. CALL. Here it is. I apprehend——

Mr. HOAR. My honorable friend, I think, does not understand me. I say I make the explanation by saying I was entirely mistaken. I had forgotten that spendthrifts under guardianship could not vote in Massachusetts. The Senator is right.

Mr. CALL. Then it appears that while in the Southern States a conviction for crime is required, in the State of Massachusetts, whose Senators want a "free ballot," in the discretion of the mayor and selectmen any man can be put under guardianship and disqualified from suffrage——

Mr. HOAR. No, sir; the Senator is a little mistaken there now; and as I have confessed my mistake——

Mr. CALL. Without conviction of crime.

Mr. HOAR. The person who is put under guardianship as a spendthrift is not put under guardianship in the discretion of selectmen, mayor, and aldermen. They, in the first place, are the persons who have the right to make the application.

Mr. CALL. They make complaint to the court?

Mr. HOAR. The application is made to the court of probate with the right of appeal to the supreme court of the State. I do not suppose that ever in a single year a dozen persons were put under guardianship. It is a provision for persons who, without being absolutely insane, are actually incapable of managing their property. It is only done in cases where persons have property which they are wasting. Does the Senator undertake to make a comparison between such a provision as that, which does not affect a dozen persons a year, and the turning cannon on voters at election day, or provisions by which large masses of voters may be sold into slavery practically, or practically disfranchised because of their poverty? Does he mean to give the weight of his honorable personal character to the affirmation that in the Southern States those laws were devised for any purpose akin to the spendthrift laws of the Northern States?

Mr. CALL. Well, I have presented here the fact that about 130,000 adult white male people, by the statement of Dr. Loring and Mr. Boynton and Gen. B. F. Butler and others, are disfranchised under laws for a capitation tax, requiring the intelligence qualification of reading and writing the English language, and for putting men under guardianship, not for crime, but for vice less than crime. The Senator asks me, in the face of this admitted record of 139,000 adult male disfranchised citizens that he cannot deny, about training a cannon on voters to keep them from voting!

Mr. HOAR. Where does the Senator get that number of 139,000 adult males deprived of the right of voting?

Mr. CALL. Let us see. I will read it again.

Mr. HOAR. What is the whole vote of Massachusetts?

Mr. CALL. Let us see.

Mr. HOAR. The Senator has included in that every man of foreign birth who is not naturalized, of which class we have a larger number in proportion than almost any other State in the Union. I think he will find that he has included both sexes, all ages, and all persons not naturalized.

Mr. CALL. In your interpretation of "a free ballot," do you not include all ages and both sexes?

Mr. HOAR. The honorable Senator when he rises and affirms that he finds in Dr. Loring's speech an admission that 139,000——

Mr. CALL. No, I did not say——

Mr. HOAR. Allow me—that 139,000 adult males are affected by that provision, I call his attention to the fact that he must be mistaken in that. He does not mean to turn that off by a gibe or a jest. The Senator does not want to say that, if it is not true; I know him too well for that.

Mr. CALL. Not at all.

Mr. HOAR. If the Senator should find out that that provision did not affect 10,000 persons who would otherwise have the right to vote, and should further find out that those 10,000 being required to live a year in the State before they can vote, which has been an old provision, and there is an abundant opportunity for them to learn to read and write in that year, he would come out and make that correction instantly, would he not?

Mr. CALL. Now, let us see——

Mr. HOAR. He would not tell a comic almanac story or make a joke founded on such a mistake.

[A message in writing was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. CALL. Mr. President——

Mr. HOAR. I admitted instantly and frankly and fully when I made a mistake about the constitution of my own State and gave the Senator the full advantage of the correction. Now the Senator, I know, will do the same thing.

Mr. CALL. When I find out that I am wrong, I will with a great deal of pleasure acknowledge it; but let us see. I did not say that Dr. Loring said there were 139,000——

Mr. HOAR. Will not the Senator look and see if he is not wrong and find out that he is wrong and admit it?

Mr. CALL. I will not concede it by any means. I did not say that Dr. Loring said there were 139,000. I said Dr. Loring admitted that there were large numbers of disfranchised people. Then I proceeded and took up the minority report and I will go a little further now. The minority report of Mr. Weaver states the facts as follows, and here is the calculation taken I believe from General Butler's brief on the subject:

Now, the population of Massachusetts in 1870 was 1,457,352 by the United States census. The whole population by the census of 1875 was 1,651,652, making an increase of 194,300, or thirteen and thirty-three one hundredths (13.33) percentage of gain. Assuming that the percentage of increase of population from May, 1875, to November, 1878, was the same as it was from 1870 to 1875, (in the proportion of the lengths of the two periods of time covered by these dates,) although in fact the gain would be considerably greater, and that there would be a corresponding increase in the number of ratable polls, of voters, and of each of the prohibited classes, we have the following table, showing first the statistics under these several heads, as reported in the Massachusetts census for 1875, and secondly the estimated gain of each class up to November, 1878, (three and a half years,) on a calculated increase of 9 per cent. for that period.

Mr. HOAR. Where are the 139,000 adult males? That is what we are looking for.

Mr. CALL. "Ratable polls, *i. e.*, males above twenty years, 449,686." I have the brief itself.

Mr. DAWES. You will find it in Butler's brief; but suppose the Senator adds that a democratic House and a democratic committee——

Mr. CALL. You admit it.

Mr. DAWES. We all admit that it is in Butler's brief.

Mr. CALL. You asked to have the state of facts.

Mr. DAWES. You will find it stated just so in Butler's brief; no doubt about that.

Mr. CALL. Let me continue to read from this report:

From this table may be deduced the following startling facts:

That of the 376,501 citizens of the United States, made so by the fourteenth amendment, (allowing that 4 per cent. of the total vote of the State remained away from the polls,) 136,859 were disfranchised from other causes than criminality, idiocy, and insanity, the causes being what are known as "illiteracy," failure to pay a tax, and pauperism.

Mr. DAWES. Will the Senator allow me now?

Mr. CALL. Yes.

Mr. DAWES. He has read that calculation——

Mr. CALL. Wait a moment.

By section 1, chapter 376 of the law of 1874, every male citizen twenty-one years of age and upward (except paupers, persons under guardianship, and persons excluded by "article 20 of the amendments to the constitution) who has resided in the State one year, and within the city or town in which he claims a right to vote six months next preceding any election of city, town, county, or State officers, or of Representatives to Congress, or electors of President and Vice-President, and who has paid by himself, his parent, master, or guardian, a State or county tax, assessed upon him in this State within two years next preceding such election, and every citizen exempted from taxation, but otherwise qualified, shall have a right to vote in all such elections; and no other person shall have such right to vote."

Thus it will be seen that, by the constitution and laws of Massachusetts, 105,109 persons are disfranchised, in contravention of the first section of the fourteenth amendment to the Constitution of the United States.

Mr. DAWES. Now, if the Senator will allow me, General Butler was hired to make a brief in an election case, and he made it in this way: he found a certain number of votes cast and a certain number of voters in a given year; he then calculated what would be the increase in three or four years up to the day of this election; then he found that on that year there were not cast in Massachusetts so many votes as there were in the year in which he made his calculation by one hundred and odd thousand. He then says that one hundred and odd thousand were disfranchised because of this amendment. This constitutional provision had been in force for twenty years before, and it never disfranchised in the world a man who was already a voter. So absurd was this calculation that a democratic committee, every one of the committee but one greenbacker, reported against him; and so absurd was the ground that the greenback contestant of Dr. Loring could not get the yeas and nays in the House, a democratic House, in support of it, and the House would not pay General Butler for making this brief; and the whole State of Massachusetts, including the democrats and the few greenbackers we have there, so laughed at the report and at the calculation that they never dared repeat it in the State.

Mr. CALL. I ask the Senator from Massachusetts now if he thinks it fair, after he got up to make a suggestion, to make a speech? After I am done I shall be glad to hear him.

Mr. DAWES. If you will allow me here to add just a word——

Mr. CALL. I shall be glad to correct anything; but not to yield for an argument or a speech.

Mr. DAWES. I thought I ought to put in a reply to this statement.

Mr. CALL. I want to give another piece of information. The honorable Senators from Massachusetts denied on Thursday last and have denied here this morning that there were 100,000 or 139,000 adult males in the State of Massachusetts who were disfranchised and could not vote because of the State suffrage qualifications of Massachusetts. I say so far from the statement being absurd the Senators from Massachusetts cannot dispute a single instance or part of the argument in the report before me which demonstrates by comparison with the census, the result that between 130,000 and 140,000 adult males are disfranchised in Massachusetts. That is clear, and they cannot get rid of the fact.

But what does another distinguished citizen of Massachusetts who has not run away from the State prison say on the floor of the House, Hon. Eben Moody Boynton, contestant from the sixth district of Massachusetts:

I speak advisedly when I say that one-third of the citizens of Massachusetts are disfranchised, taking into consideration the votes in the last election. At that election, in New Hampshire, with as large a proportion of her people laboring in manufacturing towns and cities, such as Nashua and Manchester, adjoining Lowell, Massachusetts, the voters were as 1 in 4.15 of the population, while in Massachusetts they were as 1 in 6.35.

He puts the number at 130,000 in Massachusetts in the election of 1880 who were deprived of the ballot. What more does he say? Here we have a law of guardianship which deprives a man of his vote because he is a spendthrift and gets drunk and may at some time waste his estate. We have a law in the South which disfranchises a man when convicted of crime, and yet we must have a crusade of terror and force for "a free ballot." A man who can vote in Florida cannot vote in Massachusetts; yet the Senators must have a crusade for "a free ballot." Now let us see what Mr. Boynton says further on that subject. He says, and it is so stated in the minority report, as to the straws which they throw across the path of voters in Massachusetts:

A FAIR COUNT DENIED IN MASSACHUSETTS.

While a hundred of my nearest republican neighbors voted for me, comprising the most liberal and intelligent, yet office-seekers and some of the later converts, small and bitter politicians, turned fiercely upon me, because they said if I followed my conscience in voting I was assisting to destroy the republican party. Therefore you find that sad, that shameful testimony with regard to MacNamara and others of my neighbors disfranchised, and one of them thought himself given the option of a dungeon or a vote for the candidates of my opponents. The first signer of the Declaration of Independence lived in sight of where this deed was done. I should be untrue to his blood that runs in the veins of my children if I failed to denounce it as a wrong to man's liberty. I had rather go to prison, as did Caleb Moody, for denouncing Andre's breach of chartered freedom, than purchase peace by fawning at the feet of a few purse-proud petty tyrants who terrify the poor out of their ballot.

MacNamara had been a leader of the Irish, once a man of culture, a man of ability, who had been their leader in earlier and better days, but like many men who go into politics, when this man had been there for thirty-eight years he finally got to drinking. He lost his cigar factory; he was reduced to poverty. That was the opportunity of the opposition, bitter partisan leaders. Our laws punish a man with imprisonment in solitary confinement for the third conviction of the offense of being drunk. For the third offense of drunkenness the law punishes by six months' imprisonment in solitary confinement in a dungeon. That is the law of Massachusetts.

This man, MacNamara, finding a warrant was issued for him, happened to meet one of the most influential of the former town officers, who asked him whether the Irish were going to vote for Butler and Boynton. He said they were, and he added, "I will use my influence with my friends to vote your republican ticket if you will get that warrant quashed." He went off and said he had made the arrangement. MacNamara was in doubt that it was strictly a fact that the warrant had been returned, therefore he went to the selectmen on the morning of the election and asked them not to have him arrested and sent to the dungeon, and to purchase immunity promised to vote their ticket and use his influence with friends. They asked, "How many votes can you get?" "I may get more than I expect," said MacNamara. "Come down, and I will speak to the officer not to arrest you," said Bailey.

The honorable Senator stood up here on Thursday and he refused to acknowledge that wealth and power and corporate influence, the influence of the employer over the employé, had any effect in Massachusetts, but said that every voter was absolutely free; and here is an eminent man from the sixth congressional district, defeated by a small number of voters, and testifying to a condition of things that makes the heart of man sick as to the power of government and office and station over the voter.

Mr. DAWES. The Senator read from Mr. Boynton what purported to be the statutes of Massachusetts.

Mr. CALL. No; I read the case of MacNamara. Not the statutes of Massachusetts, but the case of MacNamara, that occurred there, where the facts were sworn to.

Mr. DAWES. But Moody Boynton said that a man is confined in solitary imprisonment in a dungeon for six months for being a common drunkard.

Mr. CALL. On the third conviction for drunkenness.

Mr. DAWES. I think Mr. Moody Boynton stated that. A man is not confined in solitary confinement in a dungeon or anywhere else for that.

Mr. CALL. If it does so confine him it is a harsh law, and if we had treated the colored people in that way and said they should be deprived of their suffrage upon conviction for being drunk, what would you have said? We should have had a war-dance here upon the subject of southern outrages.

Mr. DAWES. The difference between us is this: the black man cannot change his color, but almost anybody can stop getting drunk.

Mr. CALL. But black men and white men both get drunk sometimes.

Mr. DAWES. I know they do.

Mr. CALL. And we have not any law in our country that deprives a man of the suffrage because he gets drunk.

Mr. DAWES. There is not any in ours either; but there is a law in our State—the Senator may think it a misfortune and it may be to some politicians—that tries to restrain men from getting drunk. It does not, however, take away the right of suffrage from anybody. Even the Senator's party flourishes there just as well notwithstanding that law.

Mr. CALL. Ah, well, that won't do. They do not get drunk enough not to vote.

Mr. DAWES. Nobody gets drunk enough not to vote.

Mr. CALL. Sometimes your people take their votes away from them.

Mr. DAWES. Nobody gets drunk enough not to vote, but nobody votes there without being able to read the vote he casts. Our people think every voter ought to be able to read the vote he casts. It is a mistake, I suppose, in the eye of the Senator; but we are quite attached to the idea in Massachusetts that it is a great deal safer for a man to know enough to read the vote he casts. It may be a mistake, but that is the idea we have.

Mr. CALL. I am not questioning the propriety of your laws. I am questioning the propriety of you holding your seats here upon a suffrage which disqualifies so many, your own people say nearly one-third of your adult voters, rising here to preach a crusade of terror and force and disturbance against our people.

Mr. DAWES. My dear sir, there is not a man in Massachusetts who believes a word of that. Moody Boynton does not believe it.

Mr. CALL. Here is the record; here are the facts; here is the sworn testimony of MacNamara. It is no use to talk about his story

not being true. Mr. Moody Boynton is a respectable man or he would not have got so many votes.

Mr. DAWES. A very respectable man.

Mr. CALL. Mr. Boynton says further:

Then we come to Amesbury, Massachusetts; to Amesbury, where the poet Whittier lives; to Amesbury, where Governor Josiah Bartlett, the first signer of the Declaration of Independence, was born, and there you find are mills, formerly busy with 1,500 operatives, which have been silent for four long years; there men had been driven to such misery they could not pay their taxes. It is in the evidence there were five hundred former employés still remaining; there 55 old voters' taxes were paid in one day, and then disfranchised; there Michael Kennedy, an old voter, more than half a century old, a voter who, I suppose, even under the constitutional amendment of 1857, had a right under the State laws to vote, as had others of these 55 voters, for you will notice there were many of them over twenty-one years of age when that disfranchising amendment was adopted—Michael Kennedy's was made the test case in reference to all these old voters. So swears the selectman. It is shown by the testimony in the record it was made the test case; the case of Michael Kennedy, a man over half a century old; also Thomas McCue, who had voted twenty-two years; these with 55 voters were disfranchised for illiteracy in defiance of the fourteenth constitutional amendment.

These are the sources of evidence that I have referred to. There is Dr. Loring's admission that there are large numbers disfranchised; there is the statement of the census itself, and the argument resting upon analogy which cannot be disputed; and then there is the statement of Mr. Boynton. It seems just about one-half of the persons who would be entitled to vote but for the disfranchising qualification of Massachusetts in the sixth congressional district, according to the statement of this report, are authorized to vote—just about one-half.

Mr. DAWES. Half of the 130,000?

Mr. CALL. Half the persons who would be qualified to vote in that district but for the disfranchisements are qualified now. I will read on this subject the statement of the report of Mr. Weaver, the minority of the committee in the case of Boynton *vs.* Loring:

Now, as the total vote of this district (23,275) is 9.08 per cent. of the total congressional vote of the State, the same percentage of the whole number of citizens disfranchised in the State, namely, 105,109, will approximate very nearly the number disfranchised in the sixth congressional district, which we find to be 1,646 for "illiteracy" and 11,475 for failure to pay a tax, making a total of 13,121—considerably more than half of the total vote thrown in the district, or 2,782 votes more than were cast for any candidate.

There is the sixth congressional district of Massachusetts, the most enlightened district in the State, as is stated by these two witnesses, containing men of the most eminent distinction, where more than one-half of her adult male population, that would be qualified to vote under the suffrage laws and the construction of those laws in every Southern State, are disfranchised; and yet gentlemen here are preaching a crusade of destruction and terror against the southern people upon the ground that they want "a free ballot and a fair count."

DIFFERENCE IN THE EXECUTION OF UNITED STATES LAWS NORTH AND SOUTH.

Well, Mr. President, let us go a little further. I wish to show the difference. Here a selectman, in this testimony, a State official of Massachusetts, was denying the ballot to one man and receiving votes which witnesses swear he knew to be illegal votes, receiving ballots which he knew to be double ballots, punishing or threatening to punish men with imprisonment unless they voted the republican ticket; and we hear of no indictment. It is left to the State law; no United States official interferes. But in my State a gentleman of high and unspotted character, a man who can compare with any man of any country in learning, in purity of character, in a lifetime of honorable public service, who has been a judge of one of our highest courts for years, is brought before the United States court, not for any criminal action as an official, but for giving his opinion as a lawyer in regard to the construction of a State law. And yet we are told you must preach a new crusade against the southern people for "a free ballot and a fair count," while here stands the law and the manner in which it is executed in Massachusetts, and there it is in my State, where a private citizen can be indicted and held up for years before a United States court. I give the name. Judge Thomas King, of Alachua County, Florida, stands to-day under an indictment, not for an official act, but for giving his opinion as a lawyer upon the construction of a State law.

Now let us go a little further——

Mr. BLAIR. Will the Senator from Florida permit me to ask him a question?

Mr. CALL. Yes, just a question.

Mr. BLAIR. The question is whether the Senator will allow me to make a very short statement with reference to the basis of suffrage in Massachusetts?

Mr. CALL. Not now; I beg pardon. I will after a while, and shall be glad to hear the gentleman, but not now. I want to make my own statement connectedly.

Mr. BLAIR. If the Senator would allow me just a moment, he would see that his representation as to suffrage——

Mr. CALL. I am sorry to refuse to yield to the Senator now, and shall be very glad to do so at some other time.

Mr. BLAIR. I appreciate the Senator's courtesy. I know he dislikes to do it. I think he would find the statement troublesome to him if he would allow it to be made.

FREE BALLOT IN CONNECTICUT.

Mr. CALL. Now, Mr. President, I want to go to the State of Connecticut. The honorable Senator from Connecticut [Mr. HAWLEY] in the defense of this coalition a few days ago advised us that universal suffrage was the law of the United States, and that we on this side must prepare ourselves for it; that it must be enforced; that it was back of this coalition. So I go to the State of Connecticut to see what sort of universal suffrage they have or propose to have in that State. I find that an amendment to the constitution of Connecticut provides a qualification of "good moral character." Well, if you can have a clause any more extensively disfranchising suffrage I do not know it. It depends on who may happen to construe it—"good moral character." And then it goes on to say:

Every person shall be able to read any article of the constitution or any section of the statutes of this State before being admitted as elector.

A right to prevent a man from voting without a conviction for crime because of the opinion of some persons that he may not have a good moral character is a great limitation of universal suffrage, and when you add to it an intelligence qualification of ability to read any clause in the constitution and any section of a statute to the satisfaction of a partisan inspector, you remove the suffrage as far as possible from universal suffrage, and establish a qualified and limited suffrage of the narrowest possible basis.

But, Mr. President, that is not all. If we go a little further we find that there is another and still more effective denial and limitation of a free ballot in Connecticut. A free ballot may be quite as effectually denied by any law, construction of law or rule or device which gives to one ballot a greater effect than another. Now I find that in Connecticut they have a borough representation by which the political power of the State is controlled as distinct from population and its numbers, the effect of which is to make the ballot of a person living in one place five or perhaps ten times as powerful as in another place. This will be seen from the following table:

Town.	No. of Representatives.	Population in 1880.
Hartford	2	42,553
Hartland	2	643
New Haven	2	62,882
Union	2	539
Norwich	2	21,141
Lyme	2	1,025
Bridgeport	2	29,148
Durham	2	990
Waterbury	2	20,269
Ashford	2	1,041
Meriden	2	18,340
Killingworth	2	848

Now, I say the honorable Senator from Connecticut ought in defense of his own State and State policy to abandon his theory of universal suffrage and especially this coalition, and give his voice and his vote to a proper and a just affirmation that the State laws, alike in the South and in the North, are in the discretion and in the will of their own people, and not seek to raise a public clamor of which the result may be more disastrous to the densely populated communities of the North than to the sparsely settled States of the South.

FREE BALLOT IN VERMONT, PENNSYLVANIA, AND RHODE ISLAND.

But what of the liberty-loving State of Vermont? Is the suffrage a free ballot there? Are there no limitations or qualifications in the real or supposed interest of law and order there? Is it purely a government of numbers in Vermont? Hon. Mr. Loring, of Massachusetts, a high authority, says, "a citizen who is twenty-one years of age and is of a quiet and peaceable behavior," in the State of Vermont, "may exercise the right of suffrage." As I said before, in most of our States the condition of disfranchisement is a conviction for crime; but here the judgment of the authorities is that a man shall be of "a quiet and peaceable behavior."

In Pennsylvania all State and county taxes are required to be paid; and in addition their methods of districting and the accumulation of large majorities of voters in the same district and distributing the voters of another political opinion or party practically denies a free ballot to about one-half of her adult male population. You can deny a free ballot just as effectually by so districting a county as to mass all the voters of one political opinion in certain districts as you can by a suffrage qualification; and that is the favorite mode now.

Then let us take our little friend, Rhode Island. The honorable Senator from Rhode Island, whom everybody admires, and everybody is fond of, [Mr. BURNSIDE,] and the accomplished senior Senator from that State [Mr. ANTHONY] are both sustaining this coalition; and it was but recently that the learned Senator from Rhode Island, [Mr. ANTHONY,] in a speech rich in its abundance of constitutional authorities, of judicial opinions, of the expressed opinion of distinguished and leading men, vindicated the suffrage laws and qualifications of the State of Rhode Island which impose such limitations upon suffrage that not more than 40 per cent. of her male population are permitted to vote. I say, gentlemen, in all candor, you must abandon this crusade, this pretended crusade, false and hollow as it is, of "a free ballot and a fair count." You have no free ballot; you do not pretend that you have one. You dare not have one. It is im-

possible in your country for you to have a free ballot. In one way or another you must concentrate the control of political power, in your largely populated and dense communities, in the hands of the intelligent and the property-holding and the tax-paying classes of the people, either by district and territorial representation, by suffrage qualification, by qualifications of residence or of property, by limitations of age or sex, as Senator ANTHONY ably showed. As the Supreme Court says, there is no authority and no place in the Constitution of the United States for prescribing rules for suffrage; and if it is a question remitted entirely to the States, what do you mean by saying you are for "a free ballot?" Do you propose to change the Constitution of the United States? If you propose anything, you must propose that. Do you propose to make limitations by the power of the Federal Government; and, if so, what? You do not avow them; you will not avow them.

The Senator from Virginia and his candidate, Mr. Riddleberger, are against a suffrage-capitation tax. That excites their holy horror, and that alone, they say, has brought them into affinity with you; but the Senators from Rhode Island owe it to frankness, to justice, and to right to say that they cannot accept any affiliation upon that ground, and so of the Senators from Massachusetts.

EVIL EFFECTS OF SUBVERTING STATE AUTHORITY OVER SUFFRAGE.

Now, Mr. President, I make no question of the right of the States to prescribe conditions and qualifications on the suffrage. I am making no war on your State laws or institutions, or on the methods by which you endeavor to secure the control of intelligence, capacity, and honesty in your States over the electoral power. Right or wrong as it may be, the Constitution of the United States has given that power to the several States; but in reason and in honesty and in sincerity you cannot continue in this coalition, you cannot continue your crusade against other States and other peoples for "a free ballot," which you do not yourselves allow. You cannot seek to subvert the lawful power of other States to have a fair count made when you claim it for yourselves, and when in obtaining it you encounter in your own States the same difficulties as in other States and communities; but if you are intent on inaugurating this new crusade, in destroying State authority over this subject of "a free ballot and a fair count," you will not be as secure with your dense population, your concentrated capital, your vast wealth, your terrible poverty, your great inequality in the distribution of wealth and the means of living, as the people of the South.

The lion in your path is pestilence and famine, the cravings of unsatisfied hunger, the wail of the dying parent and the little child, victims of your tenement houses, your crowded cities, of overwork and badly paid work; victims of the economic and social conditions which belong to a dense population. Some great writers of fiction both in the English and French tongues have portrayed with fearful horror and reality that vast mass of mankind who are the discontented and oppressed victims of social and economic and political conditions which no social or political science has yet solved. These conditions, as you know, are of necessity most powerful in densely populated communities and districts, where arts and manufactures flourish, where men, women, and children live on wages, on the arbitrary will of others. They are least influential in an agricultural people whose property is equally distributed.

THE POOR AND THE SUFFRAGE IN VERMONT, NEW HAMPSHIRE, AND MASSACHUSETTS.

Mr. President, I do not propose to detain the Senate for any great length of time; but I want to show a little about how this thing works among the people. Since I had the honor to deliver the few remarks I made here the other day I have received a letter, not from an anonymous witness, but from a man of respectability, from one of the people, which shows how they feel upon the subject of this false coalition for a free ballot, this new crusade against the unfortunate people of the South. I do not fear it. You cannot do it, gentlemen; you cannot have one thing in your own States and another upon this floor, and proclaim to the American people that you defy the truth, defy the open sunlight truth. Let us see what the people say. Here writes a man to me from Chester, Vermont:

> The State law [of Massachusetts] disfranchises and the poll-tax paying as a condition precedent to the right to cast a vote keeps that State in republican hands. The men at this day who cannot read to the satisfaction of a republican register—

Mark me, I am not making any party assault; I am showing how these laws must work, republican or democratic; I am showing the unfairness of this crusade. Here is one of your people in Vermont—

> The men at this day who cannot read to the satisfaction of a republican register—

He might read satisfactorily to somebody else—

> are those who, when eight to ten years old, were operatives.

My learned friend the other day thought there was no proof that every operative could not go into a home of abundant comfort; he thought there was no pestilence; that none of the ills of life assailed the poor man in Massachusetts; but here this man says:

> The men at this day who cannot read to the satisfaction of a republican register are those who, when eight to ten years old, were operatives in factories and corporations in Massachusetts, and grew up without any schooling. Many are now with families growing up in the same way.
>
> One instance I will relate which I was an eye-witness to. Four years ago I was in Manchester, New Hampshire. When the mills shut down for the day I saw hundreds of children from eight to twelve years of age returning home carrying dinner-pails. They had left home in the morning at ringing of bell, carrying a poor bite for dinner, of both sexes. Many looked pale, haggard, and dejected, poorly clad in cheap cotton dresses. Now Senator BLAIR is talking Christianity to you and others in the Senate. These poor families live in one and two rooms, many of which are made only with boards and joists, and unplaned.
>
> In Massachusetts there are men who have worked all their early days in corporations in Massachusetts, and now have gone back into the country, and have children who have learned to read, and they read the papers of the day to their fathers and mothers, who are unable to read. In some rare instances, with the help of their children, they own a farm, pay largely of taxes, but cannot vote, and have as white a skin as Senator DAWES or HOAR.
>
> I have many relations in Lowell, Massachusetts. They tell me that the bulldozing of voters is true, and that power is used to the uttermost to make them help vote republican. They are not content that the voters stay at home, but they must vote republican.
>
> In my own town, last September, at the State election, this same machine was operated; and on election day two republicans sat within two feet of the ballot-box with a political check-list to check and spot voters. This I witnessed. The board was republican.

The gentlemen can have the name of that man if they want it. There is no concealment about it. I have no doubt he is a sincere sympathizer with his people. Here is his name, George L. Fletcher. Beyond all question and all doubt the ballot is limited and qualified in every Northern State.

WHAT IS A FREE BALLOT?

The President, Mr. Garfield, when a member of Congress, made a speech, which I have here, in which he makes the laws of qualification largely over fifty, I think they are about eighty-two; but the number does not matter. In every State the State law has prescribed the qualifications. What do you mean, then, when you undertake to say that you are in favor of a free ballot? Do you mean to say that the ballot shall be free without limitation? Certainly not. Do you mean to say that the person who gives it shall be free to give it as he pleases? Beyond a doubt that cannot be interfered with except by personal violence. It is no more than any other personal right. Whatever it is, it is committed by the Constitution and the laws to the States. The Constitution says in express terms that even the qualifications for voting for a Representative in Congress shall be the same as those prescribed for the largest branch of the State Legislature. The State law imposes it, and what then? Ah, gentlemen, it will not do to make these protestations to the country for the election of these proposed officers; it will not do to attempt to build up a political party or to control the offices of the Senate upon the basis of building up a political party, or as an inducement to any Senator for his political action; some Senator's vote is obliged to be either a consideration for or an inducement to or given for the purpose of building up a political party in the country without foundation in the sincere conviction and honest belief of any man upon that side.

THE COALITION AND THE RETURNING-BOARD OF LOUISIANA.

This coalition has given rise to a wide range of acrimonious debate, in which the people of the Southern States, white and colored, who have chosen to support the democratic party have been assailed as denying a free ballot and a fair count within these States. The gentleman from Louisiana [Mr. KELLOGG] and other Senators have found an unnumbered army of martyrs, men, women, and children, in every Southern State who sleep the last sleep in unknown graves, victims of this fell purpose of the democrats to prevent a free ballot and a fair count. The gentleman [Mr. KELLOGG] who represents Louisiana in part on this floor as an unselfish philanthropist may well felicitate himself on the more effective method of a returning board with discretionary power to make *both the ballot and the count*, and bewail, as he has done here with unaffected grief, the Bourbon stupidity which prefers, according to his narrative, the assassin's knife and the murderer's deadly aim to his own humane and clement and surer methods of disfranchisement.

THE SUFFRAGE TAX, AND VIRGINIA AND RHODE ISLAND.

A free ballot. What do Senators mean by a free ballot? What does the Senator from Virginia mean by a free ballot—*a priceless suffrage?* What does the honorable Senator mean when he says the Bourbon democrats of Virginia accepted the amendment with mental reservation, and seek by indirect means to avoid it? Do they mean that a free ballot is necessary to a fair count?—that there can be no fair count where there is not a free ballot? If so, how far and to what extent must this freedom of the ballot go? We are not left in doubt as to the meaning of the honorable Senator from Virginia of a free ballot, for he has told us of his opposition to a suffrage capitation tax in the State of Virginia, and pointed it out as one of the mental reservations and one of the indirect means of the Bourbon democracy for avoiding the thirteenth amendment. But as under the law of compensations, which some philosophers maintain, every evil is accompanied by some corresponding and qualifying good, so the loss of the honorable Senator from this side of the Chamber will under this reasoning be compensated by the accession to this side of the Chamber of the honorable and accomplished Senator from Rhode Island [Mr. ANTHONY] and his able colleague, [Mr. BURNSIDE,] with the gallant little State of Rhode Island.

Sir, the learned and accomplished Senator from Rhode Island at the last session of Congress, with a rich abundance of argument of constitutional law and of example and learned opinion, vindicated the right and expediency of a suffrage capitation tax as a condition of voting in the State of Rhode Island. And if to maintain such a law shall in Virginia, and in the South, and in the coalition here, make a man a Bourbon democrat and an opponent of the thirteenth

amendment, then must the honorable Senator from Rhode Island either come with us or abandon his Rhode Island State policy and his own learned argument, or we shall witness another strange effect of this coalition in seeing him who was from the first an advocate of emancipation exchange places with and fall behind gentlemen who were the defenders of slavery, but in one day since the 4th of March were born both into life and stalwart manhood in the party.

SUFFRAGE AND ITS LIMITATIONS.

But what, again I ask, of this free ballot—this priceless suffrage—in what respect must it be free, and by what law shall its freedom be regulated or prescribed? Shall it be free to all in respect of the right to vote without limitation of age or sex or intelligence or capacity or residence or birth or property or character? This question opens a wide range of inquiry into the subject, but it is an inquiry into a subject where the whole range of investigation has already been explored and the whole subject settled by the judicial, legislative, and executive departments both of the National Government and of the States.

The amendment of the Constitution of the United States says there shall be no discrimination because of race or color; but so long as the laws of the States are applicable to all colors and all races, then authority to prescribe conditions and limitations of suffrage is absolute and unlimited. To this effect is all opinion and all judicial authority. What, then, does this coalition mean by a free ballot? Do you mean to change the Constitution of the United States and to prescribe the same conditions of suffrage and the same limitations in every State? If so, what are these conditions and what are the limitations which you wish to establish and prescribe? Shall all men vote? Shall the children vote? Shall the women vote? Shall men of foreign birth vote? Shall intelligence qualify and ignorance disqualify? Shall virtue qualify and vice disqualify? Shall property be represented or not?

The favorite aphorism of the Senators from Massachusetts is that every man must have the right to vote. Yet this right is not granted in Massachusetts nor anywhere else. In Massachusetts the laws deny it to more than a hundred thousand adult males and to all the women and children. In all the States the suffrage is qualified by limitations of age, of sex, of intelligence and property, of payment of taxes of greater or less amount, by conditions of foreign birth and domestic residence of greater or less length, all under the authority of State laws. In Louisiana, and according to the decision of the electoral commission and the Senator from Massachusetts, by the device of returning boards, to limit or enlarge the conditions of suffrage and of counting at discretion. We are now, Mr. President, endeavoring to reason about this subject, and not to engage in vain declamations and empty words. Who will deny that manhood suffrage and a free ballot and equality before the law cannot coexist with these qualifications and limitations? I am not saying that these limitations and qualifications are wrong, or that others would not be right. I am not saying that State authority shall not decide what cumulative conditions of suffrage may best promote the good order and general welfare of the State, but I am saying that these facts determine absolutely that those who maintain these limitations on suffrage and the authority of State laws on this subject cannot with truth say that they favor manhood suffrage, equality before the law, "a priceless suffrage." Nor so long as they exclude woman suffrage can they say that they favor universal or manhood suffrage. Nor, as Senator ANTHONY ably and conclusively says in his speech, so long as they recognize State authority to impose a limit of twenty-one years on male suffrage can they deny that the State may make the limitation eighteen years or twenty-five years or seventy years or limit it both for the young and old.

The truth is, Mr. President, this assertion that the safety of the Republic and the well-being of the country depend on an absolutely free ballot, whether in the new converts to the doctrine of a "*priceless suffrage*" or in the old doctrinaires on this subject, is an affectation and a pretense which has its existence only in party policies and in fine words and is practically denied in all of the Northern States, and has no existence in the mind of the learned and able Senator from Massachusetts except when upon the subject of southern outrages the honorable Senator puts on his stage clothes and performs in tragedy on the Senate stage. The ballot is more nearly free in every Southern State and the suffrage more extended and the count fairer than anywhere else in the world.

These, Mr. President and Senators, are the conditions and qualifications imposed by State laws, approved by the Northern States, sustained by them in your respective States, affirmed by the Supreme Court of the United States.

What shall we say of the free ballot, the equality before the law, the priceless suffrage as affected by the laws which apportion representation to districts by changing the lines of the districts according to population, and thus accumulate large masses of voters of the same political opinions in the same district and distribute those of another political opinion into different districts, so as to give one voter of one party or one political opinion four times more power than one voter of another party or opinion, and practically deny all force and effect to the ballots of the excess over a majority, as in the State of Pennsylvania, where under the system of disfranchisement or denial of a free ballot by districting the counties it requires in some districts four democrats to every single republican to elect a member of Congress? The ballot, therefore, is not free or equal in the sense of being universal and by virtue of manhood in respect to qualifications imposed by State laws in the Northern States.

IS THE BALLOT VOLUNTARY?

Is it free in the sense of being purely voluntary, uninfluenced by persons other than the voter from motives of fear, favor, or affection, or interest?

In what part of the Constitution of the United States is it affirmed that the voter shall be isolated from all social, commercial, and business relations and influences; and that he shall not cast his ballot influenced by fear, favor, affection, or interest?

In what part of the Constitution is it affirmed that the voter shall have intelligence and intellect enough to form an opinion on the controverted political distinctions of the day, and if it were so affirmed by what instrumentalities can government or laws so influence and control human character, capacities, and motives? But it is said the ballot must not be influenced and controlled by violence or by bribery; it must not be sold and bought for money; it must not by law be an article of merchandise. Beyond a doubt this is true to this extent and this effect, and in this sense the ballot must be free; like all personal rights it must be protected against *vi et armis*—force. This is one of the objects of government. The person of every man in the State, everywhere, under all law and government, is protected against unlawful force; but a man's vote cannot be influenced by violence without an assault on his person or *vi et armis* in some form. Under our system of government, founded for the protection of persons in their rights, the whole power of the State is pledged to this; the right, power, and duty of protecting persons in their rights is committed to and reserved by the States.

And under the forms of the Constitution, through the States' appeal in the prescribed form, the whole power of the Union is subject to the demand of the States to support their judicial and executive power in the assertion and protection of the rights of persons *judicially ascertained*. But how otherwise is the national Government concerned in this subject when, by the decision of the Supreme Court of the United States, by all practice and all settled constructions of law, and by the opinions of the republicans, the extent of the suffrage, the cumulative conditions and qualifications of suffrage, the suffrage itself in all respects, except that there shall be by law in the States no discrimination because of race or color, is prohibited to the national Government?

HOW SUFFRAGE MAY BE FREE.

But, Mr. President, if by law the suffrage was really universal and extended to every man, woman, and child of the whole population of every race, would the ballot be free, or, in the phrase of the Senator from Virginia, [Mr. MAHONE,] "*priceless?*" This question could with truth be answered in the affirmative.

Where religion, virtue, and intelligence all concurred in rightfully *influencing* the exercise of the electoral qualifications as against the pure and absolute force of numbers, no man of intelligence and reason will be rash enough to affirm that under the moral laws which control the people of a State and are the underlying and invisible but the absolutely certain forces which control all the social and industrial activities—no man will be so rash as to affirm that the best interests of the State will be best promoted by placing the powers of electoral control in the hands of the ignorant instead of the intelligent, in the hands of the vicious and criminal as contradistinguished from the virtuous, the honest, and the good.

Now, Mr. President, I wish to ask the learned Senators from Massachusetts a question, which I would like them to answer to themselves and to the country. These learned Senators, so intelligent and so fair generally, on the question of the southern white people, seem to be excited to a wild frenzy whenever they are brought into question. They seem to think and openly declare to the American people that we are a race of assassins and murderers, that we live on human horrors, and that the taking of human life is a matter with us of trivial concern.

I will ask these honorable Senators if, as they claim, the qualifications on the suffrage in Massachusetts and in Rhode Island and in other Northern States is not to secure the political power in those States in the hands of the virtuous and intelligent and industrious classes of the people as against the mere force of numbers? I ask them if this is not a right object for the exercise of the power of the State over this subject? I ask them if it is right that the educated and intelligent and virtuous among the people in Massachusetts and Rhode Island should control the political power of the State, why should it not be equally right in Louisiana, or Virginia, or Florida, or any other State, North or South? Again, I ask them a question which they can answer to themselves and the country. I ask if the question of the suffrage is entirely within the control of the States by legitimate means, what is the necessity, on their own hypothesis, of the southern people committing murder on men, women, and children; of their resorting to criminal means to do that which by law they can easily do? And again I ask, if intelligence, if property, if the relations of employer and employed, if the conservative and kindly influences of business and society have a proper and legitimate influence on those who have the right to vote, why deny it its proper influence in the Southern States any more than in the North? Why seek to build up a political power against all these influences? Why not seek the aid and good-will of the virtuous and intelligent?

The republican party came into power by representing in good faith a real public sentiment and objects of public policy which commended themselves to the educated and intelligent opinion of the country, to its business men and its business interests, to its religious and its social institutions, to all the influences which in a State make public opinion and influence and direct and qualify and restrain the mere force and effect of numbers and render the loose and inaccurate and false phase of a free ballot in some sense possible. Truth is the great foundation of all human action; the real as distinguished from the unreal is the only object of argument and reason. No government can be built on that which is false, that which is not true. No policy can ever permanently succeed but that founded on truth.

THE SOUTH AND THE FREE BALLOT.

A fair examination of this question will demonstrate that your position is a mere pretense by evidence better than the mere assertion of any man, by the evidence of natural and inevitable causes and effects, by the testimony of the laws and construction of laws, and of the constitutions of the Northern States and of the United States, by their practice and the decisions of their courts, by their public opinion and the expressed opinion of their leading public men, by their economical and their social and their business order and relations; all these unite in the affirmation of the entire falsity and the error of your proposition.

Mr. President, an incontestable body of proof from unimpeachable witnesses denies the statements of the Senator from Virginia [Mr. MAHONE] and his allies, the Senators from Massachusetts [Mr. HOAR] and of Louisiana, [Mr. KELLOGG,] on the subject of a free ballot and a fair count, a priceless suffrage, and as to mental reservation and indirection, and crimes of the people of the Southern States respecting the thirteenth and fourteenth amendments, the treatment of the colored people, and all that is implied in the banner of the bloody shirt under which they are now fighting, including the cry of repudiation raised by the Senator from Virginia.

Let us briefly consider this. The Senator from Massachusetts, [Mr. HOAR,] in defense of the Senator from Virginia, and of the coincidences, as Governor BROWN terms it, said last week that the people of the Southern States after the adoption of the thirteenth amendment sought to avoid it by re-establishing slavery by indirect means, by laws punishing the colored people for not having homes; selling men and women into slavery for not having homes; punishing men for associating with them. The Senator from Massachusetts seeks to sustain this statement by a reference to the laws passed, *not* after the thirteenth amendment, but by the provisional governments which were established under President Johnson's proclamation.

Mr. President, that statement is that the southern white people are cruel and malevolent toward the colored people; and the proofs cited are the laws referred to, the alleged massacre at Caddo, the alleged Chisolm murder. I assert that the instances cited do not sustain the statement; that, as stated, they are not true; that the laws referred to were wisely intended for the benefit of the colored people, to protect them from want—from apprehended starvation—and that they were copied from the apprentice and vagrant laws of Massachusetts and other Northern States, where substantially they now exist and are applied to the people of that and other States.

The criminal records of every Northern State, Massachusetts included, show in every year crimes of equal cruelty and depravity and of equal numbers with those of the Southern States—crimes prompted by the same motives, committed by the people of those States on each other. The criminal records of the country exhibit these facts. They therefore declare the charge of malevolence and hostility to these people in the Southern States to be false.

The statistics of the country show, as has been shown by the able and profound Senator from Mississippi, [Mr. LAMAR,] that the rate of wages of labor compare favorably with that of every Northern State; that property in land and in personal property has been acquired and is being acquired per capita by the colored people in the Southern States more rapidly in respect to the ratio of numbers than by the people of Massachusetts and other Northern States, and that these landed purchases are being acquired by them from the southern white people and not from the Government.

But I have not time to go into this subject at large. At a proper time the *facts*, the undeniable facts, which demonstrate the wicked falsehood of the contrary statement, can easily be arrayed.

I am not afraid with all the proof and all the facts to meet the charges of a partisan report, and demonstrate by proofs which none can deny its wicked and malevolent falsehood, and to prove how beautiful in innocence, how lovely, and of what good report has been the conduct since the war of the millions of brave, conscientious, and religious people, to traduce and degrade whom seems to be the pleasure and delight of the coalition.

THE SOUTH AS IT IS.

Mr. President, there is no South in the sense of the past; but there is a South, panoplied in righteousness, in clemency, in all the arts of peace, with a harmonious population of both races, holding in her hands the census of 1880, taken by an honest and capable man, a great statistician, and, indeed, a learned and laborious searcher for truth—General Francis Walker, the superintendent of the census. That South, an integral part of the Union, with her hundreds of millions of annual gold exports, confronts the false representations of her condition with the great facts of industrial activity and development, of increase of population, of rates of wages, with the absence of crime, and with the facts of figures which do not lie. Thus armed, she appeals to the religion, to the education, to the business, to the laws and Constitution, and to the principles of your own social order, as stated in President Garfield's inaugural, for protection and security, and has no fear of the result, when, in the last presidential election, the people of this country stood equally divided.

THE TRUE QUESTION.

Thus standing, we say to you, gentlemen, fearlessly, you cannot cover up the present movement by denunciations of that South. You cannot meet the charge of a majority obtained by the use of the patronage of the Senate and the pledge of further aid in elections now about to take place by pleading the rights of an honest majority, uninfluenced by patronage and preferment. You cannot justify a change of political principles and relations in this Chamber, accompanied by a simultaneous bestowal of great and influential preferment and patronage, when that change transfers the political power from one side to the other, by empty declamations and false assertions of abuse of power by some of the States and a part of the people of the Union.

The honorable Senator from Ohio talks in vain of the constitutional power of a majority. Sir, there is no place in the Constitution of our fathers for a majority constituted as this has avowedly been. The Constitution makes no provision for the bestowal of office in this Chamber either as the inducement to or the reward for the action of its members. You stand here confronted by facts which you cannot deny—a bestowal of great and lucrative and influential office, a simultaneous support of your party and your party organization, a simultaneous transfer of the political power from one side to the other, a simultaneous change of political and party relations.

In our judgment, in the judgment of thirty-eight Senators here, these facts cannot innocently and rightfully coexist; and we will not be parties to it nor submit to a majority thus constituted as long as we can constitutionally avoid it. Upon this stand, and no other, we place ourselves and you before the country.

Mr. CAMDEN. Mr. President——

Mr. DAWES. If the Senator would allow me a moment, I should be obliged to him.

The VICE-PRESIDENT. Does the Senator from West Virginia yield?

Mr. CAMDEN. Yes, sir; I shall yield the floor to the Senator for a short speech.

Mr. DAWES. The Senator from Florida [Mr. CALL] has undertaken to justify or excuse a charge which has been made that men are deprived of the right to vote in certain States who have all the qualifications which the State has seen fit to prescribe, by arraigning Northern States upon the allegation that they have prescribed qualifications which are unreasonable. I said to him on Thursday that the complaint against Southern States was not that they imposed under the Constitution prescriptions or qualifications upon voters, but that they deprived voters who were qualified by their own laws and the Constitution of the United States of the right to vote. I wish the Senator would keep that distinction in mind. The charge and the complaint is that in certain States men qualified by the State laws and the Constitution of the United States are deprived of the franchise, some of them by violence, some of them by artifice, some of them by being snowed under, as I described it, by dishonest and irresponsible pieces of paper, and some of them by forged returns, a most remarkable instance of which existing in the State the Senator himself represents on this floor. That is the complaint; the complaint on the part of the North is that men do not have their rights under the law; not that the law itself, properly administered, would not carry to each voter the participation and force in all elections of officers, but that the law is administered with the result stated. The Senator fails to meet the charge against those States and those in those States who control the ballot-box. I said to him that when every man in those States qualified by the laws of the States and by the Constitution of the United States to vote shall be permitted, without intimidation or restraint, to go to the ballot-box and deposit his ballot and have nothing counted but that ballot, no complaint will be raised against their States.

It is admitted that under the Constitution of the United States every State has the right to prescribe the qualifications of its voters, and the Constitution of the United States recognizes the fact that men shall hold their seats in the other branch of Congress who shall have received a majority of the votes cast by those qualified to vote for members of the most numerous branch of the Legislature of the State in which they reside. Until the people of the United States can come to believe and feel that each man in every State in this Union qualified under the Constitution of the United States to be a voter by the laws of the State shall have this right I have described, of going unmolested to the polls and having nothing counted but those votes—until the people of this country shall come to feel that each one of the citizens of this vast Union has secured to him that right, this question will not down, it will not cease to disturb and trouble the Republic, because the Republic can rest and rest in peace and safety upon no other foundation, and he who disturbs that disturbs the corner-stone itself.

That is why it is that the whole people of this country are aroused, awakened, apprehensive for the future of this Republic when it can

be turned up on its apex rather than have the foundation upon which it rests broadened and deepened and made firmer by giving to every man entitled, under the Constitution of the United States and the laws of the State enacted in conformity to that Constitution, this right effective at all times as his shield and his protection.

Mr. President, the whole people who come to realize how much depends upon settling this question and settling it right—and it can be settled in no other way—are determined, as they love the institutions of their country, to see to it that to every citizen shall be guaranteed this right; not that they will make war upon such qualifications as each State in its discretion and wisdom under the Constitution shall see fit to require of its voters, but they will endeavor to broaden and deepen that foundation. Hence it is that the State of Massachusetts is arraigned here to-day by those who have no other answer to the charge that men in their own States are deprived of the privileges their own laws and the Constitution guarantee to them—arraigned here for the character of her own laws. Sir, she endeavors to strengthen and deepen and broaden those foundations in endeavoring to make every voter within her borders not only free to cast his vote, and not only secure in having that vote, and that alone, counted, but also in making the foundations still firmer by giving him free of cost, and inviting him and alluring him to partake of that benefit, education enough to know what is the piece of paper he puts into the ballot-box. And therefore it is, sir, that she requires of all who came within her borders after 1858, and all who have been born there since, two things, if a man desires to have a voice in the choice of her officers and in the laws made for his own protection and that of her citizens: He shall be able to read the ballot that he proposes to cast, so that he shall know what it is that he is doing when he walks up to the ballot-box to discharge the highest function of an American citizen; and then, as was well said once by my colleague on this floor, she mortgages the bottom dollar of all her wealth in a pledge to him, "If you will do this, here is the fountain free and open at which you may drink to your fill not only, but learn enough to be an intelligent American citizen, casting your ballot, knowing what that ballot means and what that ballot will accomplish, but also free to make you an American citizen, competent, armed and equipped for the great battle of life in which you are entering, so that you may go forth through these States peopling new States, carrying your intelligence and your enterprise and your capital from your mother among the children that she has helped to rear, and help to build up there institutions like those you have left behind you in your mother State of Massachusetts." This is her work; this is her ambition; this she has accomplished in the past, more according to her population and her territory and her means than any other State in this Union. In no State is property so guarded or are human rights so sacred; in no State does the humblest and the gentlest go in and out to rest in his humble cot at night more safely and rise more proudly in the morning to the work of the day than in that State of Massachusetts, arraigned here to-day because of this effort of hers to make her citizens proud sovereigns in this land of sovereigns.

Sir, the people of Massachusetts would look with ineffable contempt and disgust upon the men who thus arraign her did they not know that those who do it do it in ignorance of what she is endeavoring to do and in perfect inability to comprehend the grand and glorious attainment she is striving for; and none of her people would enter into this feeling more earnestly and more heartily than the poor democratic workingmen in Massachusetts who are there enjoying those grand advantages and opportunities and exercising those inestimable rights secured by her laws.

Why, sir, the Senator from Florida undertook to quote from a speech of my late colleague in the House, the accomplished Representative from the sixth district of that State, to show that one hundred and thirty-odd thousand otherwise legal voters of that State were disfranchised because they could not read the vote they were to cast. I showed the Senator on Thursday last that if there was any man in Massachusetts otherwise qualified to vote there who lost his opportunity because he could not read and write, he did it of his own free choice. When that state of things shall be in Florida, in Mississippi, in Louisiana, no man in Massachusetts will raise one word of complaint. If it should happen to have been, as the Senator is so mistaken in saying it is, that there are one hundred and thirty-odd thousand men in Massachusetts who cannot vote to-day because they cannot read or write, cannot tell whether the paper they put into the ballot-box is an expression of their will or a denial of that will, it is because they choose so to be. If a man shall starve himself to death when the food, free to him, is upon the table before him, he can raise no complaint against others if he declines to eat. There is no power by which you can force an education upon a man who refuses to accept it when it is freely offered to him. You may throw around him inducements; you may offer him temptations; you may give him opportunities if he will embrace them; but after all if he chooses to be ignorant and will not be enlightened, however much we may regret it we cannot cure it.

Now, sir, from the very speech of my late colleague from which the Senator got one hundred and thirty-odd thousand deprived of the right to vote because of these qualifications, allow me to read just where the Senator from Florida had marked but failed to read. I read from that speech:

> Nor does this measure of disqualification, together with all those which are by the laws of Massachusetts added to it, produce the startling effect presented by the figures of the gentleman from Iowa [Mr. Weaver] or convict Massachusetts of bad faith in the matter of apportionment for Representatives in Congress and presidential electors. Taking his figures, namely, 134,256, and of that number, according to his tables, 86,258 are aliens and therefore not citizens. Now, add to this last the number of paupers, idiots, criminals, and insane, namely, 9,271, and we have 95,529 disqualified for the above reasons, leaving 38,727 to be otherwise accounted for. Of these 14,691 naturalized citizens and 3,437 natives, or only 18,128, are disqualified for illiteracy.

Eighteen thousand one hundred and twenty-eight disqualified for illiteracy! Now the Senator says that a proportion quite equal to half of the voters in that district is disqualified for illiteracy. Divide the 18,128 between the eleven districts in that State (and there is no reason to suppose there are any more illiterate persons in the sixth than in any other district, not half as many as there are among the poor immigrants that come into Boston and who are otherwise qualified to vote) and it gives to each district but 1,648. Here is an arraignment of Massachusetts because 1,648 men in a district refuse according to her laws to qualify themselves without expense to themselves to be voters.

The Senator read about the condition of the operative children in the manufacturing establishments there because they come there in flocks from the Old World to find better opportunities and better wages and better schools, and everything this side of the other world better in Massachusetts than the places they left. That Massachusetts may not have growing up in her midst an increasing rather than a decreasing population of illiteracy, that Massachusetts may do everything in her power to lessen the number of those who voluntarily abstain from embracing the qualification of the voters, I hold in my hand, which I had not time to turn to before the Senator sat down, a statute which says that every man who shall employ one of those poor children coming here from where they would otherwise be beggars, and not give him every year a certain number of weeks of schooling shall be subject to indictment and punishment. This is the penalty for employing children unless the employer has a certificate from the free-school authorities in Massachusetts that they have in each one of the years between five and twenty given them thirteen weeks—I believe that is the number—of that schooling which makes them when they come to be twenty-one voters, voters who assert their conviction and right to make intelligent and honest inquiry into the meaning of the ballot they cast. We give to every parent in the State for the purpose, besides what I have said, for the expenses incidental to such an education somewhere about twenty-two dollars a year.

Now, Mr. President, I hope I shall not be called upon to detain the Senate one moment more in defense of laws which ought to commend themselves to every enlightened mind. I hope I shall not be called upon again to draw the distinction that ought to be everywhere present in the minds of earnest and anxious statesmen, between the qualifications of a voter prescribed by the laws of his State for the purpose of making him more a voter, firmer in his conviction and in that sense of duty that will make him walk through fire and blood in the assertion of his rights, and that kind of restriction which buries the voter out of sight in his grave, or under tissue ballots, or forged returns.

Mr. CAMDEN. Mr. President, in the discussions of the last few days Senators have taken occasion to refer to the relation which West Virginia sustains to the debt of Virginia. It has been charged that West Virginia has shown no disposition to ascertain or provide for the payment of her proportion of the debt, and were it not that Senators on the other side of the Chamber who evidently do not understand what has taken place in regard to this question have made statements reflecting upon West Virginia which are not sustained by the records and the facts, I should not have taken any part in discussion at this time.

In what I may say I have no purpose to criticise the action of Virginia in relation to her public debt. Those who understand the great losses and financial reverses that have come to that State by the late war and the disposition shown by her people to arrange satisfactorily with her creditors to restore her public credit must sympathize with her in her efforts to get her debt in such shape that she could meet the interest on her obligations. In her prosperity and power, as a Virginian I was proud of my nativity, and in her reverses and trials I honor and sympathize with her. But for stronger reasons I am jealous that no injustice shall be done to West Virginia.

West Virginia's relation to the public debt of Virginia is misunderstood, and has been greatly misrepresented in financial circles throughout the country. Inquiries are repeatedly made from all quarters in reference to what are often called and quoted as "West Virginia certificates," and with many persons the opinion prevails that certificates of indebtedness issued by the State of West Virginia, or by her consent, have been selling on the markets from eight to twelve cents on the dollar.

On the other hand, it has been charged that West Virginia has shown no disposition to enter into any adjustment or to make any provision to ascertain what portion of the debt she should bear. The Senator from Virginia [Mr. MAHONE] in this connection says—I quote from the CONGRESSIONAL RECORD of March 31:

> Mr. President, if there is any man in the party which my colleague represents who agrees with another member of that party in Virginia as to what the debt of that State is, we have yet to find the concurrence; it is with one leader this figure, with another leader another figure; by one report of their officers one sum, and then by another report of other officers a different sum. Grant that sum to be the true one; but let the Senator state that our constitution recognized no specific sum. It says there shall first be a settlement with West Virginia, which has not yet been

had, and commands payment of what Virginia shall owe. That is the language, that is the instruction of the constitution of Virginia; that, after a settlement with West Virginia, covering one-third of old Virginia's territory, shall have been arrived at by an adjustment of their relative proportions of the public debt, Virginia will provide for her share. Now I would like the Senators from West Virginia in this cry against readjusters as repudiators to tell the country what answer they have made to their obligation for one-third of the debt contracted by the old Commonwealth of Virginia. Will they tell the country where they have ever made a proposition to pay one stiver of their share of the public debt of that State to maintain the honor and the dignity of their own Commonwealth? Let them answer.

Mr. President, as it will be my object to vindicate West Virginia by stating the facts in relation to this question as they have occurred, and to avoid discussing the merits of the question or the equities between the two States, I cannot do it better than by presenting the record and history of all that has transpired between each of the States on this subject.

The ordinance of the Wheeling convention of August 20, 1861, which was the first convention held in Virginia to provide for the formation of a new State, provided that—

The new State shall take upon itself the just proportion of the public debt of the Commonwealth of Virginia prior to the 1st day of January, 1861, to be ascertained by charging to it all State expenditures within the limits thereof, and the just proportion of the ordinary expenses of the State government since any part of said debt was contracted, and deducting therefrom the moneys paid into the treasury of the Commonwealth from the counties included within the said new State during the same period.

It will be seen by this ordinance that West Virginia undertook in the very beginning to fix and determine a basis upon which her proportion of the public debt of Virginia was to be ascertained.

But what is known as the Alexandria constitution of Virginia of 1863 did not give its consent to the basis of adjustment proposed by West Virginia, but indicated a different basis, which if carried out would result very differently from assigning one-third of the debt to West Virginia. I quote from the constitution, section 27 of article 4, in full:

The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the States of Virginia and West Virginia respectively, and may authorize, in conjunction with the State of West Virginia, the sale of all lands and property of every description, including all the stocks and other interest owned and held by the State of Virginia in banks, works of internal improvement, and other companies, at the time of the formation of the State of West Virginia, and no ordinance passed by the convention which assembled at Wheeling on the 11th of June, 1861, adjusting the public debt, shall be binding upon this State.

The constitution of West Virginia, adopted in 1863, contains the provision that—

An equitable portion of the public debt of the Commonwealth of Virginia prior to the 1st day of January, 1861, shall be assumed by this State, and the Legislature shall ascertain the same as soon as it may be practicable and provide for the liquidation thereof.

The restored government of Virginia, known as the Pierrepont government, was removed from Alexandria to Richmond in 1865, and on the 5th day of December, 1865, the General Assembly passed an act repealing the act giving consent to the formation of the State of West Virginia, and also repealing the acts giving consent to the admission of Berkeley and other counties into the State of West Virginia. No action was taken looking to the apportionment of the debt by either State till the 28th of February, 1866, when the General Assembly of Virginia, by a joint resolution, authorized the appointment of three commissioners with the power to treat, first, for the "restoration of Virginia to its ancient jurisdiction and boundaries," and second, to treat upon the subject of the proper adjustment of the debt.

West Virginia at the next session of its Legislature passed a joint resolution on the 28th of February, 1867, declining to treat for her reunion with the old State and authorizing the appointment of commissioners to treat with the commissioners appointed by Virginia for the adjustment of the public debt so soon as the suit of Virginia against West Virginia pending in the Supreme Court of the United States to recover jurisdiction over the counties of Berkeley and Jefferson should be finally determined. Suit had been instituted by Virginia to recover back the counties of Berkeley and Jefferson in March, 1866, and no proper adjustment of the debt could be made till it was determined which State had jurisdiction over these two rich and populous counties. The suit was not finally determined until March, 1871. (Wallace Reports, page 51, Virginia *vs.* West Virginia.) Another cause soon followed for delaying negotiations between the two States. The reconstruction act of Congress passed on the 2d of March, 1867, remitted the State to Federal control where it remained until January, 1870, when the State government of Virginia, reorganized under its constitution, was recognized and the State restored to representation in Congress by act of January 25, 1870. This constitution contained the following section (19) in regard to the debt:

The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the States of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia shall be applied to the payment of the public debt of Virginia.

After the restoration of the State, Virginia again by a joint resolution passed on the 18th of February, 1870, authorized the appointment of commissioners to treat with West Virginia, and under this resolution commissioners were appointed who visited the Legislature of West Virginia, then in session, but within a few days of adjournment under constitutional limitations, and by the journals of that body it will be seen that a joint resolution was introduced and passed appointing a joint committee of the two houses to confer with these commissioners, which committee was at once appointed. This was followed in a few days by a joint resolution, passed on the last day of the session, authorizing the appointment of commissioners to treat with the authorities of Virginia. But, in the hurry of business incident to the closing hours of the session, no provision was made to defray the necessary expenses of the commissioners, and, although the commissioners were appointed by the governor, they were forced to postpone action under this resolution till the next session of the Legislature.

And I will say here in reply to a charge made by the Senator from Connecticut [Mr. HAWLEY]—I quote from the CONGRESSIONAL RECORD of the 6th instant, and I ask the Secretary to read it.

The Chief Clerk read as follows:

I abhor repudiation in every fiber of my being, whether it be of national or State debt. My State knows nothing of it. I would that no State might know it. I do not say how much or how little there is of it in the Virginia campaign. I do remember, however, that the republican constitution of West Virginia, established in 1863, promised to assume an equitable share of the whole Virginia debt; I do know that republican legislation in West Virginia provided a commission to go to Richmond and see what should be assumed as West Virginia's portion of that debt; and I do know that when the democratic party got control of West Virginia, in 1872, it made a new constitution and wiped out that paragraph, and the democracy of West Virginia has never to my knowledge undertaken to carry out the pledges made by the republicans of West Virginia to take an honorable share of the debt.

Mr. CAMDEN. I will say in reply to the Senator and to other Senators on that side of the Chamber who have since repeated this charge, that this was the last action taken in West Virginia by a republican legislature in reference to this debt question.

The democrats elected a democratic governor and legislature in 1870, and the subsequent action to which I shall refer was by a democratic legislature, and under a resolution introduced by my colleague—who was then a member of the Legislature and whose democracy, I take it, will not be questioned—and commissioners appointed by a democratic governor. But I will state further that there has never been any issue between republicans and democrats in our State on this question, and as far as I know no political difference of opinion in regard to it exists, and there never has been any public action or official expression by either party in West Virginia that did not recognize her obligations to assume her equitable portion of the debt according to the constitution of 1863 when ascertained.

This democratic legislature of West Virginia, on the 15th of February, 1871, by a joint resolution authorized and directed the governor to appoint three commissioners to treat with the authorities of Virginia on this subject of the adjustment of the public debt, requiring them to make report thereof to the governor, to be by him communicated to the Legislature at the commencement of its next session, and made the necessary provisions for the payment of their expenses, which had been omitted in the resolution of the previous session. Under this resolution commissioners were appointed, and they made a very full and exhaustive report, to which I shall take occasion to refer.

But here it is proper to state in this connection that the General Assembly of Virginia, by a resolution adopted on the 11th of February, 1871, no doubt anticipating the provisions of the funding bill which was passed the following month, tendered to the State of West Virginia an arbitration of all matters touching the apportionment of the debt, thereby changing the manner of negotiations then authorized through commissioners from each State. The mode of arbitration was designated in the resolution. This was declined by the State of West Virginia by a resolution adopted on the 24th of February—the same month—less than two weeks after its passage by Virginia, for the reason that commissioners had already been empowered to act in the matter and for objections to the methods of arbitration, and the State of Virginia was again requested by this resolution to permit negotiations to proceed through the commissioners already authorized by the two States.

But Virginia, without awaiting the result of the action of the commissioners, passed the funding bill of March 30, 1871, and I desire to call attention to the fact that this act was passed by the first legislature elected under the constitution of the restored government of Virginia, and within less than a month after the suit in the Supreme Court of the United States between Virginia and West Virginia, relating to the territory in the counties of Jefferson and Berkeley, had been finally decided, and before it was possible for commissioners to act. By this bill Virginia agreed to fund two-thirds of her debt by issuing new bonds therefor, and to issue certificates for the other third, payable in accordance with such settlement as should hereafter be had between the two States.

It would follow from this that if no settlement is ever made with West Virginia, Virginia would be forever released from one-third of her debt, or so much of it as had been funded. Would it be unfair to say that Virginia was not from this time interested in making any settlement that would bring back upon her any portion of this third of the debt? But this bill, I understand, was passed with the consent of her creditors, or a majority of them, and accepted by nearly all, and therefore was a fair arrangement between debtor and creditor. If Virginia acted hastily in passing this bill, she was urged to it by strong reasons. She had been more or less complicated by embarrassments in regard to her State government from the close of the war up to this time. The interest on her debt had not been provided for. Her rep-

utation was suffering, her creditors were urgent, and as already stated, consented, as I understand it, to the provisions of this bill. This action on her part did not change the status or affect the rights of West Virginia in regard to her proportion of the debt, although one-third was left unprovided for until a settlement was had with West Virginia. If I were to venture any criticism upon Virginia for passing this bill at that time, it would be that she did not take time to ascertain her own resources, and made mistakes which she found it necessary afterward to try to correct.

To show that it was not then seriously claimed by Virginia that West Virginia's share of the debt should be one-third, the message of the governor of Virginia of the 7th of December to the same session of the General Assembly that passed the funding bill is instructive. After quoting the constitutional provisions of Virginia in regard to the debt, the governor says:

> In advance of any settlement how can it be arbitrarily assumed that one-third of the debt is the proper portion to be paid by West Virginia? What is the basis of this assumption? Upon what principles and upon what facts is the estimate made?
>
> That we have a just claim against West Virginia I have no manner of doubt, and I am equally clear as to the basis upon which the settlement ought to be made. After deducting from the total debt the market or cash value of the assets and securities (bonds, stocks, &c.,) held by either State which originally belonged to the State of Virginia, the remainder of the debt should be apportioned between the two States in proportion to the population and taxable values of each. It is a plain and simple proposition not unlike the closing up of a copartnership. The assets must first be applied to the extinguishment of the liabilities, and if insufficient for this purpose the deficiency must be met by the copartners in proportion to the original interest of each respectively in the adventure. Upon these principles it appears to me the question at issue between the two States could be readily, fairly, and satisfactorily solved. Till, however, a final adjustment of this matter is reached it can only be regarded in the light of a claim or asset of uncertain value, not in any wise affecting our liability for the whole debt.

That is the language of the governor of Virginia.

The certificates issued under this bill without the consent or knowledge of West Virginia have improperly come to be known as "West Virginia certificates." To show the form and character of these certificates I submit one, and ask the Secretary to read it.

The Chief Clerk read as follows:

> TREASURER'S OFFICE,
> RICHMOND, VIRGINIA, *July* 1, 1871.
>
> This is to certify that there is due unto —— heirs, executors, administrators, or assigns —— dollars, being one-third of bond surrendered under the provisions of an act approved March 30, 1871, entitled "An act to provide for the funding and payment of the public debt," (viz., bond No. ——, with interest amounting to —— dollars.) Payment of said one-third with interest thereon at the rate of 6 per cent. per annum will be provided for in accordance with such settlement as shall hereafter be had between the States of Virginia and West Virginia in regard to the public debt of the State of Virginia existing at the time of its dismemberment, and the State of Virginia holds said bonds so far as unfunded in trust for the holder hereof or his assigns.
>
> In testimony whereof this certificate has been signed by the treasurer and countersigned by the second auditor as provided by law.
>
> [SEAL.] ——— ———,
> *Treasurer Commonwealth of Virginia.*
>
> ——— ———, *Second Auditor.*

Mr. CAMDEN. This, Mr. President, was the end and completes, I think, the history of all legislation had by either State upon this subject, and I have recited it in detail in order to aid in a full understanding of the subject, and for the purpose of showing that West Virginia was prompt in keeping pace with every advance made by Virginia toward securing an equitable adjustment of the public debt under the constitutions of the two States.

This brings me, Mr. President, to the consideration of the report of the commissioners of West Virginia appointed under the act of February 15, 1871. The commissioners appointed were General John J. Jackson, of Parkersburgh, J. M. Bennett, of Lewis, and A. W. Campbell, of Wheeling—two democrats and one republican—all distinguished for their experience and ability. Mr. Bennett had been the auditor of the State of Virginia for eight years preceding the close of the war. Mr. Campbell, of the Wheeling Intelligencer, was one of the ablest and most prominent republicans in the State. General Jackson had been distinguished for over half a century in the public affairs of the two States.

These commissioners entered upon their duties promptly and earnestly, and judging from their report they met with but scant courtesy from the authorities of Virginia. After addressing an official communication to the governor of Virginia, dated August 9, 1871, the commissioners visited the capitol of Virginia, but they were not met by commissioners on the part of Virginia, nor did they receive any official recognition. They proceeded, nevertheless, laboriously to perform the duties assigned them and made a very full report. They ascertained—I quote from page 11 of the report—that the funded debt of Virginia on the 1st day of January, 1861, was $31,778,867.32, after all deductions; that all or nearly all of this debt was incurred and actually expended in works of public improvements, such as canals, railroads, turnpikes, plank-roads, and bridges; that of this vast sum, upward of $30,000,000 was expended for improvements in the present State of Virginia, and only about two and a half millions in the present State of West Virginia; that the present State of Virginia contains 41,352 square miles and West Virginia 20,000 square miles, or less than one-third; that the counties composing what is now Virginia contained, according to the census of 1860, a population of 1,220,829, and those composing West Virginia only a population of 374,985, or less than one-fourth. And by statement "C" of the report it was also shown that the whole revenue of the State of Virginia for the year 1860 was $3,936,873.56, of which only $647,079.96, or less than one-sixth, was assessed in the counties composing the territory of West Virginia, and $3,289,739.60 in the present territory of Virginia. It will thus be seen, Mr. President, that West Virginia would not be entitled to pay one-third of the debt of Virginia assigned by the funding bill of 1871, either upon the basis of territory, population, or revenue.

It will be observed also that all, or nearly all, of the debt was incurred and actually expended on works of public improvement, and that of the whole amount for which the debt was created only about two and a half millions was expended in the territory of West Virginia, and that chiefly in turnpike roads.

The report also shows that Virginia on the 1st day of January, 1861, held public-improvement securities to the amount of $33,131,090, and in addition thereto, as shown by the message of the governor of Virginia of March 8, 1870, there was an amount of $9,739,092.88 as lost, abandoned, surrendered, or released, and of course that portion which had been surrendered or released between 1861 and 1870 was without the consent of West Virginia.

The aggregate amount of securities was as great as the public debt of Virginia, and this debt created to pay for railroads and other public improvements within the present territory of Virginia, for which she was receiving the consequential benefits and from which West Virginia could derive no benefit.

The commissioners, after reviewing at length the principles of law and the authorities cited in the case of Hartman *vs.* Greenhow, referred to by the senior Senator from Virginia, [Mr. JOHNSTON,] assumed that West Virginia should bear her equitable proportion of the debt of Virginia, as provided by her constitution of 1863; that this equitable proportion should not be ascertained from the basis of territory, because one division of the territory might contain all the works of internal improvement, the more important cities and harbors on the seaboard, the fertile and improved lands, the public buildings, and other sources of wealth for which the debt had been created and expended, while the other division might be undeveloped and comparatively destitute of values and resources. They further concluded that the public improvements lying within the territory of Virginia, and for which Virginia holds the securities, are worth their cost to that Commonwealth; that these improvements cannot be enjoyed in common by West Virginia, as contemplated by the rule laid down by Kent, that "if a State should be divided in respect to territory its rights and obligations are not impaired, and if they have not been apportioned by special agreement their rights are to be enjoyed and their obligations fulfilled by all the parts in common," because the territories of the two States have nothing in common, are separated by mountains, with the navigable streams of each State running in opposite directions, the improvements for which the debt was created do not reach into the territory of West Virginia, and are therefore of no value to that State; and that Virginia, by selling, donating, and disposing of these works as her own property, without consulting West Virginia, must be treated as having accepted them upon that basis.

The commissioners therefore assume that the benefits conferred should be taken into consideration in arriving at an equitable adjustment, and conclude their report by charging to West Virginia all the money expended within her territory and crediting her with her estimated share of the public property and assets of Virginia not embraced in the debt, and upon this basis ascertained the amount due as West Virginia's proportion of the debt on January 1, 1861, to be $953,360.23.

This report was communicated by the governor to the Legislature of West Virginia on the 16th of January, 1872, and has remained unchallenged. The governor in presenting it to the Legislature used the following language:

> It will demand your serious consideration whether you will now proceed to assume what you may conceive to be the equitable proportion of the public debt of Virginia prior to the 1st of January, 1861, or whether you will in the light of past events await further action on the part of Virginia.

No further action has been taken on the part of either State, and there the matter rests.

Now, sir, there is one more criticism that deserves attention. It has been directly charged more than once by Senators during this discussion that because the formal recognition of the obligation of West Virginia to pay her equitable proportion of the debt of Virginia contained in the constitution of 1863 does not appear in the constitution of 1872, that the democratic party, as soon as it obtained ascendency in the State, repudiated this obligation.

A few words of explanation will make this plain. The constitutional convention of 1872 had before it the report of the commissioners to which I have been referring. West Virginia has no bonded debt, and never had, and both constitutions contained provisions prohibiting her from making any except for certain specified purposes; and in leaving out section 8 of article 8 of the constitution of 1863, which provided for assuming an equitable proportion of the debt of Virginia, provision was made in the constitution of 1872, in section 5 of article 10, to the extent of providing, in connection with section 4 of the same article, for the payment of the debt when ascertained.

Section 4 provides that no debt shall be contracted by the State except, among other things, "*to redeem a previous liability of the State.*"

Section 5 provides "that the power of taxation of the Legislature shall extend to provisions for the payment of the State debt and the interest thereon;" so that the constitution of 1872, instead of recog

nizing the obligation to assume an equitable proportion of the debt, provides for its payment when ascertained.

And now, Mr. President, having presented in full the record on the subject of the debt between the two Virginias, I shall leave the question on this record without any further remarks.

Mr. VEST obtained the floor.

Mr. BLAIR. I wish to ask the Senator from West Virginia a question as to an item of fact. I did not quite understand what had become of the securities which Virginia held on account of the public improvements of which the Senator spoke. Has she still those securities?

Mr. CAMDEN. She has.

Mr. BLAIR. The whole amount

Mr. CAMDEN. The whole amount.

Mr. DAVIS, of West Virginia. I will say to the Senator from New Hampshire that, so far as my knowledge is concerned, in no way has West Virginia received benefit for any of the moneys spent in the territory of the old State. My colleague has said that about thirty million dollars of the debt as it stood in 1861 had been expended in the old State and about two million five hundred thousand dollars in the new State.

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Senator from Missouri [Mr. VEST] has the floor; does he yield to the Senator from Pennsylvania?

Mr. VEST. I do not understand the purpose of the Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. I wish to make a few remarks that will not occupy more than two minutes, if the Senator will permit me to do so.

Mr. VEST. As a matter of course, with the understanding that I can take the floor afterward, I will yield.

Mr. HOAR. Will the Senator from Missouri allow me to make a correction of something which was said by the Senator from Florida?

Mr. VEST. Certainly.

Mr. HOAR. During the remarks of the honorable Senator from Florida [Mr. CALL] he stated that spendthrifts under guardianship were disqualified from voting by the constitution and laws of Massachusetts, a statement which I challenged; but on pointing out to me the clause in the constitution which disqualifies all persons under guardianship I became satisfied that I was in error, and that the original statement of the Senator from Florida was correct; and, as I said then, that is a provision of law which I do not suppose is resorted to in the whole State ten times in a year; it is a very rare provision of law under which if a person is a spendthrift a guardian of his estate may be appointed. I desire simply to have the clause of the Massachusetts statute read, which will show the exact condition of the law on that subject. I ask the Chief Clerk to read the ninth section on page 544 of the general statutes of Massachusetts.

The Chief Clerk read as follows:

When a person by excessive drinking, gaming, idleness, or debauchery of any kind, so spends, wastes, or lessens his estate, as to expose himself or his family to want or suffering, or any place to charge or expense for the support of himself or his family, the mayor and aldermen or selectmen of the city or town of which such spendthrift is an inhabitant or resident, or upon which he is or may become chargeable, may present a complaint to the probate court, setting forth the facts and circumstances of the case, and praying to have a guardian appointed. The court shall cause notice of not less than fourteen days to be given to the supposed spendthrift, of the time and place appointed for the hearing; and if after a full hearing it appears that he comes within the above description, the court shall appoint a guardian of his person and estate.

Mr. HOAR. That jurisdiction is lodged in the court of probate, from all whose decrees an appeal lies as a matter of course to the supreme court of the Commonwealth; and that any use of that could possibly be made by mechanism or contrivance for disfranchising voters is utterly without foundation.

Mr. CAMERON, of Pennsylvania. Mr. President, I do not care about occupying the time of the Senate any longer than to refer to what occurred a few days ago on this floor. The honorable Senator from Kentucky, [Mr. BECK,] for whom no one has a higher regard than I, taunted me with the fact that the Legislature of my State had refused to sustain the course which its Senators had taken in this controversy. To understand the matter fully I will read from the RECORD of April 6 what actually took place:

Mr. BECK. Will the Senator allow me to suggest another fact, that in the Legislature of Pennsylvania yesterday an endeavor was made to secure an indorsement for the combination you have just made; and they were glad to lay it on the table.

Mr. CAMERON, of Pennsylvania. How does the gentleman know they were glad to lay it on the table? My own impression is that the body is sorry for its action to-day, and that before long it will indorse every act of both its Senators in this body.

Mr. BECK. It did not do so yesterday.

Mr. CAMERON, of Pennsylvania. They will do it in the future.

Mr. BECK. After you get there you may make them do it.

Mr. CAMERON, of Pennsylvania. No.

Mr. BECK. They will not do it without.

The Senator says: "After you get there you may make them do it." I beg to inform him that there is no man living who has the power to make the Legislature of Pennsylvania do anything that they do not believe to be right and proper, and I certainly would not arrogate to myself the power to *make* them do anything against their own free will. The man who undertakes to do that will very soon find himself in the position of the shearer who came back shorn. I think I am personally acquainted with nearly all of the members of our Legislature and I can therefore speak from personal knowledge when I say that a better, nobler and more patriotic body of men never existed.

Since the debate which I have just quoted took place the Legislature of Pennsylvania, believing in the sacred principles of right and justice, have passed a resolution indorsing the action of the republican Senators on this floor. I send to the Clerk's desk a certified copy of that resolution and ask to have it read for the especial information of the Senator from Kentucky. I have no doubt but that all the other States of the North will follow this patriotic example of the Legislature of Pennsylvania in due course.

The Chief Clerk read as follows:

IN THE SENATE, *April* 7, 1881.

Resolved, (if the house concur,) That the Legislature of Pennsylvania regards with approval the attitude taken by the republican members of the United States Senate in insisting upon the right of the majority to control the organization of that body, and hopes that the unanimity which has thus far characterized their proceedings will be maintained.

[Extract from the Journal.]

THOS. B. COCHRAN,
Chief Clerk Senate.

In the House of Representatives, April 7, 1881: The foregoing resolution concurred in.

HENRY HUHN,
Chief Clerk House of Representatives.

Approved the 8th day of April, 1881.

HENRY M. HOYT,
Governor.

Mr. BECK. May I say one word?

Mr. VEST. Yes, sir.

Mr. BECK. That is as mild a type of indorsement as I ever read or heard read. I saw that some proceedings were had in the Legislature where the names of some distinguished gentlemen from Virginia appeared. They do not seem to appear in that resolution. Why they are omitted I do not know.

I presume that the Senator from Pennsylvania is sincere in his belief that the Legislature of Pennsylvania is the most patriotic body of men upon earth. I have always thought the people who agreed with me were the most patriotic. The highest evidence of their integrity in the mind of the Senator from Pennsylvania is that they generally do what he thinks is right, and nobody can make them do anything but what he does think is right; but they are careful to think that is right which he thinks is right. The Senator only exhibited more power than I thought he had when he could do by a telegram what I thought would take a personal visit to accomplish.

Mr. VEST. Mr. President, I congratulate the democratic party and the country upon the fact that at last the issue between the two parties in the present remarkable contest is distinctly and sharply and unmistakably defined. The democratic party have never been actuated in this conflict by the desire simply to attain possession of the offices of the Senate. If such had been the case two years ago, with an absolute majority and absolute control, the democratic party would have taken every office in the Senate without question or debate. With that absolute power in our hands the pay-rolls of the Senate do-day develop the fact that within a very few hundred dollars of one-half of the patronage of the Senate is in the control of the republican party. My own State of Missouri, giving to the democratic party the largest electoral vote of any State in the Union, received out of the patronage of the Senate the miserable pittance of two messenger places amounting together to $2,000.

Sir, the offices of the Senate constitute not the issue between these parties. The issue is defined and well known to the Senate and to the country. It was read to us by the Senator from Pennsylvania, [Mr. CAMERON;] it was declaimed to us by the Senator from Connecticut [Mr. HAWLEY] in a campaign speech, during the delivery of which I could almost smell the barbecued meat and hear the shouts of the approving multitude. It has been shrieked and yelled at us by the Senators from Massachusetts. Finally, in the grave and deliberate accents of the Senator from Ohio, [Mr. SHERMAN,] we have had laid down with emphatic precision the object of his party and the question between us.

That object, in so many words and stripped of all rhetoric and all surplusage, is simply this: the national republican party of the United States proposes, with its vast prestige, its great influence, its patronage in the Senate, and its Federal and executive patronage, to throw itself into the contest in the State of Virginia between the two factions of the democratic party, and to crush out with this unequal aid the real and true democracy of that glorious old Commonwealth. The democrats in the Senate are called upon in the name of the Constitution and under penalty of being denounced as revolutionists and traitors to sit supinely here and see this monstrous outrage perpetrated upon that gallant democracy in the State of Virginia. If democrats in the Senate should sit here supinely and submit to any such thing as that they would deserve to be branded as dishonored men. Every consideration of principle, every consideration of honor, every instinct of chivalry, calls upon us to stand by our brethren in the State of Virginia in making their last great contest, after everything else is lost save honor, for the historic glory of that Commonwealth, the mother of States and statesmen and of the democratic party.

I tell the gentlemen now, in no spirit of bravado, that, rather than

submit to this interference by the national republican party in that contest, and rather than see the real democracy of Virginia stricken down after this fashion, we will stay here, God willing, until the ice again gorges the Potomac and the snows of December wreath these hills in their winding-sheet.

Mr. President, because the democratic party in the Senate have taken this position, we are denounced as guilty of revolution and of treason. The Senator from Ohio, [Mr. SHERMAN,] who, I am glad to see, is entering the Chamber, announced to us but the other day the monstrous doctrine that the only rights of the minority here are to debate, and when the debate has closed the majority vote, and the voice of the majority is the voice of God. Sir, it is a monstrous doctrine; it is parliamentary absolutism.

The Senator from Massachusetts in eloquent tones told us the other day that a Senator of the United States was responsible alone to his conscience and to his God. What becomes of individual responsibility? What becomes of the answer that every honest man must make in his official capacity to his own judgment and to his own conscience if the doctrine of the Senator from Ohio is true, that the only right given to a minority is the right of debate, and that the voice of the majority is then the voice of God?

Sir, it is not true that the voice of the majority is the supreme law in the United States. A President of the United States may be elected by a minority of the votes of the people. General Garfield received 59 majority in the electoral college and 3,700 and odd plurality of the popular vote. The Presidents of the United States have been elected by a minority of the popular vote of this Union. The Constitution of the United States is the supreme law. The majority must act and wield their power under the Constitution and the laws made in pursuance thereof.

What is revolution? It is action outside of a legally organized government. What is treason? It is levying war against the government or giving aid and comfort to its enemies. Does the Senator from Ohio mean that fifteen Senators, acting under their oaths, shall sit here supinely and passively and allow a law to be enacted which tears down the Government, which subverts the liberties of the people, which destroys their best interests? Yet, according to the Senator, they must bow to the will of the majority as the will of God.

The grandest triumphs in the parliamentary history of England have been by minorities using parliamentary means to defeat the oppressive will of a majority which they considered detrimental to public interest. It is the duty of the minority to use every parliamentary method under the Constitution or known to the law to defeat what they conceive to be an outrage upon the liberties or interests of the people.

What has been the practice of the republican party whose leader reads us a lecture upon this floor in regard to treason and revolution? During the two years that I have sat in this Chamber I have seen the minority upon that side of this Hall violate the Constitution, trample upon the rules of the Senate, sit here supinely and placidly and destroy a quorum by refusing to vote, and when the rule of the Senate requiring them to give their reasons for not voting has been read to them they would receive it with derision and with sneers. But the Senator from Ohio says that he is not responsible for this; he was not then a member of the Senate. But the Senator came into this Hall and filibustered for two weeks to prevent the will of the majority.

The Constitution of the United States provides that a quorum of this body can organize and proceed to business. We met here at the commencement of this executive session, organized, sent a committee to the President, proceeded to the enactment of business, and confirmed some twenty-five or thirty nominations in executive session. This Senate was as much a Senate then as if every member had been in his seat. We heard the argument the other day that one majority is as good as a hundred. When the Senate was organized and the President was informed of that fact, was it not the Senate of the United States? Ought not a majority of the Senate then to have prevailed? I ask the Senator from Ohio why did he filibuster against that majority? Oh, he says, for delay until the seats upon that side of the Chamber had been filled up. Suppose it had taken two months, three months, four months, to have filled up those seats, how long would the Senator have waited? Did he not wait for a partisan advantage? Did he not wait after the Senate had been organized under the Constitution? Did he not then wait for the organization by the republican party, and for that alone? I want to know where was the voice of God then?

Sir, the voice of God upon the democratic side of this Chamber is a very different intonation from the voice of God upon the republican side. The Deity shifts. The majority that existed here then for two weeks was a constitutional majority, and no Senator upon that side of the Chamber will deny it. If you can filibuster for two weeks the principle allows you to filibuster for two months or for two years; but you assert it to suit your own convenience and your own party policy, and when democrats assert it it is treason and revolution.

Mr. President, in what interest and for what purpose are these charges made against the democratic party in the Senate? I am not here to attack and assail motives. I care nothing about motives. I am here to discuss political actions and political sequences.

A coalition exists here, open, notorious, and unblushing. A coalition based upon community of principle and mutuality of opinion is legitimate. Parties based upon mutuality of opinion and of principle between their members are legitimate parties, and command the respect, if not the admiration, of mankind; but a coalition without mutuality of opinion or principle is contrary to public morality, and should be denounced by every fair-minded and right-thinking man. Where a coalition is made simply for power, for office, without community or mutuality of opinion or of interest it verges upon a corrupt coalition, if it is not actually one. When the younger Pitt stood upon the floor of the House of Commons and denounced the coalition between Lord North and Charles James Fox as a damnable and incestuous union, and said, "In the name of the people of Great Britain I forbid the bans," the whole civilized world said "amen" to that denunciation, and the people of Great Britain did forbid the bans. They stamped that damnable and incestuous union under their feet. North and Fox went into retirement, and Pitt assumed the control of the government. Of all the statesmen, in my judgment, whose names emblazon with glory the pages of English history, the name of Charles James Fox is the first. But he, advocate of human rights, hero of the truth, orator, statesman, and soldier in civil warfare, ever at the front, even he, with his great name and talents, was stricken down by that fair-minded instinct for consistency and fair play which courses in the blood of all Anglo-Saxon peoples.

In our own political history a suspicion was raised in regard to that great commoner, Henry Clay, and Adams. Of that coalition, denounced by John Randolph of Roanoke as the union of Puritan and black-leg, a coalition in my judgment never based upon any corrupt motive, the bare suspicion terminated the public career of one man and haunted the death-bed of another.

Mr. President, what is this coalition? Is there any mutuality of opinion or principle between the republican party and the Senator from Virginia? Where is it? Does the republican party in the Senate Chamber sympathize with the opinions of the Senator from Virginia in regard to readjusting the State debt of that Commonwealth? When did the republican party, the great party of public credit and national faith, the party that says "an honest dollar for an honest day's work," the party that says "no discount in the way of silver or greenbacks or legal tenders but gold"—when did that party become the ally, the sympathizer, with gentlemen who propose not to repudiate but to eliminate a portion of their State debt? "Eliminate;" a good word, a word very much like "occupy," which Doll Tear-sheet said "was an excellent good word before it was ill-sorted;" a good word, but "most damnably abused." Eliminate a portion of the State debt!

The Senator from Ohio stands here to-day as the advocate and defender of the Senator from Virginia. He says both parties in Virginia are seeking to avoid the payment of an honest State obligation. What would the Senate think if I should say but eighteen months have elapsed since the Senator from Ohio as Secretary of the Treasury threatened with removal a Federal official in that State because he belonged to the readjuster party, or, as it was termed in the correspondence, the party of repudiation? What would the country say if it should turn out to be true, as it is true, that the Secretary of the Treasury, now the Senator from Ohio, gave it to be understood officially that if any Federal official in that State joined the readjuster party "off goes his head?" There was a Mr. Van Auken, tobacco inspector at the city of Petersburgh, that historic city which is the residence of the Senator from Virginia, [Mr. MAHONE.] In October, 1879, news was brought to the Department of the Treasury that this man had dared to join the readjuster party in Virginia. Immediately a correspondence ensued, which I shall ask the Clerk to read. I desire to make contributions to the literature of this debate, and I think that is monstrous good reading.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, October 16, 1879.

SIR: This office is informed that you are exerting your influence for the readjustment, and thereby the repudiation, of the State debt of Virginia. This is looked upon by thinking men as immoral, and therefore inconsistent with the dignity of an official. Please inform this office upon receipt of this letter whether this be true or not, and, if true, accompany your statement with your resignation.

Respectfully,

GREEN B. RAUM, *Commissioner.*

J. H. VAN AUKEN, Esq.,
Tobacco Inspector, Petersburgh, Virginia.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT VIRGINIA,
Petersburgh, October 17, 1879.

SIR: Your communication of the 16th instant was received by me to-day with infinite amazement, and I was at first inclined to think it a huge joke, but remembering that the perpetration of official jokes is not usual, the succeeding thought and desire was to know the name of your informant, which I earnestly beg you to furnish me.

My position upon this debt question was publicly and decisively taken long since and I do not suppose there is a citizen of this city, or scarcely in the State, who does not know what that position is.

I am the only republican in the city that has made public speeches urging the honest payment of the State's obligations. I inclose you a copy of resolutions written by myself and supported in a speech before an audience of over five hundred people at the Harrison Street Baptist Church in this city some three weeks since. Myself and Colonel Brady went to Washington on Sunday last as a committee to secure the presence of Hon. Frederick Douglass in our city to address the colored people upon this question, which is the all-engrossing one here. Failing to

secure Douglass a letter was secured which I send you, as published in the Richmond Dispatch, from a copy furnished by me.

I must again beg you to give me the source of your information. By my position I have incurred the active hostility of the old "ring" of ballot-box stuffers and "bulldozers" here and of such colored people as they have been able to delude by their specious, plausible arguments, and I am confident that they are the inspiration, to say the least, of your information.

Very respectfully, yours,

J. H. VAN AUKEN,
Tobacco Inspector, Petersburgh, Virginia.

Hon. GREEN B. RAUM,
Commissioner Internal Revenue, Washington, D. C.

Resolutions sustaining the public debt.

Whereas the national republican party has ever firmly set its face against repudiation in all its forms, against the scaling of honest obligations, honestly incurred, and has ever believed in carrying out in letter and in spirit every agreement, or contract, whether referring to the debts of the nation, States, cities, or individuals, and through this highly honorable and moral position it has managed the finances of the nation with a success hitherto unparalleled in the history of nations and has placed them on the highest plane of honesty, morality, and success, and thus, in spite of warring and factious opposition, made the credit of this Government equal to that of the proudest on the globe:

1. *Resolved*, That the republicans of the city of Petersburgh, feeling an honest pride in the glorious record of that grand old party of which we feel it a supreme honor to be deemed a part and parcel, do hereby make its creed our creed, its faith our faith, and emulating its glorious example, we do hereby pledge our honor to use every effort to maintain the honor, the credit, and the good faith of the State of Virginia.

2. *Resolved*, That "the honest payment of an honest debt" is a cardinal principle of the republican creed, and that we will consent to no departures therefrom, nor countenance any action that will bring further ruin and disgrace to the State of Virginia, and that we will do no act that will cast a stain on the hitherto untarnished escutcheon of the republican party.

3. *Resolved*, That the history of the world teaches that the maintenance of public and private credit has been in all ages and in all lands the foundation of individual progress, prosperity, and happiness, while repudiation has brought universal, moral, political, and financial degradation, poverty and ruin in its train.

4. *Resolved*, That the fund set apart by the constitution for the maintenance of the public free schools must be kept sacred and inviolate, for upon the education and intelligence of our youth rest the future glory, the grandeur, the prosperity, and happiness of our State and country.

5. *Resolved*, That as our motto in the last campaign was "An honest dollar for an honest day's work," so now it shall be: "Let Virginia honestly pay, in honest money, what she honestly owes; an honest ballot, an honest count." On this broad republican platform we earnestly invite all men, of whatever political faith, to aid us in delivering the old State from the evils of forcible readjusting, which means repudiation with all its terrible consequences.

6. *Resolved*, That we regard the triumph of republican principles as vital to the prosperity and salvation of the State, and to this end we pledge our most earnest endeavors.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, October 18, 1879.

SIR: This office is in receipt of yours of the 17th instant, together with communications from J. L. Waterman and Collector Brady in reply to office letter of the 16th instant, in which I informed you that you had been charged with advocating the readjustment or repudiation of the Virginia State debt. In reply I would state that your statements as well as those of the gentlemen above referred to, in relation to your position in this matter, are entirely satisfactory to this office, and the correspondence has this day been referred to the Secretary with the information that you have been so advised. You desire the name of the informant. In reply I would say that the information was forwarded in a letter written by the Postmaster-General to the honorable Secretary of the Treasury, the name of the informant not being given. Coming from such a source I was greatly surprised, well knowing, or believing at least, that such action upon your part would not be in accordance with your political or private feelings.

Respectfully,

GREEN B. RAUM, *Commissioner.*

J. H. VAN AUKEN, Esq.,
Tobacco Inspector, Petersburgh, Virginia.

Mr. VEST. So it seems that this subordinate officer, the Commissioner of Internal Revenue, acted under the advice and by the direction of the honorable Secretary of the Treasury, who acted upon information given to him by the Postmaster-General, who had just before that been engaged in the campaign in Virginia attempting to persuade the colored troops to desert the Mahone banner and rally to the regular republican standard, which was so eminently successful that about ninety-nine out of every hundred voted the readjuster ticket. The Secretary of the Treasury, it seems, if that correspondence is true, in October, 1879, thought that Mr. Van Auken ought to be removed from the position of tobacco inspector because he belonged to this highly immoral organization, this repudiating readjuster party of Virginia; but a change has come over the honorable Senator, as sudden and miraculous as that which fell upon Saul of Tarsus when he journeyed from Jerusalem to Damascus "breathing out threatenings and slaughter against the disciples of the Lord." A voice from heaven or some other direction has reached the honorable Senator, and now instead of removing an official he wants to put Mr. Riddleberger, the author of the repudiating readjusting scheme in Virginia, into an office of the Senate, although he is an unrepentant confederate cavalry captain.

Sir, how is it that to-day the honorable Senator from Ohio himself, with the Senator from Virginia, is engaged in such amorous dalliance as has never been seen outside of a bridal chamber where Hymen throws his mystic veil over the rites of love? How is it to-day that this inordinate passion has absorbed the Senator from Ohio, when barely eighteen months ago he thought the honor of the Government and of the republican party demanded that any man who dared to become a readjuster should immediately leave his official position?

Mr. President, that is not all. The Senator from Ohio the other day made this declaration to the Senate in answer to the Senator from Delaware, [Mr. BAYARD:]

Now what is the fourth reason he gives? Oh! my friend goes into very eloquent—I am sorry I cannot follow him—tropes and figures to denounce repudiation; repudiation is the evil that threatens our national credit. So it is, but yet he is one of the honored members of a party that has had control in every State of the Union where repudiation has been proposed or has been adopted. If the republican party as it is now organized ever proposed repudiation in any State or community, when or where?

"Now, by my troth, these be gallant words." When or where, says the Senator from Ohio, did any community ever repudiate when under the control of the republican party? The Senator read here from a book prepared by a Federal official, one Mr. Porter, that $130,000,000 of State debt had been repudiated in the South. Why, Mr. President, does he not well know, do not the records of the Federal courts show, that in the Northwestern States over $100,000,000 of municipal securities have been repudiated and are to-day repudiated? Who does not know that the most terrible financial conflict that ever came off upon this continent was in the State of Iowa between the people who repudiated their obligations there and the Federal tribunals, and that struggle at last came even to the climax that General Grant, then President of the United States, threatened to use the Army of the Union in order to enforce the mandates of the Federal tribunals. Has the Senator never heard of the Macoupin County bonds of Illinois, the Otoe bonds of Nebraska, the Clarke County bonds of Iowa, the bonds in my own State of Missouri, amounting to over $30,000,000? Over $100,000,000 of securities in Illinois, in Iowa, in Nebraska, in Minnesota, in Missouri, in Kansas have been repudiated, and to-day the struggle is going on between the bondholders in the East and the people of those municipalities in regard to the payment of those debts; and yet the distinguished Senator stands here and says no republican community ever repudiated! Has he read the history of the State debt of Minnesota? Has the Senator never heard of the repudiation of $5,000,000, the entire debt of that State, which exports in one single year eighty million bushels of wheat?

Mr. MCMILLAN rose.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. VEST. Yes.

Mr. MCMILLAN. Did I understand the Senator from Missouri to say that the entire State debt of Minnesota, amounting to $5,000,000, had been repudiated?

Mr. VEST. Yes, sir.

Mr. MCMILLAN. The Senator from Missouri is mistaken in his statement. The bonds the Senator refers to were a portion of an authorized issue of bonds as guarantor by the State for the indebtedness of certain railroad companies. That indebtedness was contracted under a democratic administration, the only democratic administration the State of Minnesota has ever had.

The Senator from Kentucky the other day referred to a democratic contestant for a seat in the Congress of the United States against a republican, Mr. Donnelly contesting the seat of Mr. Washburne. He has opposed the payment of this debt constantly and determinedly, and the matter has been submitted by the Legislature of Minnesota to the people of Minnesota. They, believing that there was no consideration for the bonds, that they were issued fraudulently, have never yet voted for the payment of the amount of bonds issued, which was but half the original loan. But if the Senator is aware of the state of affairs there, the Legislature of Minnesota at its present session passed an act for the payment of those bonds upon a proposition of the holders of the bonds, and that legislation now is in process of being carried into execution.

I will not interrupt the Senator further at present, but may take occasion hereafter to state the facts more fully.

Mr. VEST. A commission was appointed at the last session of the Legislature, which, I understand, refused to act; but I do not want to do the State any injustice. I think I am familiar with the history of that indebtedness and its present condition, and I will read from the decision of the Supreme Court of the United States, which ought to be good authority with the republican party, constituted as it is, a history of that indebtedness.

Mr. MCMILLAN. Before the Senator reads that opinion I trust he will allow me to say that that issue has never been involved in any action before the Supreme Court of the United States; and any reference to it is merely incidental.

Mr. VEST. Very good; we will see. I have taken the trouble, anticipating the denial of the Senator from Minnesota, to epitomize the facts in regard to the State debt of Minnesota. I say it is as clear a case of repudiation as can be conceived by the imagination of mortal man, and is without excuse, for the State was never ravaged by war; its virgin soil has never been scarred except by the plowshare of the agriculturist—not like the Southern States, torn and ravaged by infantry, artillery, and cavalry, and then given over bound to the mercy of the rabid wolves, the carpet-baggers, who followed the South as the coyote does the wounded deer.

Now, sir, what are the facts in regard to this matter? By act of March 3, 1857, Congress gave to the Territory of Minnesota 6,000,000 acres of land to aid in the construction of certain railroads. The first Legislature of the State enacted an amendment to the constitution loaning the State credit to the roads to the amount of $5,000,000, and the people ratified the amendment by a vote of 27,023 yeas to 733

nays. The bonds of the State were issued as the work on the roads progressed. And the opinion of the court goes on and gives the proportion in which they were issued; and $2,275,000 of State bonds were issued and sold by the contractors in New York and other cities. Not one cent upon them, principal or interest, has ever been paid.

Mr. McMILLAN. The bonds were issued upon a mandamus issued by the supreme court of Minnesota to the executive of that State.

Mr. VEST. They were issued under the law, and it does not lie in the mouth of the morality party to say anything against authority like that, the party which pretends that the democratic party are the revolutionary and treasonable party of this country, and they *par excellence* are the party of law, order, morality, and eternal salvation. They were issued according to law, and were put in the hands of innocent purchasers before maturity, I suppose, for a valuable consideration. Nobody has ever heard of a man who was not an innocent purchaser before maturity and for a valuable consideration.

The State held a mortgage on all the property of the railroad companies to secure it against loss by reason of any default by the roads in the payment of interest on their bonds; and in 1858, such default being made, the State promptly foreclosed the mortgage and purchased the property, and got the whole of it; cars, railroad tracks, lands, everything that these companies had, passed into the hands of the State government of Minnesota.

Notwithstanding this, when they had all the assets, the republican State convention of 1859 passed a resolution opposing the payment of the interest, for which the State was solemnly bound; and the democratic State convention, the party of repudiation, according to the Senator from Ohio, of the same year, passed a resolution in favor of paying the interest, and preserving the good faith and honor of the State.

In 1860 the republican legislature, by a vote of both houses, passed a resolution virtually repealing what was known as the loan amendment, and also submitted to the people a resolution prohibiting the Legislature from paying any portion of the railroad bonds without first submitting the question to the people. This was adopted by the usual republican majority. This an interpellation of my own, not in the opinion of the Supreme Court. In 1878 a compromise of fifty cents on the dollar was submitted to the people and voted down; they were not even willing to pay one-half of the debt; and last winter another act was passed by the Legislature to the same effect, but the commission, as is reported, refused to act, and the debt remains unpaid, principal and interest.

If that is not repudiation, I should like to know what it is. Every dollar of that debt, principal and interest, remains unpaid. But I do not choose that this shall stand upon my own declaration in the Senate. What says the Supreme Court of the United States? The Senator says this is *obiter dictum*; the Supreme Court had no right to say it. It is your own court organized by your party, put in existence for your own partisan purposes, to bring about what you thought was your interest on the legal-tender question. You cannot go back upon the voice of your own creatures, your own inspiration. It came from you; the court belongs to you.

After the State of Minnesota had bought in all the assets of these railroads under the foreclosure of the mortgage, the republican legislature then gave these assets away to other corporations. Selah Chamberlain, of the city of Chicago, held $500,000 of these Minnesota repudiated bonds. He could not sue the State; and the late lamented Senator from Wisconsin, Mr. Carpenter, I believe, advised him to sue the railroad companies that had received these assets from the State. He brought a suit which was tried in the district and circuit courts and finally came to the Supreme Court of the United States; and here is what the court say, after stating the facts which I have given taken from their decision:

> Pending these proceedings the bonds of the State in the hands of the complainant remained unpaid, and they are still unpaid. The faith of the State, solemnly pledged for the payment of both principal and interest, has never been kept. So far from keeping it, the State, as early as November, 1860, adopted an amendment to its constitution prohibiting any law which levied a tax or made other provision for such payment from taking effect until the same had been submitted to a vote of the people and been adopted by them. This prohibition, if not a violation of the State's pledge, conflicts with its spirit. The bonds issued are legal obligations. The State is bound by every consideration of honor and good faith to pay them. Were she amenable to the tribunals of the country as private individuals are, no court of justice would withhold its judgment against her in an action for their enforcement.
>
> The complainant, under these circumstances, finding no relief from the pledged faith of the State, and unable to pursue any remedies at law against her on the bonds, seeks to charge with their payment the two hundred and forty sections mortgaged by the company under the amendment of 1858 and purchased by the State under the foreclosure of the mortgage, and now held by the defendant railroad companies.

That is the solemn adjudication and decision of the highest judicial tribunal under the Constitution, and yet the Senator from Ohio stands here and asks me and asks the democratic party to point out a republican community in which there has been repudiation of an honest debt.

Mr. McMILLAN. Mr. President——

Mr. VEST. I prefer that the Senator should answer me afterward.

Mr. McMILLAN. I will take another occasion, then, to respond to the Senator's statement. There are many of the facts stated by the Senator that I do not believe are correctly stated. So far as that indebtedness is concerned it is but a single issue of the bonds. The bonds for State indebtedness in Minnesota have always commanded a premium in the New York market. This issue of bonds has always been contested, as I remarked to the Senator, upon the ground that the bonds were not issued for a consideration and that they were fraudulently issued.

As for myself, in regard to the payment of this debt, I should be glad to see every dollar of the indebtedness paid; but as between the parties in the State of Minnesota the Senator cannot stand up there and advise his partisan friends to vote in favor of the payment of these bonds. It has never been a party question. The party friends of the Senator have been decidedly opposed to the payment of these bonds, and the parties in that State upon the payment of these bonds have never taken a position antagonistic to each other. There are leading members of both parties who have been laboring to have that debt extinguished, and they would gladly see it done, but it was an inheritance from a democratic administration which we have never been able yet to relieve ourselves of.

Mr. VEST. It is useless to spend words about it. The State of Minnesota gives two republican votes to one democratic. Who is responsible for the condition of that State financially and otherwise? Who is responsible by every fair and just rule of political responsibility? Sir, the Senators on the other side stand here and assail the Southern States, they call them the solid democratic South and the repudiating South, and assuming that we are so ignorant that we know not the truth or dare not state it, they defy us to point to a republican community that has engaged in repudiation. I point the Senator to five hundred. The records of the Federal courts are full all over the Northwest of suits on repudiated municipal obligations. I speak of it the more freely because my own State has $30,000,000 or more of such bonds outstanding. Unjust as they are, unjust as the bonds the thieving carpet-bag governments put upon the people of the South, unjust, iniquitous, unholy, branded with fraud and corruption all over as is the history of this bonded indebtedness in the State of Missouri, it came from the republican party; it came in that dark era of proscription and disfranchisement when the intelligence and the property of the State stood by the side of the ballot-box and saw the pauperism, the ignorance, the fraud, the vice, the iniquity of the State taking possession of her revenues and squandering them for their own party purposes. For five years I stood an unwilling but not disinterested spectator and saw my property voted away by irresponsible vagabonds. I saw ministers of the Gospel driven from the pulpit and forbidden to preach the religion of Christ; teachers expelled from the schools; even those blessed women, the Sisters of Charity, who know no nationality or color or clime or sex in the administration of relief, were forbidden to go to the bedside of the dying. For five long years this was done in the name of republicanism. I saw men who had carried their muskets in the war of 1812, who had never even sympathized with the South in her revolt against the Union, who came on their tottering limbs to the polls to put in their ballots in regard to the destiny of the land for the mastery of which they had fought against the Indians and the wild beasts, when with rifle in one hand and plow in the other they had blazed the pathway of civilization—I saw those men driven away in the name of republicanism. All this was done under the Drake constitution, the author of which lately figured in the papers of this city as a most orthodox Christian gentleman who proposed to drive a clergyman from the ministry because he had married a Catholic woman.

In Missouri the county courts in those days were bought and sold like sheep in the shambles. We who owned the property in the State were forced to be silent. Unscrupulous militia roamed through the borders of Missouri, pistol in hand, and whenever a man declared himself a democrat he was disloyal to the Union and disfranchised at once. Why, sir, in a county adjacent to the one in which I lived three judges of the county court, composing that tribunal and having the power to issue bonds, issued $100,000 of fraudulent bonds at the dead hour of midnight, and they were thrown upon Wall street and there sold to innocent purchasers for a valuable consideration! One of the county-court judges, a shining and leading member of an orthodox church, being attacked by that dread disease, typhoid fever, as his feet touched the cold waters of the Jordan of death his conscience awakened, and he sent for the minister of his church. With his relatives around him, weeping children, and sorrowing friends, he confessed that in a certain stable at a certain hour he got $5,000 from a certain leading republican for issuing those bonds. That confession was made at eleven o'clock at night. At three o'clock in the morning the crisis of the disease came and to the wonder of the community he recovered. He immediately swore that his confession was the raving of delirium! He was re-elected by the republican party and was vindicated at the polls. The disfranchised democracy proceeded to pay the bonds under the mandate of the Federal tribunal. My friend from North Carolina [Mr. VANCE] suggests that he could be received with Riddleberger. He would have been received by the republican party of this Senate with avidity and gulped down without a single word of protest or question.

One hundred million dollars of such securities were repudiated in those States; and yet the Senator from Ohio tells us that no republican community was ever known to repudiate any obligation at all! I have no doubt many of the bonds repudiated are fraudulent, but so were the bonds of the Southern States, and all I ask is that even-handed justice may be done to both sections.

But, Mr. President, the great, overwhelming, stupendous argument

of gentlemen on the other side in favor of this coalition, a coalition without congeniality of principle or opinion, is an honest ballot and a fair count! They can swallow repudiation, they can take down elimination, they can lunch on readjustment, if you will just give them a fair ballot and an honest count! Now, Mr. President, let us look at that for a moment. If there was one issue in the last presidential election which overshadowed all others, it was "the solid South," the tissue ballot, the ghastly and ghostly night-rider of that ill-fated region. From the speech of the distinguished Senator from New York [Mr. CONKLING] at the Academy of Music down to the merest rant at a township gathering there was not a campaign speech made by a republican from the beginning to the end of the canvass that did not have in it "Hancock and intimidation at the South, tissue ballots, rifle clubs, night-riders, and the ghostly Ku Klux Klan." There was not a man in the United States so ignorant that he did not know the issue; it was placarded on the walls; it was put in double-leaded editorials at the head of your papers; it was preached from the sacred pulpit in the name of Christ, "vote for Hancock and you vote for oppressing the negro; vote for Garfield and you vote for the party of progress and liberty, a free ballot, and an honest count." Before the Senator from Virginia that proposition was distinctly and emphatically made. The Senator from Virginia was no unsophisticated country gentleman to be caught by a flaming editorial. He is an old politician trained to the harness. He was at the head of a party in the State of Virginia which had elected him to the Senate, and here was the great issue put before him. Hancock and the solid South, tissue ballots, rifle-clubs, Ku Klux Klan; Garfield, and a free ballot and an honest count. Which did he take? Where did he go? There was a chance for the Senator from Virginia to show his devotion to a free ballot and an honest count. With all these magnificent orations resounding around him, with all these editorials he deliberately cast his lot in with the tissue-ballot party, as the republicans called it, of the solid South, and not only that but in his superserviceable zeal he telegraphed to Hancock, "My party, the readjusters of Virginia, will give you 30,000 majority over the grip-sack and the funder parties put together." If the Senator from Virginia could take the democratic party then, what has come over that party since November that he cannot take it now?

Oh, the Senator from Ohio apologizes and says he had a platform of his own. This was a little side arrangement known only to the Senator from Virginia and his party. Will the Senator from Ohio pretend to tell an intelligent audience that any voter can manufacture his own platform and hold the candidate responsible for it who has never heard of it or stood upon it. If the Senator from Virginia was able to manufacture his own platform and hold Hancock responsible for it, who stood alone and entirely upon the Cincinnati platform, then the socialist could do the same, the greenbacker could do the same. There is no doctrine so monstrous as that which allows a man to manufacture a platform and put it in his pocket, vote for a democrat or a republican, and afterward pull it out and say, "I hold you responsible for that." It is like the distinguished gentleman, also from Virginia, who once became a bankrupt by standing beside a popular game known as faro and betting in his mind with just as much satisfaction to him as if he put up the money. [Laughter.] At the end of two hours of violent and unrestrained mental effort he did not have a dollar in the world. [Laughter.] That is the argument of the Senator from Ohio. He says the Senator from Virginia voted for Hancock, but he did it on his own domestic manufactured platform. [Laughter.] Why, sir, General Hancock stood on the Cincinnati platform; he stood on none other. How could he be responsible for what the Senator from Virginia made in Virginia for his own domestic use and consumption?

But more than that. I want the Senator from Ohio to point me out in that domestic platform of the Senator from Virginia one single sentence stronger in favor of an honest ballot and an honest count than was contained in the democratic platform at Cincinnati, upon which General Hancock stood. The Senator from Ohio said the democratic party makes one platform and stands on another. Then what is the use of making platforms at all?

Mr. SHERMAN. I do not wish to disturb my friend, but I desire to say that it was not the democratic platform that the republicans objected to; it was the democratic practice under it.

Mr. VEST. Ah! Mr. President, the voter who took Hancock took him practice and all, and he knew it. When he voted for Hancock he knew all about democratic practices, for the republican party had made it resound from one end of this Union to the other that Hancock was backed by the solid South; and we know that the distinguished Senator from New York brought down the applause of the whole party when in the Academy of Music speech he said: "They tell us that Hancock is a man of nerve and will not be controlled by the solid South when he is elected. Fellow-citizens, the lion and the lamb may lie down together, but the lamb will always lie on the inside." The whole country heard this. And yet the Senator from Virginia deliberately threw his great weight as a political leader and the electoral vote of his State in favor not only of the principles but the practices of the democratic party. If he took one he took the other. He knew that Hancock was a Bourbon democrat; and yet to-day we are told it amounted to nothing. The Senator from Virginia had a platform of his own, peculiar to himself and the eliminating readjuster party of Virginia.

We are told by the Senator from Ohio and other Senators that we have groveled at the feet of the Senator from Virginia. Mr. President, it is not true. I deny it emphatically and distinctly. The Senator from Virginia said in his opening address here at the commencement of this session that he had been invited to our little tea party. If invited, it was unofficially; if invited, it was not by the democratic caucus. I state here, without divulging any secrets of the party, that I for one, with certain other gentlemen that I see around me, persistently opposed any invitation to the Senator from Virginia, and I denounced it from the beginning; I denounced it in caucus and out of caucus. I say if that Senator was invited to a democratic caucus it was done by an individual and not by the official action of the caucus to which I belong. No, sir; he was never invited there by the authoritative action of the democratic caucus—never.

Mr. President, we have witnessed remarkable scenes in this Chamber. Eighteen months ago the President of the United States declared in a speech in the State of Ohio that he would never, so help him God, extend his hand in friendship across the bloody chasm to any man who had been engaged in rebellion who did not openly express his repentance for it; never would he grasp in friendship the hand of any man that struck at the life of the nation until he publicly and openly declared his repentance for that great crime. The Senator from Massachusetts has rung the changes on it here over and over again—the junior Senator. When did the Senator from Virginia repent? The other day we saw the Senator from Virginia stand in the midst of the republican Senators and in emphatic accents declare that for his part in that struggle he had no repentance to express, no apology to make. I have no apology, he said, to make to any man for my participation in that struggle, and then after this heroic declaration he fell back into the amorous embrace of the junior Senator from Massachusetts, and they billed and cooed together while the air was heavy with the fragrance of flowers sent here from the executive conservatory to grace the wedding feast.

Two years ago almost I said on this floor that there was not a confederate brigadier, reeking as they called it with loyal blood, spotted and stained with treason, that the republican party would not take into its embrace if he would only agree to vote the radical ticket and give power to the radical party. Sir, the waters of the Jordan, all the medicinal springs from the days of Hippocrates down to this, have not the healing virtue of one single republican ballot; it covers all sin, hides all iniquity. The chief recommendation the Senator from Virginia gives to your candidate for Sergeant-at-Arms is that he was a full-fledged traitor before he was eighteen years old, and commanded a company in the confederate army. That is his chief recommendation; yet to-day all is forgotten; you take him into full fellowship and communion without any examination by church or session. He is ready for the New Jerusalem, the temple not made with hands, "eternal in the heavens."

Mr. President, where is the consistency of this great party that controls the Government? Gentlemen, you have to-day, by an accident, control of the organization of this Senate; you have planted the flag of democratic Virginia in the midst of its hereditary foes. Sir, there is a legend among the Northmen of the olden time of a Danish king whose banner had waved in triumph over a hundred stricken fields, till at last he fell in defense of it with his fierce warriors around him. His hereditary foemen seized that battle-flag and bore it off in triumph, and at night, with wine and wassail, his foes celebrated their unexpected victory. The wine flowed red and the song rose high around the flag that hung mournfully and sullenly in their midst. Suddenly a hush came over that band of revelers. In their midst stood the form of the dead king, and his spirit hand seized that flag and tore it away from his hereditary foes forever. Sir, if the gallant living of Virginia (and she has thousands as brave as any that ever rode through shot and shell and saber-stroke) do not in the coming fall redeem this flag, dear to me as my own honor, because in Virginia rest the ashes of my fathers—if her gallant living redeem not this flag from where it stands to-day, polluted by the grasp of those who have always traduced and slandered it, I would expect, under God, that the awful majesty of Jefferson himself, father of the democratic party, would darken this Hall and with spirit hand would wrest that banner from those who have always hated it and give it to loving hands. [Applause in the galleries.]

The PRESIDING OFFICER. The question is on the motion to postpone the resolution indefinitely, upon which the yeas and nays have been ordered.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. HARRIS and others. Yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this and all political questions with the Senator from Mississippi, [Mr. LAMAR.] If he were present, I should vote "nay."

Mr. BECK, (when his name was called.) I am paired upon all questions with the Senator from Maine, [Mr. HALE.] If he were here, I should vote "yea."

Mr. CAMDEN, (when his name was called.) I am paired with the

Senator from Connecticut, [Mr. PLATT.] If he were here, I should vote "yea."

Mr. FARLEY, (when Mr. FAIR's name was called.) I have been requested by the Senator from Nevada [Mr. FAIR] to announce that he is paired with his colleague, [Mr. JONES.] I make that announcement now, as the pair will probably continue for several days.

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. JACKSON, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. HAWLEY.]

Mr. JONAS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. EDGERTON.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

Mr. BECK, (when Mr. WILLIAMS's name was called.) My colleague [Mr. WILLIAMS] is still absent and paired with the Senator from Nebraska, [Mr. SAUNDERS.]

The roll-call was concluded.

Mr. GEORGE. My colleague [Mr. LAMAR] is unavoidably absent to-day and is paired with the Senator from Rhode Island, [Mr. ANTHONY.]

The result of the roll-call was announced—yeas 18, nays 19; as follows:

YEAS—18.

Brown,	Farley,	Johnston,	Vance,
Butler,	George,	Morgan,	Vest,
Call,	Gorman,	Pendleton,	Walker.
Coke,	Hampton,	Pugh,	
Davis of W. Va.,	Harris,	Slater,	

NAYS—19.

Allison,	Dawes,	Ingalls,	Morrill,
Blair,	Ferry,	McDill,	Platt of N. Y.,
Burnside,	Harrison,	McMillan,	Plumb,
Cameron of Pa.,	Hill of Colorado,	Mahone,	Sawyer.
Conger,	Hoar,	Miller,	

ABSENT—39.

Anthony,	Fair,	Jones of Florida,	Rollins,
Bayard,	Frye,	Jones of Nevada,	Saulsbury,
Beck,	Garland,	Kellogg,	Saunders,
Camden,	Groome,	Lamar,	Sewell,
Cameron of Wis.,	Grover,	Logan,	Sherman,
Cockrell,	Hale,	McPherson,	Teller,
Conkling,	Hawley,	Maxey,	Van Wyck,
Davis of Illinois,	Hill of Georgia,	Mitchell,	Voorhees,
Edgerton,	Jackson,	Platt of Conn.,	Williams.
Edmunds,	Jonas,	Ransom,	

The PRESIDING OFFICER. There is not a quorum voting. The Secretary will call the roll of the Senate.

Mr. DAVIS, of West Virginia. Mr. President, would it not be better to adjourn? There is no quorum present, and we cannot do any business. But I see the Senator from Iowa [Mr. ALLISON] is about to take the floor.

Mr. ALLISON. I do not desire to take the floor for any special purpose. I only wanted to say one word in response to the——

The PRESIDING OFFICER. Debate is out of order unless by unanimous consent. If there be no objection, the Senator from Iowa will proceed.

Mr. ALLISON. My purpose in rising was simply to say a word in response to the allusion made by the Senator from Missouri [Mr. VEST] to the conduct of some of the municipalities of Iowa with reference to their local debts. I think the Senator from Missouri has failed to examine carefully what was done by several counties and municipalities of my State if he has not observed that in every single instance where those debts were contested they were either settled to the satisfaction of the creditor or paid in full. There has been in the State of Iowa no such thing as repudiation of State, county, or municipal obligations.

In 1855 and 1856 there were a large number of county bonds and municipal bonds issued to aid in the construction of railways which were never constructed. The supreme court of our State in a single case decided that cities and counties had the right to issue bonds in aid of the construction of railways. After that decision a number of counties issued bonds and a number of cities issued bonds for such purposes. Afterward the case was again taken to the supreme court of our State, and the supreme court decided that under our constitution those municipalities and county organizations had no authority to issue those bonds, whereupon the cases, or several of them, were appealed to the Supreme Court of the United States. That court decided that, inasmuch as these bonds were issued upon the faith of a decision of the supreme court of the State, they were valid and binding obligations against those communities in the hands of innocent holders. And in every instance the counties and municipalities of the State of Iowa have satisfactorily paid those bonds or made arrangements for their payment. It is true in some instances the bonds were compromised at seventy-five and at sixty cents on the dollar, but they were compromised by an amicable adjustment between the creditor and the debtor, and taxes have been levied, in many cases placing heavy burdens on the communities, for the payment of those bonds.

Mr. VEST. Just a question.

Mr. ALLISON. One moment further.

Mr. VEST. One question.

Mr. ALLISON. Very well.

Mr. VEST. On the basis of this compromise in all the Northwestern States the creditors have taken what they could get; but I will ask the Senator this: Did not the people of Iowa refuse to pay the taxes until there was a threat by military force on the part of this Government to enforce the mandates of the Federal courts?

Mr. ALLISON. That occured in one single county, I believe; but I want to call the attention of the Senator to a fact, and that is that when the Supreme Court of the United States and the State courts of Iowa decided that these local communities were bound to pay these bonds, mandates were issued to the proper authorities compelling them to levy taxes and pay the bonds; and these taxes were so levied in very many counties, and were so levied as to pay off the bonds in every instance except where a fair compromise and adjustment was made between the creditor and the debtor rather than pursue the litigation.

But I want to call the attention of the Senator from Missouri to the marked difference between these local community cases and the cases that have been discussed in the Senate. A city or a county can be sued in the courts of a State as an individual can be sued, and when the rights are settled by the decisions of the courts the communities and the individuals are bound to abide by those decisions. A State of this Union, however, cannot be sued, so that if a creditor holds a bond of the State of Virginia he has no other reliance except the good faith of that Commonwealth for his payment; there is no court in the United States that can take jurisdiction of the question of the State debt of Virginia or of North Carolina or of any other State, and therefore the whole debt of a State, as the debt of the United States, rests upon the good faith of the people and rulers of those States. It is because those people refuse to consider the question of an adjustment of their debt that we denominate them repudiators. Will the Senator from Missouri place a county or a municipality in Iowa that can be sued in the courts, that is amenable to the jurisdiction of the courts to the extent of levying execution and judgment upon the property, in the same category with a State, a sovereign State so called, that cannot be sued in the courts, that cannot be pursued in any way for any purpose except as it sees proper to allow itself to be pursued by the voluntary action of its Legislature?

Mr. VEST. The intent to repudiate is just the same.

Mr. ALLISON. If they have that intent. I say that in Iowa no such intent has ever been disclosed. The questions before those courts were questions as to the validity of the bonds, and in hundreds of cases no consideration passed between those who issued the bonds and those who first received them; but in every instance, even in that extreme case, the people have paid these burdens by the levying of taxes and by other methods, so that to-day there is no municipality in the State of Iowa that does not stand up to the very letter and spirit of its obligation created fifteen or twenty years ago in an era of speculation.

The PRESIDING OFFICER. The Secretary will proceed with the call of the roll.

Mr. DAVIS, of West Virginia. I suggested that the Senate had better adjourn.

The PRESIDING OFFICER. The Chair did not hear the Senator make such a motion.

Mr. DAVIS, of West Virginia. I made it and withdrew it for the Senator from Iowa to make his remarks. However, I give way to the Senator from Massachusetts if he prefers making the motion. I ask the attention of the Senator from Massachusetts for a moment. The roll was called a few moments ago on going into executive session, and there was no quorum voting. I suggested that we had better adjourn, but I thought I would leave the motion to my friend from Massachusetts.

Mr. DAWES. I will say to the Senator that it may be desirable to meet here in the morning in a condition to proceed with business, and I should like to be out of the dilemma of being without a quorum. I think some Senator may be authorized to cast his vote to make a quorum.

Mr. BECK. I desire to be heard a little while to-morrow, but not without a quorum. Unless the Senator from Massachusetts desires to press us a good while longer to-night, I should rather go on in the morning than now.

Mr. DAWES. If we get out of this dilemma we are in, I am ready to yield to the Senator's wishes.

Mr. HARRIS. What dilemma does the Senator refer to?

Mr. DAWES. Some Senator may be authorized to cast his vote to make up a quorum. There are two lacking, I understand.

Mr. DAVIS, of West Virginia. It is altogether competent to adjourn without a quorum, as the Senator knows very well.

Mr. DAWES. I know it is competent to adjourn without a quorum; but the anxiety of the Senator from West Virginia to proceed

immediately in the morning to the pending business makes it desirable to get out of this dilemma to-night.

Mr. MITCHELL. I was paired with the distinct understanding that I might vote to make a quorum. I am ready to do so.

Mr. HOAR. Has the——

Mr. HARRIS. I demand the regular order.

Mr. HOAR. I rise to a parliamentary inquiry. Has the vote been announced?

The PRESIDING OFFICER. The vote having been announced, the roll-call will proceed. It is the duty of the Chair to require the roll of the Senate to be called.

Mr. DAVIS, of West Virginia. To see whether or not a quorum is present?

The PRESIDING OFFICER. That is the purpose.

Mr. DAWES. I supposed, if I may interrupt the call, that there were Senators paired who were at liberty under their pairs to vote to make a quorum, and we could get along without this roll-call. If I am mistaken——

The PRESIDING OFFICER. By unanimous consent that can be done.

Mr. DAWES. I ask unanimous consent that Senators who are so situated may be allowed to vote——

Mr. HARRIS. I demand the regular order. I thought the Senator from Massachusetts would have moved an adjournment; but as he sees proper not to do so, we will proceed in order.

Mr. DAWES. I am sorry to disagree with the Senator——

The PRESIDING OFFICER. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. VANCE, (when Mr. RANSOM'S name was called.) I desire to announce that my colleague [Mr. RANSOM] was called home suddenly by illness in his family. I expected him to arrive back this morning, but he has not done so.

The roll-call having been concluded, the following Senators had answered to their names:

Allison,	Dawes,	Ingalls,	Platt of N. Y.,
Anthony,	Farley,	Jackson,	Plumb,
Beck,	Ferry,	Johnston,	Saunders,
Blair,	Frye,	Jonas,	Sawyer,
Brown,	George,	Kellogg,	Sewell,
Burnside,	Gorman,	McDill,	Sherman,
Butler,	Groome,	McMillan,	Slater,
Call,	Grover,	Mahone,	Vance,
Camden,	Hampton,	Miller,	Vest,
Cameron of Pa.,	Harris,	Mitchell,	Walker.
Coke,	Harrison,	Morgan,	
Conger,	Hill of Colorado,	Morrill,	
Davis of W. Va.,	Hoar,	Pendleton,	

The PRESIDING OFFICER. A quorum is present. The Secretary will proceed with the call on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. GROOME, (when his name was called.) Upon this and similar questions I am paired with the Senator from Illinois, [Mr. LOGAN.]

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. JONAS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. EDGERTON.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois, [Mr. DAVIS.]

Mr. ANTHONY, (when Mr. LAMAR'S name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from Delaware [Mr. BAYARD] with the express understanding that I may vote if it is necessary to make a quorum. I shall not vote at present.

Mr. SAUNDERS, (when his name was called.) I am paired on political questions with the gentleman from Kentucky, [Mr. WILLIAMS;] but I do not consider that that pair is binding on me if my vote is needed to make a quorum. I shall not vote at present, but if it requires my vote to make a quorum, then I shall ask the right to vote.

The roll-call was concluded.

Mr. SHERMAN. I wish again to announce the fact that I am paired with the Senator from Delaware, [Mr. SAULSBURY,] and therefore I decline to vote.

Mr. GROVER. My pair has been transferred to the Senator from North Carolina, [Mr. RANSOM,] and to make a quorum I vote "yea."

Mr. BLAIR. I wish to announce that my colleague [Mr. ROLLINS] is paired with the Senator from Florida, [Mr. JONES.]

Mr. MITCHELL. I vote to make a quorum.

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Brown,	Farley,	Harris,	Slater,
Butler,	George,	Johnston,	Vance,
Call,	Gorman,	Morgan,	Vest,
Coke,	Grover,	Pendleton,	Walker.
Davis of W. Va.,	Hampton,	Pugh,	

NAYS—20.

Allison,	Dawes,	Ingalls,	Mitchell,
Blair,	Ferry,	McDill,	Morrill,
Burnside,	Harrison,	McMillan,	Platt of N. Y.,
Cameron of Pa.,	Hill of Colorado,	Mahone,	Plumb,
Conger,	Hoar,	Miller,	Sawyer.

ABSENT—37.

Anthony,	Fair,	Jones of Nevada,	Saunders,
Bayard,	Frye,	Kellogg,	Sewell,
Beck,	Garland,	Lamar,	Sherman,
Camden,	Groome,	Logan,	Teller,
Cameron of Wis.,	Hale,	McPherson,	Van Wyck,
Cockrell,	Hawley,	Maxey,	Voorhees,
Conkling,	Hill of Georgia,	Platt of Conn.,	Williams.
Davis of Illinois,	Jackson,	Ransom,	
Edgerton,	Jonas,	Rollins,	
Edmunds,	Jones of Florida,	Saulsbury,	

So the Senate refused to proceed to the consideration of executive business.

Mr. BECK and Mr. DAWES addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BECK. I desired to take the floor to make a few remarks in the morning. I would rather not do so now.

Mr. DAWES. If the Senator will give way, he holding the floor, I will move to adjourn.

Mr. BECK. Certainly.

The PRESIDING OFFICER. The Chair understands that the Senator from Kentucky has the floor and yields to the Senator from Massachusetts to move an adjournment. The question is on the motion of the Senator from Massachusetts, that the Senate adjourn.

The motion was agreed to; and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

TUESDAY, *April* 12, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

RANK OF NAVAL GRADUATES.

Mr. VANCE submitted the following resolution:

Resolved by the Senate of the United States, That the Secretary of the Navy be requested to inform the Senate what alteration, if any, has been made in the relative rank of graduates of the Naval Academy as originally established at graduation under the provisions of sections 1483 and 1521 of the Revised Statutes in any classes graduating since the year 1870; and, if so, under the provisions of what act the said alteration or rearrangement of rank was made.

Mr. DAWES. The phraseology should be "directed" instead of "requested." We direct the Departments and request the President.

Mr. VANCE. Let it be modified in that way; and I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and, as modified, agreed to.

MICHAEL BOYTON.

Mr. BURNSIDE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be respectfully requested, if in his judgment not incompatible with the public interest, to communicate to the Senate any information in possession of the Government touching the alleged arrest and imprisonment of Michael Boyton, who claims to be a citizen of the United States, by the authorities of Great Britain.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. BECK. Mr. President——

Mr. PENDLETON. If the Senator will give way I will move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Does the Senator from Kentucky yield the floor?

Mr. BECK. I have no objection to that motion.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. After the arrangement and understanding with the Senator from Kentucky last night, I hardly supposed that he would yield for such a motion this morning when the Senate is so thin.

Mr. HOAR. The motion does not seem to be fair just now.

Mr. PENDLETON. At the request of the two Senators from Massachusetts, who indicate that their side of the House is unexpectedly thin, and that the motion was not expected this morning, I withdraw it.

The VICE-PRESIDENT. The Senator from Ohio withdraws the motion; and the Senator from Kentucky will proceed.

Mr. BECK. Mr. President, I shall occupy the attention of the Senate but a short time this morning. I had at one time intended to follow somewhat in the line of debate which has been indulged in

pretty freely on both sides, and I had especially stated to the Senator from New Hampshire [Mr. BLAIR] that at some time this week I should endeavor to reply to the speech he made the other day; but as there has been a good deal of—I will not say crimination and recrimination on both sides, but a good many attacks by gentlemen on one side of this Chamber on the question of the repudiation of the debts of the South, tissue-ballots, bulldozing, and other things, and as within the last day or two "the wind has shifted," and there have been a good many serious attacks made on the States of New England, Iowa, Minnesota, and other States in the North and West which seem to be in the same category, I shall endeavor to confine myself pretty much this morning to giving to the country and to the Senate the reasons why I am here and why I intend to adhere to our position, and why I think the democratic party expect to stay here a good while longer if the present course is persisted in by the republican caucus. The much-abused caucus, when democrats were supposed to be influenced by it, is now the law and the gospel to all the members of the republican party, whether they like it or not.

It is known, Mr. President, that we have been nearly forty days in special session called for executive business. We were detained here by a republican President to attend to matters of public importance relating to executive business which he said he would communicate to us from time to time. We found an anomalous condition of affairs. The last Senate had adjourned leaving I believe about one hundred and thirty nominations unacted upon; they had all died with the Congress; and all, I may say certainly nearly all, of that large number were nominations of republicans, were sent here by a republican President in order to enable him to carry on the business of the country in a proper manner.

Therefore we had not only to deal with all that was left undone by the last Congress, but with all new matters which the President deemed important; all that was left undone by the last Congress was so left because the republicans had filibustered day after day and night after night; they had sat in their places refusing to vote to carry out the orders of their own President who sought to fill the places then vacant.

When the present President of the United States called us together under those circumstances the democrats were in a majority. We confirmed his Cabinet promptly, without the intervention of committees. We confirmed every man any republican Senator asked us to confirm, without waiting for committees. When any gentleman on the other side said the good of the public service required prompt action, we took his word and confirmed the nominees. We proposed in an orderly way to proceed with the appointment of committees, which could under the rules only last during the session. We did not propose that they should extend during the Congress, but only for the executive session which had been called. If our suggestions had been adopted all the executive business might have been attended to long ago, and we should now have been at home attending to our respective private duties and interests.

The filibustering commenced at once on the other side, led by the distinguished Senator from Pennsylvania, [Mr. CAMERON,] for two weeks. We were told, and told defiantly, that although we had a majority of four or five, we should not organize until it suited their convenience. We acquiesced in that, and after two weeks spent in organizing the committees of the Senate so that they were ready to go to work under republican control, with their chairmen and clerks duly installed, we at once proceeded to executive business. All that they asked us to do was done; no democrat complained or held back, no democrat created either delay or presented any difficulty, nobody opposed the orderly and decent transaction of public business except the gentlemen on the other side.

What then happened? After we had an executive session or two, after the new committees had taken possession of all the committee-rooms, after they had installed their clerks and messengers and turned us all out, after every convenience that any democratic Senator could have desired to retain had been surrendered to the gentlemen on the other side, surrendered cheerfully and without delay and we had shown that we were willing they should proceed with their work without delay, what then transpired? They said, "You shall not proceed with executive business because we have held a republican caucus and have determined in secret conclave that we will turn out the officers who are now holding positions in the Senate and install others in their places; we will first disorganize the present organization of the Senate and organize it to suit ourselves; and we will denounce you as guilty of treason, revolution, and everything that is vile if you oppose us; we will hold you up to the country as disloyal conspirators unless you acquiesce in all that we require you to do." We said to them, "Gentlemen of the republican party, you have an organized Senate; you have absolute control of all the committees; we have surrendered to you everything that you have demanded or suggested, everything that tends to the convenience and comfort of Senators or to the power over the business of this body; but when you present us a list of men, and among them a man from Virginia who is the head and front of the repudiating element in that State, a man who carried a repudiating bill through the Legislature of Virginia that was only prevented from becoming a law by the veto of a democratic governor, and all the principles of which have been condemned by the supreme court of the State—when you present us with that name we do not propose to go any further."

I am not going to say that you did this because of a corrupt bargain. I do not intend to make the Senate Chamber a bear-garden or to have crimination or recrimination between myself and other Senators by reason of charges that I might make on this floor; but it is both parliamentary and just to say that the country at large has a strong suspicion that the alliance is a foul one, and even the republican press of the country has charged it in forms so offensive that when a democratic Senator caused one of the leading articles to be read from that desk, he was asked if he avowed it as his, and dangers at least of personal responsibility were threatened; he was told that he must stop. *He did not stop, I admit.* However, I say I am not going to charge anything; but I have a right to say that it is seriously believed in the country that the bargain was a foul one. Many respectable people believe it, many of my constituents believe it, and I am advised by them every day that they believe it. They know the facts; it will be difficult to answer or explain them away when they come to be discussed upon the stump; these admitted facts constitute the basis of their belief.

The committees were agreed upon and organized in a caucus; that is conceded. The Senator from Massachusetts [Mr. DAWES] introduced them before the Senate as the leader of the party by order of the caucus, and what did they do? Five distinguished members of the republican party, some of them old and tried members, with two of whom I served in the House of Representatives, have no chairmanship at all. Judge MCDILL, of Iowa, who sits before me, served with me in the other House; and Mr. VAN WYCK served with me there also many years ago. Other distinguished gentlemen were unprovided for. What else do we find? The Senator from Virginia, [Mr. MAHONE,] who had never served in either House of Congress, who so far as I know had never served in any legislative body, (he may have done so,) was made chairman of the Committee on Agriculture. I am not charging him with having demanded it, but the fact is (and I am now stating the facts) he was made chairman of the Committee on Agriculture. What is the meaning of that? What do the old republican politicians on this floor understand that to mean? What did they intend it to effect? The chairman of that committee is assumed by the people all over the country, by all the farmers of Virginia particularly, to have the control of all the patronage, the appointments, and everything that can be had from that great Agricultural Department, and the farmers of Virginia are expected to look to the chairman of that committee for all the favors they can get from or through that Department of the Government. Of course they will be deceived and disappointed. That is a small matter if the deception can be made available till after the Virginia election.

What next? That Senator was constituted by the caucus a member of the Committee on Post-Offices and Post-Roads; that committee is supposed to control the patronage of the Post-Office Department, which reaches every hamlet, every village, every town, and every city in the land; and the men of Virginia are to be deluded into the belief, "If you expect anything from that Department, there is a member of the committee from your own State who can reject or who can confirm the appointment of any postmaster, who can govern and control everything connected with the patronage of that great Department of the Government." That, too, will prove a fraud.

What next? He is placed upon the Committee on Naval Affairs. Why? The shrewd politicians on the republican side know why. The Norfolk navy-yard has been one of the great sources of republican corruption in the politics of Virginia. The House has had contest after contest over the frauds committed there. The records of the other House in the contested election of my friend, John Goode, show that over three hundred men were at one time marched from that navy-yard to the polls in line, that ballots were placed in their hands, and they were required to hold their hands up showing those ballots as they went to the polls for fear that they might have democratic ballots in their vest pockets which they would, if not watched, take out and deposit. An officer from the navy-yard came with them and took their names down, handing them the ballot as they went into a narrow aisle near the voting place, and watching them with their hands up until the ballots were deposited, to see that there should be no cheating, (so called,) and they dismissed all who refused to obey their orders. The Senator from Virginia is placed on the naval committee, and with that record before them the people of the country will understand why the republican party put him there. Those ballots were as bad or worse than tissue-ballots or anything else that I know of. I hope Senators will read the record of the contested election of Goode, as I have merely indicated some of the frauds it shows, and I have not stated the worst of them. I do not think the present Secretary will allow a repetition of these offenses. That, too, will prove a delusion as a means of catching votes.

What else? The Senator from Virginia has been placed on the Committee on Education and Labor. All the colored people of the country have been made to believe that the Committee on Education and Labor has their interests under especial charge, and all the colored men of Virginia it is expected will have to run to the Senator from Virginia as their special advocate and champion on the Committee on Education and Labor for all the favors which pertain to all that is to be done in regard to those things about which they are so much concerned.

Their experience in regard to the Freedman's Bank may make them careful as to the promises or baits held out by republican leaders.

Those are wonderful assignments for a man who had never held a place in either House of Congress—chairman of the Committee on Agriculture, a member of the Naval Committee, the Post-Office Committee, the Committee on Education and Labor; if they had been selected in order to give that Senator absolute power over all the arrangements necessary to draw to his support whatever could be drawn to the support of anybody in Virginia there could have been no other committees so well and so carefully selected to give him all that power.

Do you think the people of the country fail to understand the meaning of that? They may not reason out all the details of it, but when they see a mule they know there has been an alliance between two distinct classes of animals. When they see political miscegenation like this they understand that it is for a purpose. They understand it, too, when you go a step further as is now proposed and say, "That is not pay enough; there are only thirty-seven of us republicans here who voted for Mr. Garfield; there are thirty-nine Senators who voted for General Hancock; but we have managed, although there are only thirty-seven of us, to organize the Senate and turn you all out of your committee-rooms, to take your clerks from you, to take control of all the business machinery of the Senate; we could not do it ourselves without this help, and we intend to pay the man well who gave us this assistance."

The republican leaders know also, if they do not say it, "We have our part of the bargain in our pockets. We have the committee-rooms; we have the clerks; we have all the machinery of the Senate. We cannot afford to stop short of delivering all that we agreed to deliver as a consideration for what we have got." I tell you the country is saying your ballots are not free, gentlemen. You have received your part of the bargain, (so the people of the country will say,) and you are now determined to do whatever remains unsettled in the agreement before you will even proceed to public business. And what is that other business, or residuum of purchase, as plain people will call it? You have named as Sergeant-at-Arms a Mr. Riddleberger, of Virginia. The Senator from Virginia said in his speech the other day:

> Mr. President, I must beg the indulgence of this Senate for a few minutes longer to do justice by one for the introduction of whose name here I am responsible.

He then vindicates that man, Mr. Riddleberger, and adds:

> They can yield a complete republican organization, but cannot accept this Virginia readjuster. I note with astonishment the reasons assigned, but discern very clearly the real and underlying ones. Say they, he is of the repudiating party. If so, Mr. President, I, too, am of that party.

And again:

> Mr. President, it is the coming contest in Virginia which makes this opposition to Mr. Riddleberger. His enemies and those of his party know his power, his influence, and his courage.

The Senator from Ohio, [Mr. SHERMAN,] the other day, made a remarkable statement in the face of that speech of Mr. MAHONE, which I will call attention to. The Senator from Ohio, interrupting the Senator from Florida, [Mr. CALL,] who was then holding the floor, used this language:

> Long ago it was manifest by the drift of events that the Senator from Virginia had no stopping-place short of the republican party—

The Senator from Virginia will not indorse that. If he does, the readjusting party of Virginia will perhaps not be as large as it is—

> because we know, by the discipline exercised by the democratic party upon every man in the South who differs with them on any question whatever, that there is, to use the language of the honorable Senator from South Carolina, no half-way house; and I expected before I came here that the Senator from Virginia, although he never has participated in our caucus, never has gone into our conferences, never has made any promises to us, that "the logic of events" would drive him into the ranks of the great party to which I belong.

Now, if the Senator from Virginia was never in any conference, was never in any caucus, had never made any promise, how does he (to use his own language) become responsible for the name of Mr. Riddleberger being introduced here, as he says he is, when that name comes from the chairman of the republican caucus and is held here so persistently by that caucus? The Senator from Ohio can perhaps explain how that is. The Senator from Virginia says he is responsible for Riddleberger, but the Senator from Ohio says he has had nothing to do with their consultations.

What do the republicans in caucus propose to do in addition to all that they have given to the Senator from Virginia in his own right? They propose to place his friend, Mr. Riddleberger, in the position of Sergeant-at-Arms of this Senate. I hold the pay-roll and the number of employés under him in my hand. The total is one hundred and thirty-seven men and boys, including one-half the Capitol police, sixteen in number, and the pay-roll is $149,219.50, by far the largest portion of all the expenditures of the Senate. One hundred and thirty-seven employés and $149,219.50 of a pay-roll constitute the patronage of the Sergeant-at-Arms; and we are told that we shall not be allowed to go into executive business until all this power and all this patronage is placed in the hands of Mr. Riddleberger, whose name Mr. MAHONE says he is responsible for placing before the Senate, although the Senator from Ohio says he was in no caucus, in no conference, and had no understanding in regard to it. The republican party in this case does not propose to repudiate its debts; we do not propose to sanction such contracts.

When you put these facts together, I assure you the people of the country will understand, as the republican press has expressed itself over and over, that there was a bargain, a bargain we will not allow you to consummate; and I desire to say to my friend from Massachusetts, [Mr. DAWES,] here and now, that while I avoid expressing any opinion about these transactions here, when the Virginia election upon which all these matters bear comes on, as he says he is going to keep us in session until next December and that election comes on early in the fall, instead of talking about repudiation in Massachusetts, and exclusion of a third of her population and other things that annoy him, I invite him now to pair with me and go to the State of Virginia during the months of September and October, and then I will tell that people, what I cannot decorously do in this Senate, what I think was the true meaning, intent, and purpose of all these combinations, appointments, and disposition of patronage. We may as well spend our time canvassing Virginia as to spend it in the Senate quarreling with each other about whether our States have repudiated this, that, or the other, or whether or not we can change their constitutions, which at an executive session we know we cannot do, even if they were not absolutely beyond our control at any time.

All this struggle, it has been admitted and asserted on the other side, grows out of the Virginia election next fall, and the meaning, purpose, and intent of it all is to influence that election before that people. The Senator from Pennsylvania [Mr. CAMERON] has avowed it; the Senator from Virginia [Mr. MAHONE] himself avowed it; all the other Senators who have ventured to speak of it avow that that is the fact; of course we all know that a great election is to be held there soon for governor of the State, lieutenant-governor, the State officers, the Legislature, and that Legislature is expected, if the repudiationists win, to appoint a supreme court in place of the one now there known to be against them, who will declare the Riddleberger bill and all the repudiation of the Virginia readjusters to be legal and constitutional, and a United States Senator is to be elected by that Legislature to come to this Chamber in the place of my honorable friend the Senator from Virginia, [Mr. JOHNSTON.] The republican party has attempted to place all the machinery that it can control, both in the appointments of committees and in the efforts it is making now to bestow the patronage of the Senate into the hands of the readjusters, repudiationists, call them what you will, who are seeking to destroy the good name, the good faith, the integrity (heretofore untarnished) of the old State of Virginia.

It is in the canvass in Virginia, Senators, if you desire to be heard and if you desire to have told you precisely what a good many of us think this arrangement means, that you can hear it by going to that canvass with us. I have no doubt that you will find a democratic Senator to pair with every one of you who desires to go. I can pick out pairs for you now. I want to go, if he will allow me, with my distinguished friend from Massachusetts, [Mr. DAWES.]

Yet, in the face of these facts which I have stated, we have been told by the Senator from Massachusetts, we have been told over and over again by the Senator from Ohio, that our action in delaying the republicans from carrying out all these arrangements, and in preventing them from giving all this power and all this patronage to Mr. Riddleberger, is treasonable, revolutionary, destructive of all the best interests of the Government. The Senator from Ohio has repeated that over and over. I will read a few lines from his speech the other day:

> Now, sir, resume the argument, look over it all. Here is a proceeding that is admitted to be, if carried to an extreme extent, revolutionary and dangerous, which blocks the wheels of government, prevents our discharge of the public business, prevent our going into executive session unless, forsooth, the majority will yield to the minority in regard to the order of business. Suppose, gentlemen, you should drive us to go into executive session; suppose you should control our action so far as to say we shall not do what the majority desire to do; you have the power to do it; no one questions that. Fifteen of you, if you have made up your minds to that dangerous expedient, can do it. It will not be long before the public attention of this country is called to that dangerous revolution.

Again he said:

> This example is dangerous, it is revolutionary; it is like many good things which taken in moderation do very well. These dilatory motions to accomplish a wise purpose will always be acceded to and justified by the people; but when they go beyond reason they travel upon revolution, and I believe that the good sense of the people of this country will see this controversy in that light.

Now, Mr. President, whether our action is revolutionary or not depends upon this fact: If we believe—and no man has a right to question us as to what we believe—that you have entered into and made a corrupt bargain, and you are seeking to carry it out by making these appointments and distributing this patronage, ought we not to resist the consummation of that bargain by every means in our power? Will not the country demand that we should? Can anything be more dangerous than legislation organized by corruption? Does not fraud vitiate everything? No, it did not vitiate one thing; we know the fraud of 1876 was a success; I admit that. But when you speak of revolution it all depends upon one of two things. Are we right in assuming, if we do assume, that your bargain is a corrupt one? If so, we can go before any community in America and say that we did refuse to allow you to consummate it and they will say, "Well done, good and faithful servants." If, on the contrary, they believe that what you have done is right, then they will hold us responsible and keep us at home hereafter. We will take that risk upon the facts I have stated and we will discuss them anywhere with you, either in Virginia or anywhere else.

The Senator from Ohio is right when he says we have the power to prevent you from electing Mr. Riddleberger. You know we have.

You have talked learnedly about your "constitutional majority." Let me put a case to you: Suppose, after we have stayed here forty days longer and you have trifled with all the recommendations of the President—for he has never asked you to disorganize this Senate in order to put Mr. Riddleberger or anybody in position here; he knows that the public business can be done as well without them as with them; old, well-tried officers are here now, admitted to be honest, competent, and efficient—suppose, after you have gone on forty days longer, and you still refuse to transact any public business, we respectfully notify the President that we have from the 4th of March, day in and day out, sought to go into executive session and have faithfully tried to do all that he asked us to do; that we have endeavored to consider the treaties that were before us; to confirm or reject, at least to act upon, the nominations that he had sent us; if the Supreme Court is blocked, as it can be now by the sickness of one judge, we are willing to furnish another there; Louisiana has now no circuit court since Judge Woods's appointment to the Supreme Court; we are willing to send some proper officer there; we are willing to do all that we think ought to be done; and after we have waited, as I say, some time longer, until you are as full as you can get, until you have notified all your partisans to be here, and we say to the President it is obvious that the men of your own party do not propose to attend to the business for which the Senate was convened, but they require us to carry out before they will do it what we regard as an improper thing to do, because we do not believe it was fairly brought about, we now propose to retire from this Chamber unless you have something else for us to do; and we leave you here. How many have you? Thirty-eight, with the Senator from Virginia; thirty-nine is a constitutional quorum of this body. The Vice-President cannot give a casting vote to make the constitutional quorum. I know of no constitutional majority without a constitutional quorum. Do any of you know how to constitute a majority without a quorum?

So, then, after you have refused every reasonable proposition, if we leave your "constitutional majority," of which you have boasted so much, with all the thirty-eight, embracing Mr. MAHONE, in your seats, what are you going to do about it? You have no constitutional majority; you never have had. You have half the Senate with the aid of the Senator from Virginia, and when a question arises in such a form that the Senate is equally divided we concede that the Vice-President can give the casting vote in your favor; but when it comes to the question of a constitutional quorum you have not got it, you have never had it, and we can leave here to-day and retire to these cloak-rooms after you have every man who belongs to you in his seat, and you are not a majority of the Senate.

So you have to rely at last upon the fact that we are going to help you out of your difficulty, and you pretend that you are going to force us to consummate what I believe the country understands to be a corrupt bargain, or at least many people in the country, before you will even allow us the privilege of transacting the business for which the President called us together.

Mr. BURNSIDE. I should like to remind the Senator from Kentucky of a little circumstance that happened here, if he has no objection.

Mr. BECK. Certainly; state it.

Mr. BURNSIDE. The Senator from Illinois [Mr. DAVIS] voted with us on the consideration of this resolution, and told you you ought to consider it.

Mr. BECK. The Senator from Illinois has voted with us to go into executive session upon every occasion.

Mr. BURNSIDE. He has; but on the question of the consideration of this resolution he has told you that you ought to have yielded it with the committees; and therefore we have a constitutional quorum in favor of the resolution.

Mr. BECK. It was announced yesterday that he was paired upon these subjects with the Senator from Louisiana, [Mr. KELLOGG.]

Mr. BURNSIDE. Only upon executive session.

Mr. BECK. Be it so.

Mr. BURNSIDE. He took particular pains not to pair upon this question.

Mr. DAWES. Will the Senator from Kentucky allow me a moment?

Mr. BECK. I do not propose to discuss——

Mr. DAWES. If the Senator from Kentucky will allow me a moment——

The VICE-PRESIDENT. Does the Senator from Kentucky consent to be interrupted?

Mr. BECK. I always yield to the Senator from Massachusetts. I have yielded to him so long.

Mr. DAWES. The Senator from Kentucky is never backward in courtesy to me. The Senator will recollect that the Senator from Illinois the moment these resolutions came up for consideration declared in a written speech that these offices belonged to the side that had the committees, and that nothing on his part would delay their going there as speedily as possible. Now, why does the Senator say that the Senator from Illinois is opposed to our organizing this Senate in the way proposed? The Senator from Illinois is desirous of going to business in executive session, as I am, and he does nothing to prevent that, but he says the quicker we elect these officers the better, and nothing on his part shall obstruct that.

Mr. BECK. I have said nothing about the Senator from Illinois. He has gone—I suppose likely gone for this session. I supposed that he would perhaps vote to take up the resolution, but he surely never would vote for it; he is not one of that side.

Mr. MORRILL. Will the Senator from Kentucky allow me to ask him a question? I am rather delighted to hear the programme presented by the Senator from Kentucky. I desire to ask him whether he presents that in behalf of every member on the democratic side, from a caucus, or whether it is only of his own motion that he assumes that after this side of the Senate is full then the other side will all vacate their seats?

Mr. BECK. Mr. President, I hope the Reporter will carefully note what I say. I not only did not lay down such a programme for this side, nor did I pretend to say that I would do it myself. I said that if this side did retire and saw fit to do so, your "constitutional majority" would find itself not to be a constitutional majority, for you have but thirty-eight, and the Vice-President cannot make a constitutional quorum of thirty-nine for you.

Mr. DAWES. The Senator from Kentucky said we should be a minority.

Mr. BECK. It would be a tie; in other words, I was seeking to illustrate that there could be no constitutional majority without a constitutional quorum; and I never have said nor intimated that I or any man on this side was about to adopt any such programme, but I desired to make it very plain to your own minds that your claim of a constitutional majority was false, as the illustration I have given showed.

Mr. DAWES. In order that it may be plain to my mind, I should like to ask the Senator a question, if it will not interrupt him too much. The Senator said that if his side should go into the cloak-room and our side should stay here, our side would be in a minority. I suppose he meant by that that there would be more in the cloak-room than there would be here.

Mr. BECK. No; I meant to say that you had no constitutional quorum of the Senate without the aid of gentlemen on this side. That is all I have said, and the Reporter I think has got it correctly, and the country will understand it.

Mr. DAWES. Then the Senator was unfortunate in the use of phraseology. He said we should be in a minority.

Mr. BECK. Now, Mr. President, I have used that illustration as I have others. It is true, and, Senators, you all know it. I have shown that we rely for our vindication upon the facts which I have stated as a justification before our constituents for the course we have pursued; and I repeat that if it was conceded that the organization of the Senate, the placing of majorities on committees, all the machinery which they have taken now six weeks to obtain, and then do nothing, was the result of a corrupt bargain, there is not a republican in the country who would not say we did right in resisting it. I do not say positively that it is so; I have never said that it was. I have said that I will make no attack upon this floor that will call for crimination or recrimination or that will render necessary or proper any scenes here unbecoming the American Senate; but I will lay the facts before the country so that the people can judge whether we are right or not, and they will surely judge what we believe by the votes we give and by the persistency with which we adhere to them, and by the further assurance that if we did not think we had good reason for the course we have taken we would not obstruct public business which was legitimate and proper. Perhaps they can guess from that what I think about the performances of the last few weeks, and I do not propose to go any further in that direction.

Mr. President, I stated that what I rose to speak for was to tell my people why I am here, and why I believe the democratic party is here. It is because we are not going to allow, if we can help it, the worst elements of Virginia society to control that State, for I have no hesitation in saying that, from all the information I have, nine-tenths of the property-holders, of the best men in the State, are against this repudiation and readjuster doctrine of Mr. MAHONE and Mr. Riddleberger. The honor of that old State is involved. The contest next November will determine whether or not a republican Senate can bring together all the bad elements of white society there and throw in the colored vote, most of it honest but ignorant, because when it is backed by the republican party it will think that it is right to follow in the lead of that great party organization, and thus adding the ignorant and misguided portion of the republican party to the worst elements of the democratic party in their efforts at the destruction of the credit of that old Commonwealth. In that contest I will leave nothing undone to defeat you that the rules will allow, because I and my fellow-democrats believe that you are seeking to degrade and disgrace one of the grandest and noblest States in the American Union, and the democratic party does not intend, if it can help it, to allow you to do it.

You talk about "a free ballot and a fair count." The men who have gone off in that repudiating party in Virginia are the men who above all others were the disorganizers, the guerrillas, the men who have no respect for free, fair votes or counts, or for the integrity or character of the State, or for the right of the people, while the men who are the debt-payers, the democrats, the funders, the gentlemen of Virginia who are resisting it are the men who are standing up for a free vote and a fair count and the honest payment of all obligations in Virginia and everywhere else. The pretext now that you are picking up a body of men in Virginia who seek to give "a free ballot and

a fair count" because we oppose it, is a pretense that this country will never accept as true. Your motto is, "Anything to beat the democracy." You do not care where your support comes from.

You heard yesterday the letters written by order of the Secretary of the Treasury. The Senator from Ohio, when he was not engaged in a political contest of this sort, but occupied the high position of Secretary of the Treasury, told Mr. Raum when he received the information, even anonymously, which proved to be a lie, as most anonymous communications are—the Senator from Massachusetts ought to take warning about anonymous communications where the name is concealed, as in the one he held up the other day, of the fate that befell this anonymous communication that the Secretary of the Treasury caused Mr. Raum to advise Mr. Van Auken about. Then, however, he suspected an official as guilty of readjusting repudiation; he promptly demanded his resignation, if the man belonged to the party of Mr. MAHONE. Now he thanks God that he has got an accession from those ranks, and a chairmanship and clerk in the Senate; he is willing to give to the gentleman from Virginia who joins him all the positions on the committees that will enable him to control the State of Virginia in the interest of the repudiationists or readjusters, call them what you will; now he will not go into executive session even to confirm necessary nominations of the Administration until he has put Mr. Riddleberger, the head and front of the repudiating movement, in high position here as Sergeant-at-Arms, with one hundred and thirty-seven employés under him and a payroll of $150,000. Oh, he is so gracious! he says he will do what is right by us, and allow our clerks pay till December if we will only quit revolutionizing.

I have seen old foxes before, but I think the Senator from Ohio showed more of foxy sagacity the other day than I have seen anywhere else. I wish I could lay my hand on his speech; it is here somewhere; but this is the burden of it; I can state it. In answer to the Senator from Delaware, [Mr. BAYARD,] the Senator from Ohio said, "We will not be hard on you; we know that these men who are going out have borne the heat and burden of the day, and ought to receive their pay from now until next December; we will arrange that satisfactorily;" out of the public money, of course—"any appeal that you may make to us in a kind way will be considered." And I suppose he would be willing, he would be glad, to modify the resolution so that the election of these officers should take effect in December next. Of course he would. Why? Because the moment Mr. Riddleberger appoints his one hundred and thirty-seven he disappoints three thousand seven hundred who expect to get places; but if you will just elect him now and not let him fill these places until December, until after the Virginia election is over, he can promise those one hundred and thirty-seven places to three thousand seven hundred repudiating readjusters in Virginia, and hold them all in his hands from now until then to work for the election of a repudiating legislature that will elect him to the United States Senate, and next December he will be sorry that he could not do for them what he promised to do! I believe it was Artemus Ward who, when A. Johnson, as he called him, was swinging around the circle, said that when he got to some place in Pennsylvania in the morning there were one hundred people waving their hats and shouting, and inquiry was made, "What is all this shouting about?" The answer was, "We are all candidates for the post-office at this place." The next place he reached he found one fellow waving his hat. "Why are you here alone?" "I am the man that A. Johnson appointed last week." One was shouting then where one hundred were shouting who expected appointment. *In posse* is better than *in esse*.

The shrewd politician from Ohio [Mr. SHERMAN] who spoke the other day, while he was so generous, knew he could use the patronage that was rendered sure to come in December in the election next fall in Virginia far better and make it far more available than he could use the one hundred and thirty-seven Mr. Riddleberger could put here now, even if the republicans gave them all to him, which they would be sure not to do; hence the great generosity of the Senator from Ohio. The veil was too thin. We do not propose to walk into an open trap.

I fear the Greeks and their proffered gifts. Whenever I feel sure that my enemy wants me to do a certain thing, I take care not to do it. That is a good rule in politics and in war. When the other side want us to help them out of the dilemma they are in, then I do not propose to do it; just as I would not consent the other day when the Senator from Nebraska [Mr. SAUNDERS] undertook to pair my colleague [Mr. WILLIAMS] with the Senator from Virginia, [Mr. MAHONE.] I protested, and refused to allow it. "Why?" was the question. I replied, My colleague is a democrat; the Senator from Virginia has risen in his place and said on this floor that he is a democrat, a better democrat than the Senator from Georgia, [Mr. HILL.] I decline to pair my colleague with a democrat. I said, Let the Senator from Virginia avow himself to be a republican; let him say he has gone into the camp of the radicals; let him tell the democratic readjusters of Virginia that he is a republican, and that he has abandoned them and gone into the republican camp, as the Senator from Ohio said he knew he would have to do, and then we will talk about pairing with him. Let him take the responsibility of being a republican, a stalwart, as my friend from Massachusetts is, but do not let him play democrat here and go away and avoid casting votes, being paired with another democrat, and still tell the people of Virginia that he is a better democrat than the democrat Mr. HILL, of Georgia, or the democrat he pairs with! He will get no pair, in my opinion, on the democratic side, if this session lasts until December, until he avows himself as good a republican as the Senator from Massachusetts or the Senator from Ohio. That done, then he is on an equal footing with the rest of them.

The Senator from Ohio seemed to think that when he said he was a democrat he meant a democrat in what he called the broad sense. I am a republican in the same broad sense; you are a democrat, Mr. President, if you like, in the broad sense. He said he was a party democrat. I hold in my hand his organ, the Richmond Whig, or rather extracts carefully copied from it in the Dispatch of Sunday, April 10, 1881—numbers of them. I will not take time to read all of them, but the Dispatch said:

> They induced us to overhaul the files of the Whig, wherein we found a bonanza.

The Whig is General MAHONE'S leading and able organ, and they give such extracts just before the election of General Hancock. Here is what the Whig said, the organ of Mr. MAHONE; I believe he is a large owner of the paper, at least it has been so stated on this floor:

> The Whig, on the 18th of October, 1880, ten months after General MAHONE'S election to the United States Senate, said—

Although the Senator from Ohio said he saw before he was elected and ever since he was elected that it would degrade him and disgrace him if he continued to be a democrat, ten months after he was elected on the 18th October, 1880, the Whig said:

> The Dispatch quotes foolish or malignant paragraphs questioning General MAHONE'S democracy, and then adds: "Yet we have always classed him with the democrats." The Dispatch knows very well that as readjustment is more democratic than funderism, so is General MAHONE more of a democrat than Echols or any other of the funder crew. He is no funder; and if he has given ample testimony of that, his no less determined fight against the republican party and its leaders, State and national, as fully attests that he is no republican. There is no funder in Virginia who has fought the republican party with half the vigor and effect with which General MAHONE has; there is no conservative in Virginia who has done more to save the State from radical rule; and there is no democrat within our borders whose long record of brilliant service for democracy so elevates him above all suspicion. There is no suspicion of his democracy anywhere.

That was party democracy in earnest advocacy of Hancock and English. This was on the 18th of October, 1880, and the Dispatch is full of just such statements. What has the democratic party done since that time to make him change? What is there in their platform, what is there in their record that induces Senators to say or intimate that new issues have sprung up since then, that lights now appear to Mr. MAHONE different from what they appeared at the time he voted for Hancock? The only excuse I can find is that the Senator from Ohio gave, which was this:

> I will say that although the Senator from Virginia voted for an electoral ticket pledged to vote for General Hancock he did not do what I would do. He was willing to vote for General Hancock upon the platform that he, the Senator from Virginia, framed, taking General Hancock's promises to be true; but if he had known what I knew, or what I believed, that the democratic party could not be trusted to carry out the promises made by General Hancock, the candidate for whom the Senator from Virginia was willing to vote, he, I think, would have come over a little sooner and a little more rapidly.

The Senator from Ohio undertakes to tell us that we are not to be trusted, that all our statements and avowals of principles are false, that we do not believe or regard what we say, and that if the Senator from Virginia had known what he knew or believed what he believed he would have joined the republicans sooner than he did. Who makes the Senator from Ohio our censor? What is there in his course or in his consistency to entitle him to talk of the democratic party in that way, and to tell us that we are not to be trusted? Are you to be trusted if we are not? Are we to go to you and take your words when one of your leaders, the late Secretary of the Treasury, rises in his place and gives as an excuse that the democratic party cannot be trusted, that he knows it, or at least believes it?

Mr. President, perhaps I ought not to criticise too much the scolding of that Senator. You, Mr. President, were not in this Chamber when some pretty severe scoldings were given to you, sir, in communications since made public from that distinguished officer, then the Secretary of the Treasury; but it did not take him long to get on his knees and go to New York and beg your pardon in a very public way; and when he scolds the whole democratic party in the same excessive way, I suppose that, too, is in a Pickwickian sense; I am willing to let it pass as though it was.

The democratic party had a platform in the late contest, and all democrats insist that they made it honestly and stand by it faithfully, and Mr. MAHONE was fully advised of that platform when he accepted it, and we had a candidate who accepted that platform. Among the planks in it that every democrat stood by and maintained and every democrat in this Senate will stand by and maintain to-day as long and as honesty as the Senator from Ohio will maintain any position he has taken, were these:

> The subordination of the military to the civil power, and a genuine and thorough reform of the civil service.
>
> The right to a free ballot *is* a right preservative of all rights, and must and shall be maintained in every part of the United States.

And when we sent that platform to our candidate he said in acceptance of it:

> It is a vital principle in our system that neither fraud nor force must be allowed to subvert the rights of the people. When fraud, violence, or incompetence controls, the noblest constitutions and wisest laws are useless. The bayonet is not a

fit instrument for collecting the votes of freemen. It is only by a full vote, free ballot, and fair count that the people can rule in fact as required by the theory of our Government. Take this foundation away, and the whole structure falls.

That was our platform, sir; these were the terms of acceptance of our candidate for President; these principles we maintained everywhere; we maintain them now, and neither in Rhode Island, where they can buy voters like sheep, as it is said by their own people, nor in Massachusetts, where it is said by General Butler and other distinguished citizens that they exclude one-third of the people from voting, will we be driven from them, but everywhere, North and South, we will endeavor to remove the shackles from the right of all men to a free vote and an honest count, and Mr. MAHONE and the party that is leaving the democrats in Virginia, when these gentlemen go down to that canvass and see them, read their past history, know their antecedents, look at the men, and then look at the funder democrats, the men who are standing by the democracy, and they will not hesitate long in deciding that the men for a free ballot and a fair count, who have the honor of the State and its property and prosperity at heart, are on our side, and the men who have formed that alliance are not the men whom they would trust to carry out these great principles of justice and human liberty. Senators, if you have made the bargain the country thinks you have, it is a bad one, and we will not allow you to consummate it, if, as you admit we can, we can prevent it under the rules. You may as well understand it.

Mr. President, I have spoken longer than I intended. I did think at one time, as I said the other day, that I would answer the speech of the Senator from New Hampshire, [Mr. BLAIR,] made last week on republican rule in the South, but after I read it I determined that I would not. The Senator from New Hampshire said in regard to carpet-bag governments:

> But, Mr. President, the carpet-bag governments were the best governments the South ever had; and the common school and the principles of universal liberty which prevail there now and which are the basis of your rising prosperity, all those great ideas of genuine liberty extended to all men which are the basis of your prosperity and of your future happiness, and which will make you the crowning glory of our great Union of States, come to you by virtue of these same carpet-bag governments which you curse.

When I read that I thought if there is a man, woman, or child anywhere who will indorse that statement, I never have seen or heard of him or her, and I do not believe the Senator from New Hampshire, if he will look over the history of those times, will do it himself. It was in the heat of debate that he indulged in a statement of that sort. Why, sir, on the opposite page of the same RECORD in the speech of the Senator from Florida [Mr. CALL] is the answer to it all. No man under the reconstruction acts who had been a justice of the peace or a constable forty years before the war, who may have been as loyal to the Government of the United States as any man in New Hampshire, who had resisted secession in every form, and, if you please, had gone to jail because of his resistance, whose son, perhaps, equally unwilling to go into the confederate army, had been conscripted and taken there—if that man, thus loyal, thus resisting, had given a pair of shoes to that son when he was barefooted in the snow, he was disfranchised by those reconstruction acts.

If the Senator will read the great case of Milligan and Bowles, which made Judge DAVIS a democrat, if he was not before, for he rendered a decision which will go down to history and make him a great character, in which all the principles of the reconstruction acts were denounced and exposed as things not to be thought of by a people hoping to remain free; if he will read the veto messages of Andrew Johnson, for which perhaps he was impeached, he will see that every republican and democratic principle was invaded. If he will read The Prostrate State, by a distinguished and honored citizen of Maine, referring to the State of South Carolina, or if he will read the report of the majority of the Ku Klux committee, fourteen republican Senators and Members, he will not make a statement like that again.

I was reminded, too, of the folly of going into all these old troubles by a very wise remark made by the present President of the United States in his place in the House of Representatives some two years ago. This is an extract taken from those remarks of his:

> The man who attempts to get up a political excitement in this country on the old sectional issues will find himself without a party and without support. The man who wants to serve his country must put himself in the line of its leading thought, and that is the restoration of business, trade, commerce, industry, sound political economy, hard money, and honest payment of all obligations.

Believing that to be the duty of the Senate, and believing that the machinery necessary to enable the President to carry on the Government in regard to the great measures of which he speaks should be furnished, and believing especially that at an executive session, where there is no power to legislate, all attacks made by republicans of the North against the South because of supposed past delinquencies, or the democrats of the South against the North because of peculiarities in the management of their affairs, are not what the country expects us to consider or argue now, I decline to proceed to the consideration of any of them; and having stated the reasons why I think the country expects us to insist upon attending to executive business and expects us not to go into the question of the election of officers, about which there is, to say the least, grave doubts, both as to the integrity and honesty, I shall not trouble the Senate any further.

Mr. PUGH. Mr. President, the resolution before the Senate in its recitals is plain and simple in meaning and perfectly constitutional in its objects. Because it is obvious in meaning, and constitutional, an equal number of republican Senators demand of an equal number of democratic Senators that the Vice-President shall be allowed to pass the resolution by his casting vote. These democratic Senators say no; while the resolution is unmistakable in its *own recitals* of its meaning, and perfectly constitutional *on its face*, yet it is untimely, against the custom of the Senate made by long usage and acquiescence, and a hardship on the incumbents, who are admitted to be qualified and worthy; and there is no public reason, necessity, or convenience requiring the Senate to make this resolution an exception by untimely, unusual, and harsh action. If the resolution was left by itself to define its own face meaning and objects, and to stand on its own merits, I hazard nothing in saying that the dead-lock it has produced would not last twenty-four hours.

Why do I say so? Because the able and distinguished Senator from Ohio [Mr. SHERMAN] announced that so far as the resolution itself was concerned he would not give the snap of his finger to secure its passage; and the able and distinguished Senators from Pennsylvania [Mr. CAMERON] and Connecticut [Mr. HAWLEY] with equal emphasis declared that the change of officers sought by the resolution was immaterial and without any public importance. Then, it is not the resolution itself, or any object recited on its face, that has caused the dead-lock. What is it that has broken up the intellectual foundations of this Senate and turned them loose to meet in irreconcilable antagonism? It is the authoritative announcement by representative republican Senators that the resolution had its origin in what I call a coalition of persons never before members of the same political party, by which these persons are to meet together in the republican party without regard to past differences on any questions growing out of principles, measures, or policies, however important or irreconcilable; and all these are to be buried and forgotten in the initiation, organization, and success of a new movement under the auspices of the republican party, aimed at the disintegration of the "solid South" and the defeat of the democratic party in the Southern States. It must be admitted that this purpose, declared to be so important as to justify unyielding determination, is wholly outside of, foreign to, and independent of any of the lawful and legitimate objects set forth in the resolution, or any of the effects fairly within the scope of its constitutional operation.

Then, what is the reason given, what is the foundation of the right claimed for the persistent and unchanging determination of republican Senators to pass the resolution for the consummation of the coalition to produce results purely political and partisan, and that neither the Senate nor all the departments of the Government combined have any constitutional power to aid by legislation? None other than that the republicans have the constitutional power, made up of an equal number of Senators and the casting vote of the Vice-President, to pass the resolution.

I do not deny the existence of the constitutional power. It is misleading to say that democratic Senators resist the constitutional power on account of its existence. The existence of constitutional power is not always the test of duty to submit to its exercise. It may, and frequently does, happen that results are produced by the exercise of unquestioned constitutional power that are fatal to the integrity and benefits, if not to the existence, of government. Democratic Senators resist the exercise of the admitted power of the majority because the resolution is believed to have had its origin solely in a coalition of questionable propriety between the beneficiaries of the resolution and those who have the majority power to pass it, to make patronage, secured by the organization of Senate committees and the election of Senate officers, the inducement, the reward for the agreement to unite and make common cause in the movement to dissolve "the solid South" as a support of the democratic party and thereby insure the supremacy of the republican party in State and Federal Government.

My deliberate conviction is that if democratic Senators were to submit to the passage of the resolution in the face of the announcement by its authors of the sole object sought to be accomplished by it, when they had the constitutional power secured to minorities to defeat it, they would dishonor themselves and forfeit the respect and confidence of their constituents. Democratic Senators are the representatives of the unity of the democratic party, believing as they do that the principles, purposes, and policies of that party are essential to preserve the character of our system of general and local government, and to insure honest and beneficial civil administration. With these convictions, whether well or ill founded, what is our plain duty? Is it fair, just, or reasonable for brother Senators to press action when submission to it would in our judgment forfeit our integrity as representatives, not to say anything about the accuracy of our opinion that submission would seriously affect the integrity of this body?

But you answer perhaps that your integrity as Senators and representatives of the republican party would be forfeited if you were to yield the exercise of your majority power to pass the resolution now and here; that it is your duty as republicans to do everything you have the constitutional power to accomplish, to divide the South, and re-establish republican rule there, so as to insure good, honest, and wise government to those benighted, evil-minded, misguided, and unteachable people; that however distasteful, offensive, or disreputable the methods, they are the only means now in your sight that promise any success, and the democratic party being in such bad repute with republicans of the North on the currency, tariff for pro-

tection, Government credit, and aid to associated capital in corporations, you will have the indorsement of your party in anything you do for success in breaking the solidity of the South; that "nothing succeeds like success."

As to the question of your duty to press and of our duty to submit because the resolution on its face is constitutional and you have the constitutional power to pass it, I beg republican Senators to test by reason and their own committals the validity of such a claim.

Republican Senators have declared without contradiction that so far as the resolution itself is concerned, and the objects recited on its face, its passage is wholly unimportant and not worth the snap of senatorial fingers. Then it is plain that an unyielding determination to pass the resolution is sought to be justified, and must stand, alone, on the ground that the resolution becomes and is material enough to delay all public business in executive session, on account of purposes and objects outside of its legitimate scope and meaning and constitutional operation.

Another illustration will add to the absurdity of the republican justification. Suppose each one of the four officers proposed to be elected by the resolution were proven to have been convicted in a judicial proceeding of bribery, forgery, embezzlement, or larceny; there would be just as much constitutional power of the present or any other majority to elect them by the resolution as though they were, as I have no doubt they are, personally honest and honorable men. But certainly no Senator will say it would ever be the duty of the minority to yield to the exercise of the majority power to elect such felons, even though there were no persons filling the offices and qualified to discharge their duties. Then it is manifest that the great argument of my friend the Senator from Delaware [Mr. BAYARD] is unanswerable, that justification for a resort to dilatory motions secured to small minorities in the Constitution must in the nature of things be found and allowed to remain in the individual conscience and judgment of each Senator; that the propriety, justice, wisdom, and safety of the exercise of majority power must necessarily be left to the honest decision of each Senator, who is alone responsible for his vote, and who is made by the Constitution the custodian of the power vested in minorities for the sole purpose of defeating any majority action not sustained by his judgment as to time, circumstances, subject-matter, object, or purpose. Exercising this undoubted constitutional power of minorities, each democratic Senator for himself has decided, and will adhere to the decision, that the attempt, in the mode announced, and by the means and agents to be employed, to disintegrate what is called the solid South, to destroy the unity of the democratic party, and thereby perpetuate the domination of the republican party, would be a consummation a thousandfold more disastrous to the country and its government than the election of a regiment of convicted felons to Senate and Federal offices.

But let us strip to the naked body the great issue upon which the coalition of elements, antagonistic heretofore upon all other questions, now comes together in harmonious brotherhood, to park their batteries for a bombardment of "the solid South." The phraseology of the platform on which recruits are to be mustered into service is high-sounding and full of music, and when "the bloody shirt" floats at the head of the column of colored voters and white office-seekers, commanded by United States republican marshals, the republican bugles will be sounded along the whole line by a band led by a confederate brigadier, to roll out the key-notes of the platform, "an honest vote, a priceless ballot, and a fair count." I protest against interrupting the entertainment and the joyous expectations of this mixed brotherhood by any inquisitive people, who may be disposed to follow where there is to be honest voting and fair counting, making inquiry "whether the new movement had its beginning or was honestly started by a *priceless vote*," or "whether it is possible that what the newspapers say can be true, that the new movement to secure priceless ballots got all its existence and strength from a bought vote." But what is the motive and merit of this new movement? It is founded on the charge that the organized democratic party of the South preserves its solidity and secures its continued supremacy in the Southern States on a denial of the success of universal suffrage, and the fraudulent practice in violation of law of not allowing "an honest vote and a fair count."

What suffrage is it that is denied, and what votes are claimed not to be honestly cast and fairly counted? Manifestly these charges are intended to cover only negro suffrage and negro votes in the Southern States. What is the highest republican information and authority as to the character of this suffrage and of these votes?

President Garfield in his inaugural address used this language:

> The danger which arises from ignorance in the voter cannot be denied. It covers a field far wider than that of negro suffrage and the present condition of the race. It is a danger that lurks and hides in the sources and fountains of power in every State. We have no standard by which to measure the disaster that may be brought upon us by ignorance and vice in the citizens when joined to corruption and fraud in the suffrage. The voters of the Union who make and unmake constitutions, and upon whose wills hang the destinies of our governments, can transmit their supreme authority to no successors save the coming generation of voters, who are the sole heirs of sovereign power. If that generation comes to its inheritance blinded by ignorance and corrupted by vice, the fall of the Republic will be certain and remediless.
>
> The census has already sounded the alarm in the appalling figures which mark how dangerously high the tide of illiteracy has risen among our voters and their children.
>
> To the South this question is of supreme importance, but the responsibility for the existence of slavery did not rest upon the South alone. The nation itself is responsible for the extension of the suffrage, and is under special obligations to aid in removing the illiteracy which it has added to the voting population.

But the most frank and valuable statement for my purpose I find in the brief and important speech of the able and distinguished Senator from Connecticut, [Mr. HAWLEY.] He says:

> The practical declaration of the entire democratic party of the South to-day is that universal suffrage is a failure. They say that the great mass of freedmen are unfit to vote and cannot have their votes counted arithmetically; they shall not have the weight that the arithmetical count of those votes entitles them to. They say those men are not intelligent, they are led away by corrupt men, and all that. Yes, sir, I admit whatever of truth there may be in that; I admit there is weight; I admit that the South is involved in great and painful difficulties upon that question; but I claim that the difficulties are not all on one side in this country. I assert that in many of our large cities we are confronted by some of the most painful problems of civil government.

I emphasize and amplify the statement of the honorable Senator by declaring here upon personal knowledge that nine-tenths of the negro voters in the Southern States, without their fault, are wholly illiterate, and incapable of casting or counting their votes with any will, understanding, or comprehension of the objects, value, benefits, duties, or responsibilities of suffrage or citizenship. Such a thing as an honest vote and a fair count by the negro voters themselves, according to their will and understanding, is a *patent impossibility* in the present illiterate condition of that population. There can be no vote cast according to honest will and understanding when the voter is destitute of any will or understanding of his own in the exercise of his right to vote. If left to themselves, the casting of their votes would be purely physical and mechanical, unmixed with any intellectual operations or processes of will and understanding. The correctness of my statement will be admitted by all northern republicans who will go through one general canvass and election in the Southern States and discover for themselves what the truth is in relation to the character of negro suffrage. If I have correctly represented the present unfitness and incapacity of the negroes of the South to cast their votes and to count them with any will or understanding of their own, then what follows as an inevitable and unavoidable consequence? The necessary result is that the negroes must vote, if at all, according to the will and understanding of somebody else to whose capacity and influence they submit the control of their ballots.

Then the important inquiry is forced upon the people of all sections and all parties, Who shall it be, what power, or influence, or agency shall be allowed to take charge of and control and direct negro suffrage in the Southern States? No graver or more important question, the answer to which can be more far-reaching in its consequences, affecting all classes and conditions, and the destiny of our country and its government, ever confronted the American people for solution. What safe and adequate remedy can be provided and enforced that can coexist with our theory of free representative government founded on universal suffrage? President Garfield answers this question in its *future* aspects as follows:

> For the North and South alike there is but one remedy. All the constitutional power of the nation, and of the States, and all the volunteer forces of the people should be surrendered to meet this danger by the saving influence of universal education.
>
> It is the high privilege and sacred duty of those now living to educate their successors and fit them by intelligence and virtue for the inheritance which awaits them.
>
> In this beneficent work sections and races should be forgotton and partisanship should be unknown.

But what shall be done with the frightful mass of illiteracy now seated like a nightmare upon the vitals of society and local government in the South? The answer to this question, of so much present and vital importance, is furnished by the patriotic and wise Senator from Connecticut [Mr. HAWLEY] in the same speech from which I have quoted, and I join the southern democracy in offering him our hearty concurrence. The Senator says:

> I admit all the difficulties concerning it, (universal suffrage,) but I assert that when it is once made the law, the eternal law of the Republic, as it is, it is the business of every intelligent and educated and honorable, not to say Christian, man to accept as a great and Heaven-imposed trust the care over the weaker, the inferior, if you choose, also the corrupt elements of this population, and to govern and control and lead them on the better side; and I affirm that the intelligence and morality of this country is perfectly capable of dealing with the whole great question of impartial suffrage.

Where, then, will you find the greatest amount and in fact nearly all the intelligence and morality, and the capacity and experience qualifying a people for discharging "the great and Heaven-imposed trust, the care over the weaker, the inferior, if you choose, also the corrupt elements of this [the negro] population, and to govern and control and lead them on the better side?" I affirm what is known of all men, that nine-tenths of the capacity, intelligence, morality, experience, and of all the other essential elements of fitness for civil government of a free people, are to be found alone with the white people of the Southern States.

Why is it, then, that the intelligence, virtue, morality, and experience of the white people of the South should not be let alone in discharging "the great and Heaven-imposed trust, the care over the weaker, the inferior, also the corrupt elements of this negro population, and to govern and control and lead them on the better way?"

Never was mortal man more mistaken than the distinguished Sena-

tor from Connecticut, [Mr. HAWLEY,] and all other republicans, when they answer this question as follows:

I tell you, sir, what the whole country knows and what the evidence proves, that the declaration of the democratic party, especially of the South, known as "the solid South," is that universal suffrage is a failure, and therefore they are determined that a minority there, as in this Chamber, shall take upon itself the absolute government of that section and govern it as a solid section.

* * * * * * * *

The South, "the solid South," declares that the fifteenth amendment is a failure; that it cannot be executed in letter and spirit.

The South declares no such thing. The South only declares what the Senator himself admits in the speech from which I have quoted in relation to the character and perils of universal suffrage when he says:

I admit that the South is involved in great and painful difficulties upon that question; but I claim that the difficulties are not all on one side in this country. I assert that in many of our large cities we are confronted by some of the most painful problems of civil government.

How does the Senator propose to solve them in the large cities of the North? He answers:

And I affirm that the intelligence and morality of this country is perfectly capable of dealing with the whole great question of impartial suffrage.

What the Senator affirms of the capability of "intelligence and morality to deal with the whole great question of impartial suffrage" the South affirms in reference to the capabilities and willingness of its intelligence and morality to deal with the question of negro suffrage and the execution of the fifteenth amendment in letter and spirit. How is it that the efficacious, healthful, and rightful influence of northern intelligence and morality in dealing with the great question of impartial suffrage in the large cities of the North should be greater and allowed any more sway in the North than in the South in discharging "the great and Heaven-imposed trust, the care over the weaker, the inferior, if you choose, also the corrupt elements of the negro population, and to govern and control and lead them on the better side?" Why is it that the claim of the intelligence and morality of the North and its exercise in solving the "painful problems of civil government in its large cities" by "governing and controlling and leading on the better side" the "weaker and the inferior and the corrupt elements of their population" is all right and patriotic and national at the North while at the South the same claim of the same agencies over the same weaker, inferior, and corrupt negro population is a declaration that "universal suffrage is a failure;" that "the fifteenth amendment cannot and shall not be executed in letter and spirit," and shows a "determination that a minority shall take upon itself the absolute government of that section, and to govern it as a solid section?" As I have already suggested, not only is the "intelligence and morality" of the South capable, but willing and anxious to secure the benefit of a free and unpurchased ballot to all qualified by law to exercise it.

But, Mr. President and Senators, in the language of the same distinguished Senator, "there is no use in beating about the bush or attempting to disguise it;" it is perfectly understood by the people that when intelligence and morality at the North "deals with the great question of universal suffrage" so as to "govern and control and lead the weaker, inferior, and corrupt elements in the population of their large cities" on the side of the republican party, it is all right, patriotic, and national, although northern intelligence and morality employ in their work United States marshals and Federal supervisors of elections, who are skilled and unscrupulous agents, appointed by republicans, to employ all the money, intimidation, trickery, and falsehood necessary to insure "honest ballots and priceless ballots and a fair count of the votes" for republican candidates. But when "the intelligence and morality" of the white people of the South deal with the "great and painful difficulties" with which negro suffrage has involved the South and undertake to discharge "the great and Heaven-imposed trust, the care over the weaker, the inferior, and corrupt elements" in the negro population of the South, so as to govern and control and lead them to vote for the candidate of the democratic party, it is all wrong and sectional, and amounts to a declaration "that universal suffrage is a failure," and that "the fifteenth amendment cannot" and shall not "be executed in letter and spirit."

But the honorable Senator from Connecticut in furnishing reasons for his condemnation of the "solid South" has made a contribution to the prejudices of the people of the North that is not characteristic of him, according to the estimate the people of the South have made of his sense of justice and fairness and freedom from the arts and appliances of the ordinary politician. He says that the reason why the South is solid and defies the fifteenth amendment, to govern the South absolutely as a section, is found in the fact that "the majesty of that mysterious divinity called 'the South' is composed of the former confederate and slaveholding element;" and "from that inevitable compactness of organization and will and despotic power that the great slave system imposed upon them." This is a great and mischievous mistake. The South has been made solid for reasons and causes that have never been known to produce any other effect upon the minds, feelings, instincts, prejudices, and actions of any other people in the world's history.

I shall not go into the history of these reasons and causes. It has filled the newspaper press, and furnished the material for stump speeches North and South for the last twelve years. And enough of it has been reproduced in this debate to satisfy all the fondness for repetition.

But, dealing with the present "painful difficulties of negro suffrage that involve the South," what is the great unsettled question that has no pity for the repose of this nation; "the danger which arises from ignorance in the voter that cannot be denied;" that covers a field far wider than that of "negro suffrage and the present condition of the race"—a "danger that lurks and hides in the sources and fountains of power in every State?"

Disguise it as you may, I affirm that every intelligent and educated and honorable and Christian man in the Southern States asks nothing else, claims nothing else, declares nothing else, than that the intelligence and morality and virtue and patriotism and honesty and experience of the populations interested in their governments, State and Federal, wherever found, shall dominate in civil rule and civil administration.

I further declare that in every State, county, and town in the South, where governments are in the possession and under the control of the intelligence and morality of the voting population, you find honest and competent officials, representatives in State and Federal Legislatures of character and ability, enjoying the confidence and respect of their constituents of both races, and peace, good order, contentment, and prosperity abound in the land. When these beneficent results have been produced by the agencies I have mentioned, why not let us alone? You will not for no other reason than that the intelligence and morality of the South governs in the interest of the democratic instead of the republican party. You impeach the fitness and fidelity of southern intelligence and morality for the sole reason that it refuses to exert itself to secure the ascendency of the republican party. And what penalty do you propose to inflict upon that mysterious divinity called "the South" on account of the "compactness of our organization" and determination to employ all our brain power and intelligence and morality and energy and experience in preserving the supremacy of the democratic party? Your proposition, "pure and simple," is to take away from the people of the South who have the capacity, intelligence, and morality that qualify them for regulating their own affairs through home officials elected by themselves, and to organize a "new movement" to divide and capture Southern States for the republican party.

What is the plan of the new campaign to carry out an old purpose? You start out by seducing with Federal patronage and promise of distinction office-seeking democrats who have failed to have their ambition gratified by the organized democracy. And then comes your great bond of union with high hopes of success and many spoils to your southern followers. Your war cry is "an honest vote and a priceless ballot and a fair count;" that these inestimable rights must be secured at all hazards to every sovereign; that they have been denied by the intelligence and morality of the South, three-fourths of which have been absorbed by the democratic party, under the ostracism and despotism of the slave oligarchy; and it will never do to allow such intelligence and morality to rule except in favor of republican candidates; and all that is left us is to take the chances of buying or seducing from the democratic party as many ambitious and disappointed malcontents as possible, by the use of Federal patronage and the hope of office and honor in the republican party; and on the platform of "an honest vote, a priceless ballot, and a fair count" we can turn over the solid negro vote of the South through the agency of the United States marshals and Federal election officers appointed by republican officials on account of their skill in the use of money, intimidation, falsehood, or any other means, in massing negro votes and seeing to it that they are really cast and certainly counted for republican candidates; and then we shall know, and the country will know, that the fifteenth amendment has been executed in letter and spirit, and the promise in your platform to have "an honest vote, a priceless ballot, and a fair count" will have been redeemed.

Such are your declarations. I inform you that the white people of the South are wide awake to all your practices and purposes. They have passed through the cruel and merciless ordeal of reconstruction and suffered the pains and penalties of corrupt carpet-bag governments; they have endured and survived your persistent and malignant effort to degrade them by parading in your partisan press and speeches false reports by unscrupulous political tramps of southern outrages; and you have tried and condemned the population of whole States by their corrupt and criminal classes, and by such foul means you have obtained the support of the northern masses on the basis of hate and distrust of the white people of the South. Your new movement to revive old agencies and instrumentalities and policies and practices to re-establish your domination in the Southern States will only crystallize our solidity by purging it of traitors to their race and people, and make us more vigilant and determined to frustrate all your plans and disappoint your expectations.

I tell you frankly and with no intention to mislead you that you can never disintegrate the solid South and separate the intelligent and honest white people of the South from the democratic party by any movement or policy founded on distrust and hate of the whites, and dependent for success upon making the negroes the dominant element in your southern party organization. We know that the negroes of the South are incapable of organizing themselves or of preserving their organization, and when left to themselves they will fall under the control and submit to the control of the intelligent,

moral, educated, Christian people of the South, and all that has or can separate them from such control is the work of bad men and unprincipled political adventurers and speculators for the spoils of office, who come clothed with the authority of the Federal Government to manage elections for republican candidates.

We know from long association and experience with the negroes of the South that they are easily controlled by appeals to their ignorant race fears and prejudices; and when they are told by republican candidates and stump speakers that the white people held them in slavery and opposed their emancipation and would re-enslave them if they had the power, and that the whites of the South are their enemies and oppressors, the necessary and unavoidable effect of such appeals is to band them together as a race; and when the whites see this mass of illiteracy thus organized and controlled by wicked men for evil and ruinous purposes, the natural and inevitable counter effect is to force the white people together as a race for self-preservation. For these reasons and causes the presence of this frightful mass of illiteracy in a distinct race, whose ignorant prejudices are easily inflamed against the whites, is the source of all our troubles and a standing menace to our society, peace, good order, industries, and local governments. The highest interests and welfare of both races demand that their relations shall be friendly, and the whites recognize the fact that the negro, in his present condition of illiteracy, is the helpless victim of wicked men, and every intelligent, honest, Christian man feels the obligations of a great Heaven-imposed trust to take care of this weaker and defenseless population, and to govern and control them in the right way, so as to prevent their ignorance from causing them to be converted into enemies of peace, society, property, and civil government. If trusted with the discharge of this high public duty, according to our best ability and judgment, it would be but a few years before all these race troubles and difficulties involving the South on account of negro suffrage would forever disappear; and then "the solid South" would cease to be a standing menace to the republican party, and intelligent, moral, honest, Christian white people at the South would divide on governmental theories and principles, and questions of tariffs for revenue and protection, and currency and finance, and internal improvements and civil reform and administration, and array themselves in different parties.

But when the ignorance and prejudices of races and classes are inflamed and appropriated by politicians and demagogues for party success, you will find dangerous men like Kearney increasing your troubles in civil government by inflaming the prejudices of the laboring classes in your large cities, and the safety of your wealth and society and civil government will be endangered by the domination of agrarianism and communism. And when the crusade is opened on wealth because it is wealth, and on your property because it is property, and on your capital because it is associated in corporations, then you will understand what it is to be threatened with the domination of ignorance, venality, and corruption in society and civil government. And then your wealth, your property, your corporations will strike for self-defense in the only way left them, by bribing your officials and representatives and buying and intimidating your illiterate dependent suffrage. Remember, Senators, that when you inaugurate your crusade on southern society, property, and civil government, through United States marshals and Federal election officers appointed by republican officials to marshal the black mass of ignorance and vote it and count it for venal and corrupt place-hunters because they act with or claim to be republicans, then we warn you that the white people of the South will strike back for self-preservation in all the ways and with all the means left them and leave the consequences to God and their country.

Mr. SAUNDERS. Mr. President, if I thought that the reorganization of the Senate at this time had no other significance, or no higher reason to support it than the simple matter of changing a few offices which are under the control of this body, I would not trespass upon the time of the Senate long enough to say one word. But, sir, looking as I do upon the settlement of this question as one of the highest importance to the future welfare of the body-politic of the whole nation, I cannot well afford to let the opportunity pass without stating a few of the reasons which induce me to aid, at least by my vote, in sustaining the question now before the Senate.

We have done without having our political friends in these offices more than two years, and, if necessary, could do without them there for two years more, or indeed for ten times two, but then if the republican party, being in the majority, desires a reorganization of the Senate, extending to both committees and officers, I see no constitutional or other reason why it should not avail itself of its right. Two years ago, or up to the 4th of March, 1879, the republican party held the Senate organization, but upon the advent of the democratic majority, and almost immediately after the first meeting of Congress, a movement was made to reorganize the Senate so as to turn out the republican officers and put in their places an equal number of democrats. The energy and persistence with which the question was then pushed by the democrats was in wide contrast with the holy horror which is now expressed on that side of the Chamber at the proposed change. There seems to be a great difference with them as to whose ox is gored.

Let us turn for a few moments to see how many good arguments were put forth in favor of a change of officers two years ago, on the advent of the democratic majority in the Senate, and let us see if sauce served by them at that time may not be just as good for the republicans now.

The Senator from Indiana, [Mr. VOORHEES,] and whom I regret I do not now see in his seat, then made use of the following language, which was given to us in his usual graceful and pleasant manner:

I desire in a very few words to place this question before the Senate as it occurs to my mind. I have no assault to make on any outgoing officer, and I have no excuse to make for voting against him. By the will of the American people the Senate has come to have a majority on the democratic side, and in my judgment the officers of this body ought to be in substantial harmony with the majority of it. The majority of this body will be held responsible before the people of this country for its management. We shall be held responsible for what occurs in the office of our Secretary. We shall be held, and justly held, responsible for what takes place in the office of the Sergeant-at-Arms, for the management and secrecy of our executive sessions; and I for one say, without a moment's hesitation, that when I have to choose between my political friends and my political enemies for places of trust, honor, and profit, I stand by my friends, as I have always asked them to stand by me.

And in saying that I mean no reflection upon gentlemen of different political opinions from myself; I mean no reflection upon the outgoing Secretary of this body. A partisan politician of course he is, and he uses one of the keenest blades in the United States. I would not vote to turn him out merely on that account, but because he is not of my political faith and I am not of his.

These cries and lamentations that have been set up here to-day by the Senators on the opposite side will not deceive anybody. No sensible people throughout the United States expected this body to do otherwise than what has now been proposed. The funeral wails that have been heard are mere mockeries and lost time on the mind of the country.

Where in all the history of the world has there been a more proscriptive, hungry, and voracious party than that which is heard from now in these obituary notices of those who are about to die? [Laughter.] With nearly one hundred thousand offices to fill and more created from time to time to appease the hungry, gaping mouths of the crowds that have come around this Capitol, it has been impossible for me to listen to this appeal with entire patience and composure. I did not intend to utter a single word; but this attempt to insnare the public mind into the belief that some injury is being done, some outrage committed which the Senators over there themselves would not do under like circumstances, is a little too much for human endurance. In the last eighteen years what have we seen? Droves, gangs, brigades, and squadrons of office-seekers coming here; and when the limit was exhausted by the number of offices all being filled, we have seen more created from time to time to satisfy the demand for them.

I did not want to say this. I had hoped there would be no debate on this question and that we would proceed to do our duty in order, as we intend to do and as the country expected us to do, and fill these places with men whose political principles are in harmony with the majority on this side, and for whose official conduct we have to be responsible before the country.

I shall part from every outgoing official here with nothing but kindness, good wishes, and a hope for his prosperity during life in the future; but who does not know the diversities, the vicissitudes of political fortune? Who does not know that the heart of my excellent friend, the present Secretary, would have been rejoiced if, through his indefatigable efforts in raising money and in every other way, my term should have been limited to the 4th of last March? Who does not know how gladly he would have hailed my defeat in the hard-fought battle of last year in Indiana? I blame him not at all. I wish him well here and elsewhere. So with our Sergeant-at-Arms. But this is one of the changes of political life that come some time to us all. Some of us are here to-day and may be gone to-morrow. I have seen men go out from this body from the great position of Senator itself within the last few days, with deep regret and sorrow on my part, sorrow to part from them and because they sorrowed over it themselves; but this is the fate of political warfare, and the fewer lamentations now and the fewer unnecessary tears that are shed on the other side of the Chamber on the subject, the better will the American people like the Senate.

I wonder if the language that applied to a majority then cannot be applied with the same force and effect to the majority now. What is sauce for the goose ought to be sauce for the gander also, and whatever applied to rights of a majority then ought certainly to be equally applicable to the majority now.

The Senator from Connecticut, Mr. Eaton, not now a member of the Senate, indulged in the discussion of the same subject in the following language:

A great party have come into power. We are responsible and able to be responsible for the carrying on of the legislation of forty or fifty million people, and we intend to do it with our own servants. That is the way to tell it and to talk it. We propose to elect our own officers. We do not propose to remove all these people, not everybody here. I can name a dozen men, sound, stalwart republicans, whom I desire to have remain in their offices, but not these gentlemen; and I know none of them will bear me any ill-will for what I say. It is no clean sweep, to use an Anglo-Saxon term, but we propose to take the heads off three or four of these gentlemen and put democratic heads upon their shoulders.

Well, if democratic heads were in order to be served up then, I cannot see why republican heads should not win now when we have a majority of the Senate. When we look back to the days in which these things transpired and see how the republicans were treated by the majority, we might well be excused if on the matter of change of officers only we should show some anxiety.

But, Mr. President, there is so much significance to this question above and beyond all these minor considerations that I feel we should be justified, if necessary to success, in spending a whole season in its consideration and in bringing it to a final issue. For years and years the republican party has been engaged in the work of reconstructing the political situation in the Southern States—the intention being, as I understood it, and understand it now, to continue this laudable work until every legal voter in the South, be he black, white, or red, should have the same chance to cast his ballot at any and all legal elections and to have it counted just as it was given and deposited in the ballot-box as is extended, rather guaranteed, to the voters in other States. In other words, we have had the desire to break, politically speaking, the "solid South." There is no more reason for a solid South than there is for a solid North, and the fact is there is no reason for either; but every man, every voter, should have the free right to cast his ballot just as he pleases, whether he resides in the East, West, North, or South. Every one was conscious of the fact

that whenever this solid South should be broken up somebody or the people of some one or more States must move in the matter. We have all been looking for it to come, but where it would begin or by whom it would be championed we knew not. It, however, was finally discovered, and very properly, too, I think, that the people of the "Old Dominion," the State which has been proudly called "the Mother of Presidents," proposed to lead in this work. She elected her legislators, who in turn elected a representative man to introduce to the Senate of the United States their wishes and their sentiments. That man is here, and he speaks for himself. With whatever he says or may have to say about the finances or the financial condition of his State we have nothing to do—that belongs to the people of Virginia to settle and not to the Congress of the United States. But whatever he may say for himself or his people on the subject of legal or universal suffrage, every good citizen is interested in, and it becomes a proper subject for consideration here. The Senator from Virginia, [Mr. MAHONE,] in his great speech, delivered before the Senate on the 28th day of March last, while speaking on the subject of suffrage, alluding especially to Virginians, said:

> For one I want no political serfs in Virginia; I want no longer any condition of personal servitude. I desire not only in theory the right secured to all men of a free, untrammeled ballot, a priceless ballot, but I desire that there shall be secured an honest count. Whatever may be the professions of gentlemen on that side, I stand for that in fact, and I stand prepared here on this floor, by the courage of the men who are behind me at home, to assure the country that in Virginia at least there shall be a free suffrage, a full vote, and an honest count. [Applause.] I stand here to guarantee the enforcement of the laws by the brave men who stand at my back in the cause of freedom.

Mr. President, to any man, and especially to any Senator, be he from the South or from elsewhere, who proposes to stand on the platform laid down by the Senator from Virginia, I heartily extend the right hand of fellowship, and bid him God speed. That he is not alone in the position he has taken is proven by the fact that already a large number of the newspapers of Virginia have indorsed the position he has taken and among them that old-time paper, the Richmond Whig, a paper that has been a leading organ in Virginia politics for more than fifty years. The breaking up of the political solid South means, as I believe, the dawn of a brighter day for the Southern States, not only politically but financially, than they have seen for many years.

But, Mr. President, to return again to the immediate precedent which is attempted to be set, I fear it may, if carried too far, prove a bad one for the principle which lies at the very foundation of our system of government, whether called republican or democratic. This system can only be sustained by the minority submitting to be governed by the majority. Whenever the people of this nation refuse or decline to be governed by the expression of a clearly defined majority, then what better will our Government be than the monarchies of the Old World, or any other form of government where the few rule the many. I do not condemn a minority for taking all advantage it can to defer action in cases where their number is not complete, whether through absence or any other reasonable cause, but here the Senate is virtually full, absolutely full, except where pairs are agreed upon. In this case there is no good or valid reason why the minority should take further advantage of the liberal rules which govern the Senate and delay the business proposed by the majority.

Mr. President, it is no proper answer to this complaint to say that one member of the Senate is supposed to have voted for General Hancock, and that therefore he has no right to vote with the republicans. Every Senator here knows that it was heralded all over the country, previous to the election of last fall, that Virginians were divided on the questions of finance and the right of their voters to have a free and untrammeled ballot. We know also that it was then fully understood that the late Senator from Virginia, Mr. Withers, was the candidate for the Senate on the stalwart or Bourbon democratic ticket, and the present Senator [Mr. MAHONE] was the candidate of the opposition, which included the republican members of the Legislature and the readjusting democrats, and no democrat here, so far as I know, ever claimed the present junior Senator as being their candidate. But now since it is found the Bourbons could not succeed, it is presto, change! All at once it is discovered that whether elected by their class of democrats or not, he is required by them to do their bidding and vote as they may dictate on peril of being charged with being anything but an honest man.

This, Mr. President, is not in accord with my idea of human and political independence, and I am glad to see that the Senator from Virginia has taken the same view of the subject, and is disposed to vote as his friends, who elected him, desire he should, and not according to the wishes of his enemies. I have never before since I have been in the Senate seen the spirit of the doctrine of "rule or ruin" so prominently brought before this body as is manifested in this case. So long as there was any hope of using the Senator to carry out the object and desire of the democratic party, the Senator was feasted and féted and coaxed on all sides; but as soon as he asserted his right and determination to truthfully and fairly represent the principles upon which he was elected, and to carry out the pledges he had made to his friends in the late canvass, curses both deep and loud were heaped upon his head without stint, and the cry ever since has been "crucify him, crucify him."

And why is all this? Is it because of any personal prejudice or hatred of the Senator? By no means. But, Mr. President, it is because the Senators on the other side of the Chamber fear that if this resolution is adopted by the aid of that Senator, that the southern charm will be broken, and that this independent movement will take root and finally overshadow and drive from existence all the evil effects that have been hidden under what is called the solid South.

Mr. President, there is no good citizen of the North who does not deplore the financial condition of the South as well as its political condition. The citizens of the Northern States know full well that if one portion of our country should suffer all other portions must suffer too to some extent. If one member of the body suffers the whole body suffers with it. This is as true of our Union as it is of the human system. So far as the free untrammeled enjoyment of the right of suffrage is concerned, and so far as the general financial business of the people of the United States is concerned, we should know no distinction; but all should be equal and have equal advantages. When that day comes, and not till then, will these United States be absolutely prosperous and the people contented.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to indefinitely postpone the resolution.

Mr. PENDLETON. I suggest to my friend from Massachusetts [Mr. DAWES] that inasmuch as the debate is evidently lagging a little we should go into executive session and attend to the duties there and resume the debate perhaps to-morrow morning. If it will suit the Senator's purposes I will invite the Senate again to go into executive session, or I will give way with pleasure for him to make the motion.

Mr. DAWES. I am obliged to the Senator for the suggestion, and it leads me to make one to him. If the Senator will make a motion to go into executive session and submit to the result, I will cheerfully submit to what the majority shall say on that subject. If the majority say "Go into executive session," I have not a word to say, if the Senator will agree to keep still when the majority say they will not. The difference between the Senator and myself is, I am anxious to submit to the will of the majority and he is just as anxious not to do so.

Mr. PENDLETON. In accordance with the invitation of the Senator from Massachusetts, I move——

Mr. DAWES. I want the Senator to understand that he takes it on the condition suggested.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.] I do not see him in his seat and therefore decline to vote.

Mr. DAVIS, of West Virginia, (when Mr. CAMDEN'S name was called.) I wish to announce now, once for all, that my colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin, [Mr. SAWYER.] Were my colleague here, he would vote "yea."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this subject I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. MCMILLAN, (when Mr. EDGERTON'S name was called.) My colleague [Mr. EDGERTON] is absent from the city to-day, and is paired with the Senator from Louisiana, [Mr. JONAS.] My colleague would vote "nay" if he were here.

Mr. GORMAN, (when Mr. GROOME'S name was called.) My colleague [Mr. GROOME] is paired with the Senator from Illinois, [Mr. LOGAN.]

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. HARRIS, (when his name was called.) I agreed to pair with the Senator from New York [Mr. CONKLING] who is now absent. The Senator from Indiana [Mr. VOORHEES] is also absent, and I have transferred the pair with the Senator from New York to the Senator from Indiana. I vote "yea," and make the announcement of the pair of the Senator from New York with the Senator from Indiana for the day.

Mr. JACKSON, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. HAWLEY,] and I announce that pair for the day.

Mr. JONAS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. EDGERTON.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] on all motions to go into executive session. On motions to adjourn, to postpone indefinitely, and like motions, I am not paired with any one.

Mr. VEST. I neglected, when the name of the Senator from Florida [Mr. JONES] was called, to state by request that he is paired with the Senator from New Hampshire, [Mr. ROLLINS.] That pair will stand during the absence of both Senators.

Mr. MCPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.]

Mr. COKE, (when Mr. MAXEY's name was called.) I desire to announce for the day that my colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

The roll-call was concluded.

Mr. BROWN. I was out of the Hall and do not know whether the pair of my colleague [Mr. HILL] has been announced. My colleague [Mr. HILL] I understand is paired with the Senator from Maine, [Mr. FRYE.]

Mr. PENDLETON. I desire to announce that my colleague [Mr. SHERMAN] is paired with the Senator from Delaware, [Mr. SAULSBURY.] I make the announcement for the day.

Mr. FRYE, (after having voted in the negative.) I understand that the Senator from Georgia [Mr. BROWN] has announced that I am paired with his colleague, [Mr. HILL.] I did not know that the pair extended to to-day and voted. If the pair has been extended, I will regard the pair and withdraw my vote.

Mr. BROWN. I will state to the Senator from Maine that I had a letter this morning from my colleague saying that he would not be able to return for a day or two, and asking that the pair might be extended. I announced the pair on the supposition that it had been extended.

Mr. FRYE. I knew nothing relative to it, but I will consider the pair as existing and withdraw my vote.

Mr. BUTLER, (after having voted in the affirmative.) May I inquire if the Senator from Pennsylvania [Mr. CAMERON] has voted?

The PRESIDING OFFICER. He has not.

Mr. BUTLER. I withdraw my vote. I am paired with him. I was under the impression that he had voted.

The result was announced—yeas 20, nays 20; as follows:

YEAS—20.

Bayard,	Farley,	Johnston,	Ransom,
Brown,	George,	Lamar,	Slater,
Call,	Gorman,	Morgan,	Vance,
Coke,	Hampton,	Pendleton,	Vest,
Davis of W. Va.,	Harris,	Pugh,	Walker.

NAYS—20.

Allison,	Dawes,	Ingalls,	Mitchell,
Anthony,	Ferry,	McDill,	Morrill,
Blair,	Harrison,	McMillan,	Platt of Conn.,
Burnside,	Hill of Colorado,	Mahone,	Platt of New York,
Conger,	Hoar,	Miller,	Plumb.

ABSENT—36.

Beck,	Edmunds,	Jackson,	Saulsbury,
Butler,	Fair,	Jonas,	Saunders,
Camden,	Frye,	Jones of Florida,	Sawyer,
Cameron of Pa.,	Garland,	Jones of Nevada,	Sewell,
Cameron of Wis.,	Groome,	Kellogg,	Sherman,
Cockrell,	Grover,	Logan,	Teller,
Conkling,	Hale,	McPherson,	Van Wyck,
Davis of Illinois,	Hawley,	Maxey,	Voorhees,
Edgerton,	Hill of Georgia,	Rollins,	Williams.

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on the motion to indefinitely postpone the resolution.

Mr. DAWES. Now, the Senator from Ohio having appealed to the Senate and having failed to get a majority, I trust we shall proceed to act on the resolution.

Mr. PENDLETON. I think the Senator failed to get a majority also, as there was an equality, and only under a technical rule was the motion lost.

Mr. DAWES. The Senator had the affirmative and made his motion, and he failed to carry it.

Mr. DAVIS, of West Virginia. We had better test it, I think, by making another motion.

Mr. DAWES. If you will let us have a vote on the resolution, which is an affirmative proposition, we will take the result.

Mr. HARRIS. I had risen to say that we have progressed so slowly, have done so little within the last three weeks, that I think it probable we could accomplish more if we met earlier and sat later; in view of which fact I want to submit a motion that when the Senate adjourns to-day, if it shall consent to do so, it will be to meet at ten o'clock to-morrow. We are meeting too late; and I submit that motion.

Mr. DAWES. Will the Senator not put it at eight, so that we can get on with the business?

Mr. HARRIS. I readily adopt the suggestion of the Senator from Massachusetts, if he prefers eight o'clock. The earlier the hour, the better for me.

Mr. DAWES. I prefer that those who vote for it should come here at eight.

Mr. HARRIS. Does the Senator desire that I shall modify the motion?

Mr. DAWES. Most certainly. I prefer that the Senators who vote for it shall come here at eight.

Mr. HARRIS. I will compromise with the Senator, then, by putting it at nine o'clock instead of ten.

The PRESIDING OFFICER. The Senator from Tennessee modifies his motion and moves that when the Senate adjourns to-day it meet at nine o'clock to-morrow.

Mr. PENDLETON. I cannot consent to meet at an hour as early as my friend indicates, and I move to amend his motion by making it ten o'clock.

Mr. HARRIS. I demand the yeas and nays, if the Senator from Ohio insists upon putting it off as late as ten o'clock.

The PRESIDING OFFICER. The Senator from Ohio moves to amend by inserting ten o'clock instead of nine; on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I like twelve o'clock a good deal better than either of the motions of my friends, and to give time, I believe——

Mr. HOAR. I object to debate. The Senator from West Virginia is wholly out of order.

The PRESIDING OFFICER. Objection is made to debate on a motion to adjourn.

Mr. DAVIS, of West Virginia. If I am out of order, the Senator from Massachusetts is out of order.

Mr. HOAR. No; I rise to a question of order.

Mr. DAVIS, of West Virginia. The Senator is doubly out of order, because I am on my feet and the Senator is in his seat.

The PRESIDING OFFICER. But the Senator from West Virginia is out of order on his feet.

Mr. DAVIS, of West Virginia. I understand that I am not out of order in making the motion I rose to make. I move that the Senate do now adjourn. That motion is always in order.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia that the Senate adjourn.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I desire to say that I am paired upon all questions with the Senator from Maine, [Mr. HALE.] I shall not announce the pair again, as the Senator from Maine may not be here during the remainder of the day.

Mr. FARLEY, (when Mr. FAIR's name was called.) I wish to make the announcement now for the rest of the week that the Senator from Nevada [Mr. FAIR] is paired with his colleague, [Mr. JONES.]

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. JONAS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. EDGERTON.] I announce the pair for the day.

Mr. SAUNDERS, (when his name was called.) I again announce my pair with the Senator from Kentucky, [Mr. WILLIAMS.] I will probably not announce it again to-day.

Mr. SAWYER, (when is name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

The roll-call having been concluded, the result was announced—yeas 20, nays 22; as follows:

YEAS—20.

Bayard,	Farley,	Johnston,	Ransom,
Brown,	George,	Lamar,	Slater,
Call,	Gorman,	McPherson,	Vance,
Coke,	Hampton,	Morgan,	Vest,
Davis of W. Va.,	Harris,	Pendleton,	Walker.

NAYS—22.

Allison,	Ferry,	McDill,	Platt of Conn.,
Anthony,	Harrison,	McMillan,	Platt of N. Y.,
Blair,	Hill of Colorado,	Mahone,	Plumb,
Burnside,	Hoar,	Miller,	Sewell.
Conger,	Ingalls,	Mitchell,	
Dawes,	Kellogg,	Morrill,	

ABSENT—34.

Beck,	Edmunds,	Jackson,	Saunders,
Butler,	Fair,	Jonas,	Sawyer,
Camden,	Frye,	Jones of Florida,	Sherman,
Cameron of Pa.,	Garland.	Jones of Nevada,	Teller,
Cameron of Wis.,	Groome,	Logan,	Van Wyck,
Cockrell,	Grover,	Maxey,	Voorhees,
Conkling,	Hale,	Pugh,	Williams.
Davis of Illinois,	Hawley,	Rollins,	
Edgerton,	Hill of Georgia,	Saulsbury,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio [Mr. PENDLETON] to the motion of the Senator from Tennessee [Mr. HARRIS] to make the hour of meeting ten o'clock to-morrow, instead of nine as proposed in the original motion, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. SAWYER. I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

Mr. BUTLER. I again announce my pair with the Senator from Pennsylvania, [Mr. CAMERON.]

The result was announced—yeas 19, nays 22; as follows:

YEAS—19.

Bayard,	Farley,	Lamar,	Slater,
Brown,	George,	McPherson,	Vance,
Call,	Hampton,	Morgan,	Vest,
Coke,	Harris,	Pendleton,	Walker.
Davis of W. Va.,	Johnston,	Ransom,	

NAYS—22.

Allison,	Ferry,	McDill,	Platt of Conn.,
Anthony,	Harrison,	McMillan,	Platt of N. Y.,
Blair,	Hill of Colorado,	Mahone,	Plumb,
Burnside,	Hoar,	Miller,	Sewell.
Conger,	Ingalls,	Mitchell,	
Dawes,	Kellogg,	Morrill,	

ABSENT—35.

Beck,	Edmunds,	Hill of Georgia,	Saulsbury,
Butler,	Fair,	Jackson,	Saunders,
Camden,	Frye,	Jonas,	Sawyer,
Cameron of Pa.,	Garland,	Jones of Florida,	Sherman,
Cameron of Wis.,	Gorman,	Jones of Nevada,	Teller,
Cockrell,	Groome,	Logan,	Van Wyck,
Conkling,	Grover,	Maxey,	Voorhees,
Davis of Illinois,	Hale,	Pugh,	Williams.
Edgerton,	Hawley,	Rollins,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, that when the Senate adjourns to-day it be to meet at nine o'clock to-morrow morning.

Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. DAVIS, of West Virginia. I believe it would be better to go into executive session and attend to the business we came here for than to adjourn to nine o'clock to-morrow morning, and I think by the consent of the Senator I will make that motion. I move that the Senate proceed to the consideration of executive business, and ask for the yeas and nays.

Mr. INGALLS. Can that motion be made pending a motion to adjourn?

Mr. DAWES. I raise the point of order that the pending motion being to adjourn——

The PRESIDING OFFICER. This is not a motion to adjourn. It is a motion that when the Senate do adjourn, it be to meet at a particular hour.

Mr. DAWES. I was not aware of that.

Mr. DAVIS, of West Virginia. I would advise my friend to look at the rule——

Mr. INGALLS. By Rule 43 motions relating to adjournment take precedence.

Mr. DAVIS, of West Virginia. I withdraw my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that when the Senate adjourns it be to meet at nine o'clock to-morrow morning, on which motion the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GROVER, (when his name was called.) I beg to announce for the day that I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. BLAIR. I wish to announce the pair of my colleague [Mr. ROLLINS] with the Senator from Florida, [Mr. JONES,] my colleague having been called away from the city for a few days by reason of the destruction of his property by fire.

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bayard,	Farley,	Johnston,	Ransom,
Brown,	George,	Lamar,	Slater,
Call,	Gorman,	McPherson,	Vance,
Coke,	Hampton,	Morgan,	Vest,
Davis of W. Va.	Harris,	Pendleton,	Walker.

NAYS—21.

Allison,	Ferry,	McDill,	Platt of N. Y.,
Anthony,	Harrison,	McMillan,	Plumb,
Blair,	Hill of Colorado,	Mahone,	Sewell.
Burnside,	Hoar,	Mitchell,	
Conger,	Ingalls,	Morrill,	
Dawes,	Kellogg,	Platt of Conn.,	

ABSENT—35.

Beck,	Edmunds,	Jackson,	Saulsbury,
Butler,	Fair,	Jonas,	Saunders,
Camden,	Frye,	Jones of Florida,	Sawyer,
Cameron of Pa.,	Garland,	Jones of Nevada,	Sherman,
Cameron of Wis.,	Groome,	Logan,	Teller,
Cockrell,	Grover,	Maxey,	Van Wyck,
Conkling,	Hale,	Miller,	Voorhees,
Davis of Illinois,	Hawley,	Pugh,	Williams.
Edgerton,	Hill of Georgia,	Rollins,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Ohio, that the resolution be indefinitely postponed, upon which the yeas and nays have been ordered.

Mr. PENDLETON. Mr. President, I intended to submit a few remarks to the Senate upon the resolution before it; but the speeches made by the Senator from Kentucky and the Senator from Alabama anticipated so much that I had to say that I feel very ready to yield to my friend from Massachusetts if he desires to go into executive session or even if he desires to do no business and adjourn.

Mr. HOAR, (in his seat.) We would rather hear your speech.

Mr. PENDLETON. The junior Senator from Massachusetts is extremely polite and I am obliged to him for the suggestion; but just at that particular moment I was addressing myself to the senior Senator from Massachusetts, [Mr. DAWES.]

Mr. HOAR. Mr. President, I trespassed on the courtesy of my colleague to express my very great desire to hear the speech of the honorable Senator from Ohio. I hope he will not disappoint us.

Mr. PENDLETON. Well, I will not disappoint you; but I should prefer to gratify you to-morrow.

Mr. DAWES. Does the Senator suggest that he would desire to proceed to-morrow?

Mr. PENDLETON. It would be rather more agreeable to me to go on to-morrow morning, but I have no disposition to trespass too much on either the courtesy of the Senator from Massachusetts, from whom I always receive a full measure of it, or upon the courtesy of the gentlemen on the other side, and while it would be convenient to me to go on to-morrow, I am prepared to go on now.

Mr. DAWES. If the Senator from Ohio cannot reconcile it to his duty to proceed with the public business this afternoon, I cannot refuse to yield to his appeal for an adjournment, he holding the floor for to-morrow morning. Therefore, I move that the Senate do now adjourn.

The motion was agreed to; and (at two o'clock and fifty-five minutes p. m.) the Senate adjourned.

WEDNESDAY, *April* 13, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered. The Senator from Ohio [Mr. PENDLETON] is entitled to the floor.

Mr. PENDLETON. I should be very glad to move that the Senate proceed to the consideration of executive business so that what I may have to say shall not detain the Senate one moment from the consideration of its legitimate duty, if such a course would be agreeable to my friend from Massachusetts who has charge of the debate.

Mr. DAWES. I beg the Senator's pardon; I did not hear him.

Mr. PENDLETON. I said I should be very glad to move that the Senate proceed immediately to the consideration of executive business in order that what I may have to say shall not detain it a moment from the business for which we have been called, if such a course would be agreeable to my friend, the Senator from Massachusetts, who has charge of the debate.

Mr. DAWES. Does the Senator desire to submit his remarks in executive session?

Mr. PENDLETON. I shall be very willing to do so.

Mr. DAWES. If the Senator will only consent to proceed at once to the disposition of the pending resolution we shall be delighted to hear his remarks in ten minutes. It will not take ten minutes to pass the resolution. Otherwise I think the Senator will have to overcome his modesty and make his remarks in public.

Mr. PENDLETON. I rather think, from the experience we have had, that it will take more than ten minutes to pass the resolution.

Mr. DAWES. The difficulty is that the Senator will not submit to the majority. That is the only difficulty in getting at it.

Mr. PENDLETON. Oh, "the majority" is but one-half, aided by a constitutional contrivance to get us out of a dilemma.

Mr. DAWES. However, I will not interfere with the Senator's choice. If the Senator prefers to reserve his speech until we get into executive session, if he thinks it will keep, I hope we shall proceed to act on the resolution.

Mr. PENDLETON. The purpose of my inquiry was to avoid having my attention called, as it was yesterday, to the fact that some of our friends on the other side of the Chamber were, perhaps unexpectedly, absent, and that it would not be fair to make a motion to proceed to the consideration of executive business.

Mr. DAWES. The Senator is entirely fair and frank about it. I have had some doubt whether the indulgence which the Senator exercised yesterday has a good effect on this side. I think if he would bring us up standing once on this side——

Mr. PENDLETON. If it is the desire of the Senate that I should do so, I will exercise that discipline at once.

Mr. DAWES. I am almost tempted to call the Senator to my aid. However, I will let the Senator proceed with his remarks.

Mr. BECK. Will the Senator from Ohio allow me to make a remark?

Mr. PENDLETON. Yes, sir.

Mr. BECK. I desire to say to the Senator from Massachusetts before the Senator from Ohio begins, as some little confusion grew up yesterday on the suggestion of the Senator from Rhode Island [Mr. BURNSIDE] and of the Senator from Massachusetts [Mr. DAWES] relative to the position of the Senator from Illinois, [Mr. DAVIS,] the

Senator from Louisiana [Mr. KELLOGG] has a written statement of the pair, which he communicated to me yesterday, which is, as I recollect it, this: The Senator from Illinois is paired upon all questions of executive sessions, voting "yea" as to such motions; as to all questions bearing upon the main resolution, voting "nay" as to all questions upon that, and not paired as to all questions of adjournment.

Mr. DAWES. Was it to that the Senator alluded yesterday when he said the wind had shifted?

Mr. BECK. No; the wind has been blowing pretty steadily against Massachusetts for several days, and I think it will blow that way a while longer.

Mr. DAWES. The Senator seemed to intimate yesterday that it had shifted. That was a relief to me.

Mr. PENDLETON. My acknowledgments are first due this morning, Mr. President, to the two Senators from Massachusetts; first and largely to the junior Senator [Mr. HOAR] whose polite impatience to hear me yesterday suggested that I should make last evening the few remarks that I intend to submit to the Senate; and more largely to the senior Senator from Massachusetts [Mr. DAWES] who curbed his impatience and moved that the Senate adjourn. I shall take care while I am in the Senate to repay such obligations in kind and with full measure. They add to the pleasure of our intercourse upon the floor.

This extraordinary course of insisting upon a change of the officers of the Senate at an executive session; this course which is without a single precedent in all our history of insisting that the business of the Senate and the business of the country and the business of the President, which so considerately and patiently in obedience to the provisions of the Constitution he submits to us from day to day, shall be delayed and postponed until the Senate shall be disorganized in order that it may be organized again, has been defended upon various grounds by its various apologists upon the floor.

In the very outset of the discussion the Senator from Pennsylvania [Mr. CAMERON] told us that the incumbents of these offices are worthy and excellent men; that they are faithful, industrious, intelligent, obliging public officers; that the service of the Senate cannot be found fault with; and yet he said "our republican candidates for these same offices are worthy men also, and inasmuch as we have the power we intend to elect them." The Senator from Massachusetts told us that the possession of the offices of the Senate naturally follows upon the possession of the committees of the Senate, and that inasmuch as we had submitted to have the committees appointed by the vote of the Vice-President, a proceeding which we found to be necessary to enable the Senate fairly to discharge the duties for which it was convened, we ought with equal alacrity submit that the officers of the Senate should be changed by the same vote, a proceeding which we humbly conceive will retard rather than expedite the fair and proper discharge of our duties.

The Senator from Illinois, [Mr. LOGAN,] I think, stated that the full power of the Senate in the organization of its committees and the appointment of its officers belongs to the shifting political majority which happens to be found here, and that we ought meekly and kindly (to use the words of one Senator if not the Senator from Illinois) to submit to the inevitable. Many Senators have told us, notably my colleague, [Mr. SHERMAN,] that the rule of a majority is the law of legislative bodies, and resistance to that rule beyond the point which the conscience of the majority can justify is irregular, improper, and even revolutionary. I think we were told by a Senator from Massachusetts that it contained in itself the very essence of treason. I do not care to quote that remark upon the Senator from Massachusetts, because when he was pressed by the argument of the Senator from Georgia, [Mr. BROWN,] with a good deal of unwillingness, and I cannot say with entire grace, he backed out of a position into which he had rather ostentatiously entered.

Mr. HOAR. Will the Senator allow me to say a word to him?

Mr. PENDLETON. Certainly.

Mr. HOAR. The Senator will find on looking at the RECORD that the qualification of the remark which I made, that he now speaks of as backing out, accompanied the original remark; and that when the honorable Senator from Georgia adverted to it, before he had entered upon his argument, I called his attention to the fact that I accompanied the remark which I had made with a distinct statement that I only referred to the consequence of his doctrine, and that I did not impute to him or to his associates in practice a determination to carry out the doctrine to that consequence. It was an original qualification. However, if the Senator will permit me, I wish to say that the statements which have been made upon this floor and the conduct of the gentlemen on that side warrant me now in imputing what I then declined to impute, and I do now so impute it. I propose to take a coming time to state the reasons of that imputation.

Mr. PENDLETON. I am sorry to see that the Senator from Massachusetts, having, as I think, made the statement from which he was compelled to recede, though he says, and I accept the fact, that he made it with qualification, now comes up to the position which I said he occupied and makes it without any qualification whatever. After we shall have heard his reasons I shall ask my honorable friend from Georgia [Mr. BROWN] to repeat with emphasis the argument that he made upon the point, and I feel very certain that the Senator from Massachusetts will retract again.

Mr. President, it would be very easy to show that all these various statements made by Senators on the other side of the Chamber so far as they are true are utterly inapplicable to the present condition of this discussion, as so far as they are applicable to the condition of affairs before the Senate they lose all their truthfulness and pertinency.

My honorable colleague, in a speech which he made the latter part of last week and of which I can say in his absence that it was extremely direct and forcible, touched upon all these various considerations, but he touched them so lightly and so carelessly as to show that he did not consider them as safe or even respectable stepping-stones for him; for he brushed past them in a moment and hastened to put this struggle in the Senate upon higher ground. At one bound he leaped to the height of this argument and told us that this apparently unimportant struggle which is going on here is in fact a struggle for political power in Virginia; that it involves in its consequences possibly the installation of the republican party in that State and the destruction of the democratic party there.

My colleague well knows for what he is contending. He well knows the prize which is put before the eyes of his party in this contest which is going on here, and, with a courage which will always be found equal to his desires, he hastens to avow it. It is, he says, a struggle for political power in Virginia, and it is this, he says, which lends interest to this contest in his eyes.

Sir, I am glad we have at last the simple truth stripped of all its disguises. It is no longer a question of the election of officers of the Senate; it is no longer a question of equipping the Senate for the discharge of its public duties; it is no longer a question of our convenience and comfort in the transaction of the public business which is committed to us; it is no longer a question of rewarding political favorites or reinstating faithful public servants. It is a struggle for political power in the State of Virginia at the coming State election; and the instrumentality to be used in that struggle is to clothe Captain Riddleberger with all the dignity, and all the importance, and all the moral influence which an election to a high office in the Senate, which close affiliations with the republican members of the Senate, which this unanimous vote of confidence by every republican Senator can give him; and also to strengthen his hand for that contest in Virginia by giving to him the power of the appointment of the sixty or eighty or a hundred employés of the Senate, and the power of dispensing the patronage of a hundred or more thousand dollars which will accrue in the shape of salaries before the next meeting of Congress. It is a struggle for political power in Virginia, and the instrumentality to be used is to give to this gentleman a brigade of the employés of the Senate, paid at the public expense, to perambulate that State and to watch and win legislative elections in doubtful districts by gifts and promises of offices and salaries, and everywhere to aid in swelling the aggregate of votes for the governor and other State officers. We are told that at the next election in Virginia a Legislature will be chosen which will have the selection of nine members of the supreme court of that State, who will hold their offices for twelve years, and all the fiscal State officers, and perhaps the magistrates and judges of the county courts.

This, democratic Senators, is the struggle to which you are invited. It has been proclaimed by the leaders of the republican party; it has been defined so that it cannot be misunderstood by my colleague. This is the gage of battle that is thrown down to us and I venture in your presence to take it up.

If for the purpose of acquiring political power by this means one-half of this newly-elected Senate can neglect the business of the country in confirming nominations; if for this purpose the newly-installed Administration can sit supinely by and see its friends refuse to consider its nominations and equip it for the discharge of public duties, to which task we of the opposition constantly invite you; if for this purpose grave Senators can invoke the doubtful and dangerous powers of the vote of the Vice-President to eke out a majority which the States and the people have denied to you on this floor, then we of the minority can use all the rules which have been established for the protection and guidance of the Senate to prevent the consummation of that great wrong.

We will invite you ever and continuously to go to the discharge of the public business. We will submit to your guidance in the order and the transaction of that business. We will faithfully and intelligently and industriously consider the nominations which your committees report to us. We will consider according to the best of our ability and advise according to our best judgment as to the treaties which your committees submit to our action; and when the public business is all discharged we will unite with you in adjourning the Senate; but we will not permit (much less will we aid the desecration) the holy things upon that altar, consecrated to the discharge of great public duties, sacred to the discharge of great public trusts, dedicated to the service of the country, and therefore for the service of all parties, but for the partisan uses of none, to be dragged from their high places and made the instruments of petty political warfare and the spoils of petty partisan triumphs. We will prevent this wrong. You may call it improper; you may call it irregular; you may call it revolutionary; you may call it treasonable; but we will prevent this great wrong, as we think it, and then we will appeal to the people, our masters and your masters, to decide the right between us.

Mr. President, this is no longer a question of a free ballot and a

fair count. The Senator from Illinois, [Mr. LOGAN,] who is not just at this moment in his place, with his fiery eloquence, seemed to desire for a day to give that phase to this struggle. The junior Senator from Massachusetts, [Mr. HOAR,] who knows how to depict every passion so strongly, from mournful lamentation to fiery indignation, and who lends to the intensity of his speech so much by his voice and his manner and his tone and his facial expression, seemed to me to speak with rather bated breath when he remembered that he approached this subject of a fair count fresh from the triumphs of the electoral commission. In the later days of this debate we have heard very little upon the subject of a free ballot and a fair count. It was too broad a farce. Since when, I should like to know, has the candidate for Sergeant-at-Arms of the Senate been made the very paladin of a free ballot and a fair count? Since when, I should like to know, has he been made the bearer of the oriflamme which marshaled the loyal hosts in that crusade? Surely it must have been since the time to which the Senator from Kentucky [Mr. BECK] called our attention, when, being a member of the Legislature of Virginia, this candidate for Sergeant-at-Arms appealed to the courtesy of a fellow-member to give him the floor, and then returned the compliment by moving to expel him. The man whom he proposed to expel was "a man and a brother." He may not have been the Moses of his race, but he was in the very vanguard of those who were following some beckoning Moses and had reached the fair places of the Legislature of Virginia. To use the poetic language of the Senator from Massachusetts, his sandaled feet were climbing to the summit, the light of the morning illumined his brow, and like—

Jocund morn stands tiptoe on the misty mountain-top,

with the glad tidings of great joy to his race, when this ruthless Riddleberger moved to expel him from the high places which he had reached, because he was a negro and a debt-payer, and a republican in particular, and a nuisance in general. Since when, I should like to know, is it that the division of the democratic party in Virginia led by the Senator from Virginia [Mr. MAHONE] has become the champion, the special and *par excellence* champion of this battle for "a free ballot and a fair count?" I have looked somewhat curiously into the literature and the history of that division of the democratic party, and I cannot find that the special championship of "a free ballot and a fair count" was ever attributed to it by the republican party of Virginia or by the democratic party of Virginia or was even claimed by that division of the party itself.

My colleague said that there had been no bargain and no arrangement and no trade in reference to this matter; that those who said so were using unworthy words. Mr. President, I take the statement of my colleague as he made it. I know nothing beyond the statements of gentlemen and the acts which have been done here in public; but, sir, I do know and all the world that knows anything about this matter knows that on Friday the vote of the Senator from Virginia transferred to one-half of the Senate known as the republican party the control of all the committees of the Senate, and that on Tuesday the caucus of the republican Senators unanimously nominated for Sergeant-at-Arms a man for the introduction of whose name the Senator from Virginia a day or two afterward announced that he was alone responsible.

I put it to my candid friend from Iowa who sits before me [Mr. ALLISON], if the Senator from Virginia had not voted to give the republican party the control of the committees of this body would a republican caucus ever have heard of the name of Riddleberger? Would they have taken from the five millions of republicans who are ready to serve the Senate in this capacity, would they have taken from among them all, this democratic Riddleberger? If my friend from Iowa, with his usual modesty, does not like to answer that question, I will transfer it to the senior Senator from Massachusetts who has charge of this debate, and I will ask him whether if the Senator from Virginia had not given the control of these committees to the republican half of this Senate, the name of Riddleberger would ever have been mentioned in your caucus in connection with the nomination for an office in the Senate?

What! silent still? and silent all?

Mr. DAWES. Mr. President.

The VICE-PRESIDENT. The Senator from Massachusetts.

Mr. DAWES. The Senator from Ohio does not quite do justice to this side of the Senate Chamber when he insists upon putting in his speech that we are silent because we do not break in upon his speech. [Laughter.] Mr. President, if the Senator prepared at home this statement, "Silent one and silent all," it is highly proper that he should now insert it in his speech. I take the liberty, however, to say to him that he has no right to assume that there is no answer to his speech because he cannot be interrupted just at this moment to spoil the figure which he prepared at home and committed to memory for this occasion.

Mr. PENDLETON. It is very apparent, Mr. President, that the Senator from Massachusetts dislikes to interrupt me, and therefore he refuses a simple answer of "yes" or "no" to the question I propounded.

Mr. DAWES. Mr. President, the Senator commenced his speech with beautiful compliments to me for my courtesy——

Mr. PENDLETON. You deserved them all.

Mr. DAWES. For which he is kind enough to say I was deserving. How could I interrupt that flow by injecting into a beautiful figure prepared, with the audience all notified that it was coming, by anything which I preferred to say after he had got up?

Mr. PENDLETON. And still, Mr. President, I have no answer to the question whether the name of Riddleberger would ever have been heard in a republican caucus unless the Senator from Virginia had voted to transfer the committees of the Senate to the Republican portion of it.

Mr. President, I say that the vote of the Senator from Virginia [Mr. MAHONE] was given on Friday; I say that the nomination of Riddleberger by the republican caucus occurred on Tuesday following. I have shown the *post hoc;* I leave my worthy colleague to argue the question of *propter hoc* with those who are inclined to debate it. For myself I say nothing.

When the awful silence of the court was broken upon a very notable trial by a voice from the gallery which said, "Werry right, Sammy; always spell it with a 'we,'" and the irate and dumfounded judge said, "Mr. Weller, do you know who that was that interrupted the court?" Sam said, "I rather think it was my father." "Do you see him now?" said the frowning judge. "No, I do not," said Sam, staring right up into the lantern in the roof of the court. "Have you a pair of eyes?" said Sergeant Buzzfuz. "I have a pair of eyes," said Sam, "and that is just it. If they wos a pair o' patent double-million magnifyin' gas-microscopes of hextra power p'raps I might be able to see through a flight o' stairs and a deal door; but bein' only eyes, you see, my wision is limited." [Laughter.]

Mr. President, I heard something said in the debate the other day about "the Ohio idea." I do not think the gentleman who spoke of it quite understands what it is. The Ohio idea is the absolute equality of all men before the law; absolute and equal justice to all men by the law; and, in the administration of our State affairs, the administration of the few powers committed to our State Legislature by the Constitution in such wise as that every man may pursue his own avocations and his own scheme of domestic life according to his tastes and his judgment and his habits and his education to such extent, without interference by sumptuary laws, as is consistent with the order of society and the peace of the community. And in national affairs "the Ohio idea" is the absolute performance of every act to which the plighted faith of the nation is given. It is that no classes and no industries shall be fostered and benefited by subsidies and bounties paid out of the common treasure and the common labor. It is that our financial system shall be so regulated and ordered as that labor shall find abundant employment and receive a steady and adequate reward. It is that that system shall be so ordered and administered that when vicissitudes over which we have no control and which we cannot prevent, wars and convulsions and exigencies of other nations, shall drain from us, as they always have at intervals and always will, the precious metals, our domestic trade shall not stagnate for want of a currency, and labor shall not starve and debtors shall not become bankrupt. It is that no combination of corporations or of capital shall dictate vetoes and defeat refunding acts. It is that the man shall stand higher than the corporation. It is that the interest of the people shall stand higher than the money power. It is that everywhere in State and in nation the active brain and the sinewy frame and the lofty aspirations of the poor and the lowly shall have before the law an equal chance in the race of life with all others. And it is that, cultivating these fundamental ideas, we shall stand abreast with an active, progressive, humane, humanizing civilization, whose constant advance is such that the unseen of yesterday becomes the goal of to-day and the starting-point of to-morrow.

This is the democratic "Ohio idea." It is the ideal of Ohio democracy.

And there is another instruction which that great Commonwealth which I am so proud to call my mother enjoins upon all her sons of all parties and persuasions; that when they are intrusted with great public duties they shall perform them so honestly, so faithfully, so intelligently, as that when any party in the country seeks for one whom to invest worthily with the performance of great duties and the possession of great powers and the enjoyment of great honors, it will turn instinctively to her. Do you ask me for a proof? I would point to my honorable colleague of to-day; I would point to his illustrious predecessor in this Senate, my honored colleague of the last session.

Mr. President, the constant cultivation of these principles, which are called our Ohio idea, has given to the people of that State a very high appreciation of the right of suffrage. We believe that it is the right preservative of all rights, and that it lies at the very foundation of our whole fabric of government. Our people are sensitive about its enjoyment everywhere. They hear with not entire complacency of the restrictions that are put upon suffrage by the laws of Massachusetts, but they recognize the constitutional right of Massachusetts to regulate the right of suffrage within her limits in her own way, subject only to the constitutional amendment; and therefore, however much dissatisfied, they do not feel at liberty to find fault. They hear, not with entire satisfaction, of the restrictions imposed by the State of Rhode Island upon her citizens of German and Irish descent, so valuable a part of our population, so intelligently exercising the right of suffrage with us; but she admires the sturdy manhood of Rhode Island's Senators who in these days rise upon this floor

and in the strongest terms assert the validity and the virtue of the conservative doctrine of State rights.

The people of Ohio are sensitive upon the infraction of the right of suffrage anywhere and everywhere, and they are just as sensitive to an infraction of the right of suffrage when it comes from the mill-owners of Massachusetts as when it comes from the white people of the South; but the people of Ohio, I am proud to say, do not sit with open, eager ears anxious to hear evil accounts of their neighbors, whether North or South. When we hear from a defeated candidate for governor of Massachusetts of the great wrongs imposed upon the laboring classes of Massachusetts; when a committee of this Senate makes its report that great wrong has been done in various of the counties and towns of that State, we listen patiently to the honorable Senators from that State who deny that the accounts are true, who assert that there is no illegal limitation upon a free suffrage there. We find them upright and honorable men in all the avocations in which we are brought together upon the floor of this Senate; and the people of Ohio regard their denial and are glad to believe that the stories are at least greatly exaggerated. When we hear of outrages committed in the South upon the negro population in depriving them of the right of suffrage there, we call upon her Senators for information as to the facts. If it relates to South Carolina we call upon HAMPTON and BUTLER; if Alabama, upon PUGH and MORGAN; if Mississippi, upon GEORGE and LAMAR; if North Carolina, upon VANCE and RANSOM. They are men well known to the Senate, well known to the country, men in whose keeping every man in this Senate, whatever may be his political persuasion, would put his honor and his property and his life; and we ask them what of these stories that we hear coming up from your States, and one and all without default they rise in their places and say to us, These stories are false, or they are exaggerated, or a personal difficulty has been made to grow into a political disorder, and that which would be elsewhere called personal antagonism and private murder is here made a political mob and a riotous assemblage followed by assassination.

Gentlemen, we believe them; gentlemen we believe, we, the people of Ohio, that these accounts are coming to us either manufactured or exaggerated. We know that our own populations are not free from crime; we do not expect that yours will be. We know that wrong and robbery, that outrage and assassination belong to this active race of ours. We know that political misdeeds are to be found everywhere. In my own State as I have said, the State of Ohio, we value above all things a free ballot and a fair count, but we have had our difficulties too. On the morning of election day it frequently happens that a black cloud arises in Kentucky just below the Ohio River and extends to West Virginia, and the cities of Cincinnati and Portsmouth and Marietta and Ironton and all the river cities of our State present such an appearance upon the streets and sidewalks that you would suppose that the exodus from North Carolina of last year had been thrown in that morning upon our borders, but by ten o'clock the sun has come up, the black cloud has been dispersed, the negroes having voted, and we return to our normal condition.

We have had ballot-box stuffing; we have had criminal judges of election; they are to be found everywhere. We know how to distinguish between these exceptional wrongs and an organized system of intrusion upon the freedom of the ballot. We expect the one thing to be found at the South and at the North, as it is with us in Ohio; but we do not expect to find either in the North or in the South, either in South Carolina or in Massachusetts, systematic violation of the law which gives to the negro the right to vote in Mississippi as it gives to the laboring population the right to vote in the North. I tell you, Mr. President, and I tell you gladly, that while the people of Ohio are not less sensitive to-day than they ever have been to the outrages upon a free ballot and a fair count, they are to-day less credulous than they have been. They do not fail to see that this wonderful crop of stories increases just before every election at the North, or when we have a debate of a political character in Congress. They do not fail to notice with pain the fact that the senior Senator from Massachusetts the other day came into the Senate with a pitiful tale of an old man who had carried his fortunes and his family and his life to Mississippi and had there invested his money, and after years of habitation his factories had been burned, his employés murdered, and he himself driven to return to Massachusetts whence he went; and they will note with astonishment added to that pain, permit me to say, that when a Senator from Mississippi rose in his place and asked the name of that man already in Massachusetts, asked the locality in which all this had happened, asked it, as he said, that he might investigate the truth, the Senator from Massachusetts declined to give the name, declined to give the locality, declined to satisfy him in any respect so that he might investigate the story, and when, forsooth, he was pressed to the point, with very scant courtesy he only admitted that he had stated a factory was burned when in fact it was a cotton-gin.

Sir, the people of the Northwest will note this thing; they will note the stories that are told which have no name and no locality in which to track them. They will note another thing, and that is that Senators upon this floor, more than one of them, the Senator from Massachusetts who sits before me, [Mr. HOAR,] the Senator from Connecticut, not now in his place, [Mr. HAWLEY,] my colleague from Ohio, [Mr. SHERMAN,] have all repeated in divers shapes and forms that it is not the South that they hated; not the South that they were combating; not the South against which they leveled the anathema of their rhetoric; but that it was against the Bourbon democratic party that they would be found forever making war. Ay, Mr. President, it is the democratic party, and not the outrages at the South, against which they made war; the people are beginning to understand, and it will not be the fault of this debate if they do not make great progress in understanding, that it is not the rebellion, that it is not the confederate brigadiers, that it is not the outrages upon the negroes of the South, but that it is hatred for this democratic party of ours, North as well as South, which inspires the fervor of your philanthropy and the greatness of your efforts. They are fast coming to understand that if the white population of any State in this Union should send members of Congress belonging to the republican party to the Senate and the House of Representatives, if it should elect members of the electoral college of the republican party, then the white population may do what it pleases within the borders of the State as to the conferring and securing the right of suffrage there.

Mr. President, we have heard something of "the solid South" in this debate. At the last election, from Maine to New Jersey we had a solid New England; from New Jersey to Missouri we had a solid central belt; from Missouri to the lakes we had a solid Northwest; and not one of these solid sections of the country had the justification or the apology which "the solid South" presents to us. The South is confronted with a great domestic problem, truly said by the Senator from Connecticut to be one of the painful problems of government. Four millions of people, without act of the white people of the South, lifted at once into the rights of citizenship and suffrage; four millions of people, without fault of theirs, the most ignorant and unfit to exercise the right of suffrage; and you gentlemen, you who are responsible for this state of affairs, you gentlemen seeing this grave question presented in all its painful and all its mournful and all its difficult and intricate aspects to the people of the South, you gentlemen insist, because the exigencies of political warfare in Northern States have seemed to require it at your hands, you insist upon flooding the ears of the people of the North with tales of horror and outrage, and by the reflection of these stories and by the agency of your minions you teach these enfranchised negroes that the white men among whom they live and who were their former masters are ready to enslave them again and deny to them every right, and refuse to them the right of suffrage and treat them with hardship and wrong-doing; and thus you separate the two races at the South, while you know and avow you know that the only solution of this great question is that the two races shall live in harmony and peace, with confidence in each other, and divide, as all other classes of the community everywhere of whatever nationality are wont to divide, as between the controlling and striving parties of the country. Peace between the races is essential—confidence and kindness between them. This is the only solution of this great question, and against this solution, I am bound here, and sadly, to say it, the republican party has steadily and always set its face.

I listened with infinite satisfaction to the speech which was made yesterday by the junior Senator from Alabama, [Mr. PUGH.] It was wise, it was patriotic, it was humane, it was statesmanlike. I wish it could be put into the hands of every man in the Northern States, for I believe that it would show to him, whatever his political proclivities and prejudices may be, that the intelligence and virtue and purity and integrity of the people of the South are struggling with this great question, and that they intend to produce a solution of it which shall at once secure the amplest right of suffrage to the negro and the peace and order and well-being of the community in which he lives.

Mr. President, even at the risk of repeating in a feebler way a once told and powerfully told story, I desire to emphasize two or three sentences uttered by that Senator and call the attention of the Senate and, as far as I can, of the country to his wise utterances upon this subject. He says:

> We know from long association and experience with the negroes of the South that they are easily controlled by appeals to their ignorant race fears and prejudices; and when they are told by republican candidates and stump speakers that the white people held them in slavery and opposed their emancipation and would re-enslave them if they had the power, and that the whites of the South are their enemies and oppressors, the necessary and unavoidable effect of such appeals is to band them together as a race; and when the whites see this mass of illiteracy thus organized and controlled by wicked men for evil and ruinous purposes, the natural and inevitable counter-effect is to force the white people together as a race for self-preservation. For these reasons and causes the presence of this frightful mass of illiteracy in a distinct race, whose ignorant prejudices are easily inflamed against the whites, is the source of all our troubles and a standing menace to our society, peace, good order, industries, and local governments. The highest interests and welfare of both races demand that their relations shall be friendly, and the whites recognize the fact that the negro, in his present condition of illiteracy, is the helpless victim of wicked men, and every intelligent, honest, Christian man feels the obligations of a great Heaven-imposed trust to take care of this weaker and defenseless population, and to govern and control them in the right way, so as to prevent their ignorance from causing them to be converted into enemies of peace, society, property, and civil government. If trusted with the discharge of this high public duty, according to our best ability and judgment, it would be but a few years before all these race troubles and difficulties involving the South on account of negro suffrage would forever disappear; and then "the solid South" would cease to be a standing menace to the republican party, and intelligent, moral, honest, Christian white people at the South would divide on governmental theories and principles, and questions of tariffs for revenue and protection, and currency and finance, and internal improvements and civil reform and administration, and array themselves in different parties.
>
> * * * * * * *

What the Senator affirms—

Speaking of the Senator from Connecticut, [Mr. HAWLEY]—

of the capability of "intelligence and morality to deal with the whole great question of impartial suffrage," the South affirms in reference to the capabilities and willingness of its intelligence and morality to deal with the question of negro suffrage and the execution of the fifteenth amendment in letter and spirit. * * * As I have already suggested, not only is the "intelligence and morality" of the South capable, but willing and anxious to secure the benefit of a free and unpurchased ballot to all qualified by law to exercise it.

Words of wisdom which I wish could ring in the ears and fall deep into the hearts of all the sectional parties in this country that they might gather from them a new inspiration of patriotism and a desire for a higher and more advanced civilization. Sir, I am no friend to the solidarity of sections anywhere. The solidarity of sections in this country means a doubt either as to the peace of society or the true bases of government. I would be glad to see those questions put upon an enduring and satisfactory foundation so that men in every section would differ as to economic questions, differ as to the administration of the Government, as we know that this race of ours, descended from the Anglo-Saxons and the Anglo-Normans and the Celts and the Latins, this composite race of ours, with all its activity of intellect and of energy, will always differ upon questions that are brought before it. I will rejoice to see the day when under beneficent auspices, doing good to all and injury to none, this consummation shall be finally achieved, that all races and all sections of all races will differ as to the questions of government as men differ upon all the problems of life. In the mean time let it be understood everywhere that the people of Ohio will insist that there shall be everywhere, in the South and in the North, absolute and complete freedom to deposit a lawful ballot and absolute and complete certainty that it shall be honestly counted. Nothing less will satisfy them. Our system of Federal government gives them an interest in this "free ballot and fair count," and they will insist upon it with all the moral influence which their intelligence gives them and with all the power which their numbers and the Constitution enable them to wield.

Mr. President, I have noticed that with a tone and an emphasis, which savor somewhat of scant courtesy, gentlemen upon the other side of this Chamber have repeatedly spoken of "the Bourbon democracy." What is "the Bourbon democratic party," as these gentlemen term it? It is that party which last November so equally divided the population of this country, its fifty millions of people, as that the petty, trifling number of 3,500 transferred to us would have given a popular majority for our candidate. This Bourbon democratic party is the party of Jefferson and Madison and Monroe and Jackson and Polk; it is the party that gave to us Louisiana and Florida and Texas and New Mexico and California; it is the party that a hundred years ago, laying aside kingcraft upon the one side and mere confederation on the other, made this Constitution and for sixty years so administered it that in the Government during all that time there was no law higher than the Constitution itself. It is the party which in the cycle of its years has drawn to itself every able and patriotic statesman who was not willing to walk in the wicked ways of sectionalism. It is the party which in storm and tempest and winter blasts has stood like the ocean rock unmoved and immovable, while around its base all other parties, the things of a day, this boasted republican party included, have surged and swayed with uneven and inconstant motion like the waves that obey the fitful bidding of the fickle moon. The spray may have covered its sides; the waters may have washed its summit; but every recession of the storm has shown that its light was unquenched, its luster undimmed, pointing out the dangerous rocks that lie yonder, and illuminating the pathways of safety that lie by its side. And you ask the Senators of this party to enter actively with you upon a crusade which is intended to foist the republican party on the State of Virginia! You ask the Senators of this party to prostitute the offices and emoluments and patronage of this Senate that they may be used in the seduction and debauchment of the people of Virginia at her next State election. Gentlemen, we will not do it. You forget what this Senate is. Three quarters of the States may change our Constitution, but the organization of this Senate cannot be changed except by the consent of each State itself. You forget that we are one-half of this Senate, the peers of you all, the representatives of States which with slight limitations are sovereign. You forget the character of the work in which you invite our co-operation. Gentlemen, I tell you now, I tell you here, you will not have that co-operation for that purpose at any time.

Mr. DAWES. Mr. President, it was not my purpose to occupy the time of the Senate even for a moment and I should not do so now if the Senator from Ohio [Mr. PENDLETON] had not put on—I hope he will not think it offensive for me to say so—an air of triumph and disappointment that he was not interrupted by me upon an appeal which he made.

I desire simply to call the attention of the Senate to the debate itself. The debate against the passage of these resolutions was commenced by those who were opposed to them in this Chamber, and has been controlled by those opposed to the will of the majority of this body. The majority have contented themselves with meeting from time to time what has been presented by the other side. The Senator from Ohio himself commenced it, representing so worthily and so properly the party on the other side, with a prepared speech such as he always makes, and such as always entitles him to receive, as he does, the attention of the Senate. From time to time during the debate he has participated in it in the same character, and to-day with a more carefully prepared and elaborate speech he has spoken again, I have a right to say, for the party which he represents. It is therefore quite instructive to take a short and brief retrospect of this debate, and see whether there is any lesson in it.

I accord to the Senator the credit, which is his due, of attempting from time to time to lift it up, if he could, out of the channels into which his associates carrying it on have dragged it; and in so doing the Senator has left his own record along through it, and he has helped, as to-day, to tell us how it has grown apace in these few weeks, how little to-day it resembles the debate which he himself launched upon the country in opposition to these resolutions. No more favorable sign of the times comes up to cheer and strengthen and encourage us to meet that debate as those on the other side shall choose to present it, than the fact that they who began and carried it on are quite as little satisfied with it as any one else.

When the Senator rose in his place as the representative of the democratic party in opposition to the proposition that the majority should rule in this body, his complaint was that this was an executive session of the Senate; and the debate proceeded on that side upon the narrow and pitiful point that it was improper for the Senate of the United States to make choice of its own officers, even if its own majority should so decide, at an executive session which was being held in this end of the Capitol in the absence of the House of Representatives. When that point slipped out of sight, there came forth next in the progress of the debate that it was unseemly haste, that the incumbents of these offices were taken unaware and had not set their house in order, and that such notice as would give them opportunity for that proper official duty of theirs which is always to be ready to render an account of their stewardship should be afforded, namely, until the December session, and then there would be no opposition to the will of the majority on that side of the Chamber, and the attempt was made to justify a defiance of the will of the majority of this Senate upon an equally small and pitiful complaint that these officers did not know that they held their offices at the will and command of a majority of the Senate. That did not satisfy the Senator from Ohio longer than a day or two; and then it was thought advisable to change the front of this debate and discussion, always under the control of his side and of him as their leader. They turned their batteries then upon the propriety of the majority's selecting themselves their candidates and undertook to announce that their opposition to the will of the majority was founded upon the impropriety of that majority having selected a distinguished citizen of Virginia for the office of Sergeant-at-Arms of this body; and the whole line of their attack rattled with the musketry of the other side fired upon the head of a single person named in one of these resolutions, and it was announced on the other side, withdraw one particular man from your resolutions and there shall be no further opposition to the will of the majority of this body. It having occurred to some minds on the other side during the debate that that was quite as narrow a ground to stand upon as any, and that whether the majority had selected for that office just the man that the minority would have selected was not a question for the minority to determine, but a question for the majority itself to decide upon under its accountability to that higher majority which is omnipotent in this nation, it was thought wise to progress a little further in this debate, and to say, no longer that this is an executive session, no longer that we are exhibiting mere indecent haste, no longer that you have not taken the man for Sergeant-at-Arms that we would take, but it is that there is associated with you a man who ought to have voted with us. It was not that this man was not good enough to vote with us; it was not that we could not have affiliated with him; it was not that we did not hold out what the Senator from Missouri [Mr. VEST] called our amorous arms, into which we sought to bring him. Oh, no, that was not it; it was because in spite of all our blandishments, in spite of all our temptations and inducements, in spite of the fact that we had failed before the people of his own State to drive out or to crush him, in spite of the fact that the great work in which he was engaged had outlived all the assaults of the other side, he still lives a power in his own State, clothed with its authority here in this body, a freeman, to take his place on which side of this Chamber his own conscience and his own judgment, and that alone, and the men who sent him here should dictate; it was because in spite of it all he took upon himself the liberty of his own manhood and took his own place upon this side, after committees on the other side had waited upon him, had bowed to him, not one alone, two or more, one after the other had approached this man whom they now discover to be a leper, and had said, "Though your leprosy be as offensive as it may be, if you will only come and stand with the democracy that has endeavored to slaughter and annihilate you, if you will give this power the people of Virginia have intrusted to you to a party that has endeavored to crush and annihilate you, you have no sins on your head that will trouble us at all. You have no disease so offensive even to the Senator from Mississippi that we will not take to our bosom. Do you want any place? Tell us where we shall put you, what will be most agreeable to you on our committees. Tell us where, if you will only stand with us, you would like to have us put you, and all will be well." Has anybody forgotten, does not the Senator from Ohio find new reason for coming here this morning to change the front of this debate in the knowledge that has gone abroad of the failure to get the vote of this Senator from Virginia in the election to the office

of Sergeant-at-Arms of one who still affiliates with them? Is not the Senator from Ohio aware that Virginia knows that this is only an afterthought; that but a few weeks before this session met they had a new candidate for Sergeant-at-Arms who could be elected Sergeant-at-Arms if he could but command the vote of this corrupt man? Has the Senator just heard, and therefore felt, that it is quite necessary to change this debate, that offices were tendered to him if he would but take his stand with those who had undertaken to annihilate him and his power and the power which sent him here in the State of Virginia?

Mr. PENDLETON. I wish the Senator would be a little more explicit. He is talking about something that I do not comprehend at all. I understood him to say something about another candidate for Sergeant-at-Arms that he or we or somebody would have put up some time ago, that was not done for some reason or other, and I understood him to say that offices and honors were tendered to somebody if he would give a vote on our side of the House. I do not know exactly to what the Senator refers, and I should be glad to have a more explicit statement with any authority he may have to give.

Mr. DAWES. Perhaps it was wise that the Senator who is spokesman for that side should not have been furnished with the details.

Mr. PENDLETON. I would be glad if the Senator would inform me, as I have not been informed before.

Mr. DAWES. The inquiry I made of the Senator was whether it had just come to his ears.

Mr. PENDLETON. That what?

Mr. DAWES. That there were efforts being made before this Senate convened and after the Senate convened that Senators have, representing themselves to be of the committees for the arrangement of the committees of the Senate, approached the Senator from Virginia with propositions.

Mr. PENDLETON. I hear it now for the first time, and I should like the Senator to name the committees to which he alludes or the gentlemen who represented themselves as such.

Mr. HARRIS. I desire to say to the Senator from Massachusetts that I chanced to have been a member of the committee for the arrangement of committees when this side of the Chamber supposed it had the power to control them, and if any candidate for Sergeant-at-Arms or any official position of any grade or any character was ever offered to the Senator from Virginia upon condition that he would vote with this side, I have never heard it, and I do not believe there is one word of truth in the insinuation made by the Senator from Massachusetts.

Mr. COCKRELL. And nobody else ever heard of it.

Mr. DAWES. I had no doubt of this response when I made the assertion. The Senator from Tennessee says he was of the committee——

Mr. HARRIS. I said I was of the committee for the arrangement of the committees.

Mr. DAWES. I so understood the Senator, and I was about to say that he spoke with exceedingly prudent precision. I have not made any statement that any such committee made propositions to the Senator from Virginia in regard to any candidate if he would vote with them. I did say, I repeat——

Mr. HARRIS. I beg the Senator from Massachusetts not to deal in innuendoes. If there be a Senator upon this side of the Chamber, or a number of Senators upon this side of the Chamber, that he understands has made any such proposition or suggestion as the one he intimates, I ask him to do this side of the Chamber and himself the justice to name the man or men and to deal no longer in innuendo or hide himself in the ambush of innuendo under the vail of insinuation in respect to a fact such as the one he would have the Senate and the country believe. Name your men, and if you do not, I repeat I do not believe that there is one word of truth in the intimation or insinuation thrown out by the Senator from Massachusetts.

Mr. DAWES. The Senator from Tennessee plays an old worn-out *rôle* in this Chamber. The Senator will not hold a threat over me or my liberty of debate here according to my judgment.

Mr. HARRIS. I only invite the Senator to tell the truth.

Mr. DAWES. The Senator from Virginia and Senators on the other side know whether what I speak is true or not. This I said, that they undertook to catechise out of me in the early part of this debate that the republican party had had conferences with this man when that was true on their side of the Chamber; and I said further that before this Senate met negotiations were in process by the other side of the Chamber, and I said it, sir, to the Senate in response——

Mr. BUTLER. May I ask the Senator from Massachusetts whether he states as a fact that the Senator from Virginia was open to negotiations from anybody for his vote? That I understand to be the effect of the statement.

Mr. DAWES. Who can tell what the Senator from South Carolina understands? What I said authorizes nobody to understand that.

Mr. BUTLER. I think, if the Senator will pardon me——

Mr. DAWES. That would be more than I have power to do.

Mr. BUTLER. The Senator certainly has the power to be very pert and not very polite. He certainly has that power, and I shall yield him the monopoly of that part of the debate at least. He certainly shall have the advantage of me in that respect. I asked him what I supposed to be a very civil and a very polite parliamentary question. He replies in a very bad temper, in a pert and I must say an impolite manner. If that is to be the character of the debate, I shall decline to enter into it. I asked him a very simple question, and that was this: I certainly understood him to say that negotiations had been opened with the Senator from Virginia before the Senate met; and I simply asked him if he meant to intimate that the Senator from Virginia would permit himself to be negotiated with by anybody; that was all.

Mr. DAWES. I supposed the Senator understood what I meant, and now that I discover that the Senator did not understand it, let me state that I did not say that the Senator from Virginia had entered into any negotiations, or at least I did not intend to say so. I said and meant to say that they undertook to enter into negotiations with the Senator from Virginia. I do not mean to say that any Senator on the other side in person made that attempt, but I undertake to say, I am informed from Virginia and from sources in which I have the utmost confidence, that representative men on that side did undertake to enter into negotiations to have their man selected, and went with the assurance that if his vote could be commanded that man could be elected. Everybody knows if that be so that it required the entire vote of the other side also to accomplish that fact.

Sir, it is wise for the other side to be in such a position that they are able to make the demonstration they have made here this morning. It would have been the height of stupidity and folly to have undertaken this in any more open way.

All I desire to say is that everything which has been charged by the other side upon the republican party as a reason why the Senator from Virginia has of his own free choice deliberately determined that as between the two sides his convictions and his work call upon him to join with us in this organization, finds in fact its foundation in the consciousness of the other side that it is the failure of those efforts on their part that have given bitterness and virulence to the attacks upon the Senator from Virginia.

Mr. PENDLETON. I understand the Senator from Massachusetts to have said that by representative men negotiations were entered into with the Senator from Virginia by which certain offices in the organization of the Senate, and perhaps certain offices in the organization of the committees of the Senate, would be given him or put into his control if he would give his vote for the organization with this side of the Chamber. Am I right?

Mr. DAWES. No, Mr. President——

Mr. PENDLETON. Now will the gentleman state it again?

Mr. DAWES. I say that it was attempted on the other side to negotiate with the Senator from Virginia and to ascertain from him what his wishes were in connection with that side, and what would be most agreeable to him. I think there are persons within the sound of my voice who will recognize what I now say when I state that he was informed that the democratic party had got sick of Bourbonism in Virginia and were desirous of joining with him in this new departure, and with a few exceptions were ready at this moment to make common cause with him if he would make common cause with them.

Mr. PENDLETON. I desire to say that so far as I know, so far as I have heard, and so far as I believe, the information given to the Senator from Massachusetts is absolutely false.

Mr. DAWES. I am glad the Senator has been kept unadvised in this matter. I should expect he would be, for he is the man to speak for his party, and he should be, as he is, kept in the dark. He should believe, as I have no doubt he does, what he has uttered to-day, that the party which he so gallantly leads is that great and glorious party likened unto the sun of heaven, with the rhetoric and the figures of speech that glow even now in the sunlight and echo around these Chambers. All this was necessary for him. I do not charge the Senator with concealment or disingenuousness; I charge no man on that side with anything of the kind. I admire the perfect precision of language in which the Senator from Tennessee indulges this morning when he says, "I was on that committee." I admire even the Senator from South Carolina more than he gives me credit for, when he comes up here and makes amends for all there is behind in the show of perfect faithfulness with which he can indulge with so much propriety here in the Senate Chamber.

Mr. BUTLER. May I be permitted——

Mr. DAWES. But I want to get through. Will the Senator pardon me a moment?

Mr. BUTLER. The Senator says he has not the power to pardon me. He certainly has the power to explain when he indulges in insinuations of that kind.

Mr. DAWES. Allow me to proceed with the few remarks which it occurred to me while the Senator from Ohio was speaking that I ought to make. I had got as far in the progress of this debate, its growth if not in grace certainly in the desire manifested on the other side of the Senate Chamber to lift it up to some platform upon which it could stand before the American people—I had got so far as the resolve on the other side to turn it into an attack upon the Senator from Virginia. It was legitimate for me to call attention to the fact that if the Senator from Virginia had found it in the line of his duty to have co-operated with the other side there was nothing in the Senator's political opinions, there was nothing in the purpose which the Senator avows dearest his heart in the organization which he leads in Virginia, there was nothing in his association with Riddleberger even, there was nothing about the Senator from Virginia that would not have permitted them to have hailed and welcomed him to their side.

They do not bring here at the door of this accusation against him one solitary reason for this attack except that the Senator has in his judgment come to the conclusion that the party determined to crush his political work and life and purpose in the South was not the party with whom he ought to affiliate. It is passing strange (if we did not hear it here all the day long from sources we are bound to believe are sincere no mortal could be made to believe) that the Senator from Virginia could be so stupid, so insincere, so determined upon suicide as to listen to the party who come up fresh from Virginia in the fight with him and say, like the spider to the fly, "Walk into my parlor, my dear." The Senator, as I have said before, would have forfeited all claim to sincerity in what he has been doing as well as all claim to common sense if, after having come out of a hand-to-hand fight with the men on the other side, he would instantly have surrendered and gone over to them.

Sir, the Senator took his stand himself; he took it deliberately; he asked no questions; he made no terms; he had no negotiation; he received no committees; no men went to him from our side and told him that with his vote "I can be elected Sergeant-at-Arms of this body." No man went to him from our side and told him, "what offices do you want, sir?" No, without conference, determining for himself where his great work lay, resolved upon the accomplishment of it and upon availing himself of all the means within his reach for its accomplishment, with a clear-sighted comprehension of the conflict of political forces in this country, he took the only position open to him; and, sir, the batteries that are opened upon him are the batteries of disappointment and chagrin and failure.

Mr. President, that was another step taken in this debate. That step has been abandoned to-day. The debate has been invited upon a new plane to-day. The democratic party is told to turn its back on all these things and to say to the country, "Though we be in a minority we will tell you what things we will permit to be done and what we will not permit to be done; we will come forward and we will ratify your treaties; we will confirm your nominations; we will even vote with you to adjourn, but we will not permit the majority in this Senate to rule." Sir, the majority in this country does not hold its power by permission or sufferance even of those out of whose loins sprang the rebellion itself. Sir, the majority in this country must command, and not take from the minority what it will do. All the offers of the Senator from Ohio, prepared at home and polished down into elegance and seeming fairness, sink into an abyss bottomless and destructive when he says, "but this and that we will not permit you to do;" all goes together into one common destruction when the people of this country are to ask that minority what it is they may do. Sir, over and over again upon this side of the Chamber it has been tendered to that side that we would bow in silence to the will of the majority and appeal——

Mr. HARRIS. Will the Senator from Massachusetts allow me to inquire——

Mr. DAWES. In a moment. And appeal for our justification to that high tribunal in this land from which, and from which alone, there can be no appeal. But, sir——

Mr. HARRIS. I desire——

Mr. DAWES. In a moment. But, sir, the records show an utter refusal time and again to submit to the will of the majority and bow to its decree.

Mr. HARRIS. The question I desire to ask the Senator from Massachusetts is, Did that side of the Chamber bow to the will of the majority for two weeks while the majority on this side of the Chamber was proposing to form the committees of the Senate? And I will put an additional question while I am on my feet. I desire——

Mr. DAWES. Ask one at a time.

Mr. HARRIS. One at a time. Then if the Senator prefers it in that order I will wait.

Mr. DAWES. If you would just as lief. Then, sir, it comes to this: they will bow to the will of the majority when it accidentally, by the death of a Senator, falls with them; but when the Senate is full, when every seat is occupied and the will of the true majority is about to be uttered, there is not only no submission but there is an utter defiance of the will of the majority. With four seats empty on this side, there was an anxiety which savored little of that worship of the will of the actual majority to take a vote then; but the moment the seats were full and the vote that was to be taken was the vote of a full majority, anxiety on that side oozed out, like Bob Acres's courage, at the fingers' ends of every individual Senator who follows that spirit which I am calling the attention of the public to to-day, namely, that the will of the majority, according to their doctrine, is only to be observed when that will accords with their own notions.

Mr. HARRIS. The additional question that I desired to ask was, by what rule of mathematics does the Senator from Massachusetts claim that thirty-eight Senators who sit on that side of the Chamber constitute a majority over thirty-eight Senators who sit on this side of the Chamber? I should like to hear the Senator upon that question; and if the Senator would indulge me, I might be tempted to ask one or two other questions, but I fear to trespass upon the courtesy of the Senator.

Mr. DAWES. Mr. President, it is not thirty-eight and thirty-eight; it is the Senate of the United States under the Constitution of the United States that the Senator is making war on. If there be no majority speaking out of the Constitution and through the Constitution and by the Constitution, the Senator would not fear or resist the vote on these resolutions a moment. It is because he knows that the Senate of the United States as the Constitution has made it is against him that he struggles against it in an unequal fight which he may continue here until December, but——

Mr. HARRIS. Does not——

Mr. DAWES. In a moment. But, sir, I assure him that it is a fight in which there can be no compromise without destruction. He who will yield a hair of the omnipotent will of the majority as it speaks through the Constitution and the law of the land yields the citadel itself and is a traitor to his country. [Applause in the galleries.]

Mr. HARRIS. Does not the Senator from Massachusetts know, under that Constitution, to which he is so flippant in appealing, that without aid from this side of the Chamber the thirty-eight Senators who sit on that side are utterly powerless under the Constitution to perform any authentic act, any act that would be binding upon any individual in the universe? Even though the Vice-President may vote where the Senate is equally divided, he cannot aid to make a quorum or to make that side of the Chamber a constitutional majority. It is not a constitutional majority, it is but an equal number; and all that the Senator can claim is that they have the power to make a tie; and they ask that we consent to that condition of things which will enable a minority, with the Vice-President, to become the arbiter in respect to the pending question.

Mr. DAWES. Mr. President, if I understand the long question of the Senator from Tennessee, it is that the thirty-eight Senators on this side and the Vice-President of the United States who the Constitution says are a majority, and which Constitution we have sworn——

Mr. HARRIS. Is it a majority to make a quorum?

Mr. DAWES. Wait one moment. If the Senator will not interrupt me before I get to the next word I will say that his question is this: The votes of thirty-eight Senators with the Vice-President constitute a majority according to the Constitution, which, when we took our seats, we swore we would obey; and he asks whether that majority can do anything without the aid of the other side. Mr. President, does he mean that rather than that the majority shall rule he will again secede as he did twenty years ago? Does he mean that he will not perform his constitutional function here in this body, and that there stand with him on the other side the whole of that party which the Senator from Ohio has tried to lift up into the sky this morning, and that they will abandon their seats, they will refuse to perform their functions, they will declare——

Mr. HARRIS. Will the Senator allow me to state what I mean?

Mr. DAWES. They will declare that this body shall not proceed in the deliberations which its Constitution has enacted, because they do not like what the majority so constituted proposes to do? Does he announce that we cannot accomplish anything without their aid? We do not ask him, sir, to agree with us——

Mr. HARRIS. Will the Senator allow me?

Mr. DAWES. Not just yet. We do not ask him to agree with us; his convictions are his own. We ask him to do his duty and vote according to his convictions. If he announces here that he and those who stand with him will not do that duty and will not vote and will leave this Government helpless and paralyzed because he does not agree with the convictions to which that majority have come, he announces only in a new form what I heard twenty years ago from a seat very near where the Senator himself stands, when a man got up there and announced that he held an allegiance higher than that of this Constitution which we have sworn to support, and that he would turn his back upon his oath and upon his flag and go forth to make war upon it. This is war in another form. This is fatal, if it succeeds, to the existence of a government of majorities, as was the undertaking of Jefferson Davis when he announced the same doctrine in another form from very near where the Senator now stands. Has it come to life again? Has it been resurrected after twenty years of war and disaster and surrender upon the field; has it come here in this mild and insidious form of absenting themselves from their duty, constitutional, sworn duty, and saying that the majority is helpless unless the minority proves true to its oath? Perhaps it is, sir. If the majority——

Mr. HARRIS. Will the Senator now allow me?

Mr. DAWES. In one minute. I have not got quite through with you.

Mr. HARRIS. I suppose not.

Mr. DAWES. If this is the last plane into which the Senator from Ohio directing this debate has lifted it, it is quite as important, far more so in my judgment than any debate that has been had in this Chamber since the fonndation of this Government. It is new to the American people that there is a method of overthrowing the will of its constitutional majority besides that which those whom the Senator followed inaugurated—and I do not say it for the purpose of reproach but for the purpose of emphasizing what I say—it is far more dangerous than that, for the American people can meet all its open enemies within and without. It is necessary also that it should understand and see clearly the covert and secret enemies of the will of the majority, such as the Senator from Tennessee contributed to uncover by his announcement here to-day.

Mr. HARRIS. Mr. President, now that the frenzy of the Senator

from Massachusetts has slightly abated, and as he desired to know what was meant by the——

Mr. DAWES. Is the Senator putting an interrogatory to me?

The PRESIDING OFFICER, (Mr. KELLOGG in the chair.) Does the Senator yield?

Mr. DAWES. I have not given up the floor.

Mr. HARRIS. I thought I was occupying the floor by the courtesy of the Senator from Massachusetts.

Mr. DAWES. I had not yielded the floor.

Mr. HARRIS. Of course I did not so understand the Senator. I understood that he was still occupying the floor, and I expect him to occupy the balance of the day; but I say now that the frenzy which has moved him for the last ten or fifteen minutes has subsided slightly, and the bloody shirt has momentarily ceased to wave, as he was curious to know what I meant by a statement made by me a few moments since, I beg to assure him that so far as my official duties upon this floor are concerned they will be performed as earnestly, as faithfully, and as conscientiously by me as by the Senator from Massachusetts, and I trust with much more frankness and manliness than the Senator from Massachusetts has exhibited upon this occasion.

Now I meant simply this, that your boasted constitutional majority is not a majority at all; the only majority that is recognized by the Constitution is the larger number, more than half of the Senators upon this floor, such a majority as would make a quorum to do business, such a majority as would enable you to pass an act or to perform any other duty that devolved upon the Senate. You have no such majority; you will not pretend that you have it. I was simply calling your attention to the fact that your boasted constitutional majority is no majority, and that your whole claim is a false pretense intended to popularize your position and deceive the public. Your boasted majority is not a majority, you can only claim an equal number of Senators upon this floor. That is all that I asserted; it is what I meant; and so far as the performance of my duties here are concerned, so long as I shall hold a seat on this floor, I will be found as ready to perform them as the Senator from Massachusetts, and I trust always to perform them with a manly frankness that I do not see always characterized in the conduct of that Senator.

Mr. DAWES. The Senator and I will not debate the question of manliness——

Mr. HARRIS. Now, I may remind the Senator of the fact that in the expiring hours of the last session of Congress he with almost every other if not every other Senator on that side of the Chamber sat there in their seats silently refusing to vote and breaking a quorum, and rendering it impossible for the then majority in the Senate to transact the public business that the majority thought it important to consider, the nominations of the President of your own party, and one hundred or more of which went down because of the fact that the Senator from Massachusetts and other Senators upon that side of the Chamber sat silently in their seats and broke a quorum, which the Senator flippantly to-day characterizes as revolutionary and treasonable, while he cannot have forgotten that he and every other Senator or a large number of the Senators who sat on that side of the Chamber did exactly the same thing upon many occasions in the expiring hours of the last session of Congress.

If it is treason in this side of the Chamber to do this where you have no majority upon this floor was it not treason blacker and much more criminal in you, when we had an acknowleged and universally admitted majority upon this side of the Chamber, for your minority to defeat the action of this body for days and to the end of the Congress in respect to matters of grave importance to the whole country by sitting here dumfounded and silent, thus breaking a quorum and preventing the action of the Senate in respect to matters of general and of public importance?

Mr. DAWES. When the Senator renewed his interruption I was remarking in all kindness to the Senator that I would not discuss with him whether my political course was more manly than his or his more manly than mine. We must each judge for ourselves. I have no political course of any great mark one way or the other to trouble myself with or to trouble the country. I do not think anybody will be troubled with it. I have never been so engaged, however publicly, as to be obliged to leave my country. I have never been so engaged in reference to it that I could not take a solemn oath that I had never lifted my hand for its destruction. I have never avowed upon this floor that the majority could not do what it deemed its duty to do with my help and I would not help it. I have never avowed to the country that the will of the majority depending upon my co-operation for the execution of the functions of this Government would appeal to me in vain.

There are those who have tried open and manly hostility to the Government, who met danger in asserting their convictions upon the battle-field and tried their strength in doing it, and have manfully taken the consequences. There are those who, shunning the disasters and learning wisdom from the failure openly to dissolve the Union, have come, in a manner more dangerous because more stealthy, velvet-footed, to the determination that "that Government can be undermined, and nobody can meet us in the field or put us down by force; I can refuse to be a patriotic citizen; I can refuse to do my duty to my country and my oath, and nobody can call me to an account for it." Sometimes men who avow that doctrine think they are manly. I leave that to them to settle with themselves when the heat of debate is over; to settle with their consciences and with Him who holds the issues of life and death in this country and with every one of us in His hands. I charge no man; I only say I do not belong to that category of men. If I felt any duty to perform I trust I may have strength and courage to meet it and record my vote here according to my judgment, and abide in the country the judgment of her people upon it. I will skulk into no cloak-room, I will not fold up my hands when the majority require me to do my duty in order that the will of the majority may prevail.

Sir, I think I discover in the papers this morning why the attempt has been made to change the current of this debate. The Senator from Virginia [Mr. JOHNSTON] received a missive yesterday so important that he felt it his duty to make it public in justification, it may possibly be, of this continued struggle against the will of the majority. Ex-Governor Kemper, of Virginia, the papers say this morning, writes to the distinguished Senator from Virginia on my left [Mr. JOHNSTON] as follows:

If the democrats of the Senate triumph now, then the democrats of Virginia will triumph next November; but any step backward now means defeat next fall.

That is the shibboleth of the new departure announced this morning with so much rhetoric and elegance and power by the Senator from Ohio, binding it up and winding around it tropes and figures and flowers of rhetoric; but underneath it all and as the kernel of the whole thing is the missive sent to the Senator from Virginia yesterday by his coadjutor in the work which he failed to accomplish in crushing out the new democracy of this country; not that old democracy which has tried these thirty years to graft itself upon the republicanism of Jefferson and Madison of those days; not that democracy born in 1825 and in 1829, carrying on its flag in front "to the victors belong the spoils," and gathering in its train all the hungry, starved, ill-fed who had stood out in the cold begging and beckoning until that hour. That is the democracy which seeks to-day to put itself underneath the lion's skin; but it cannot raise its voice without betraying its lineage and its true character.

Sir, let the debate go on. The people are being educated every hour to see the true issue. The Senator from Ohio plainly says that his side are for peace and good-will, that the free ballot is the right preservative of all rights. Nobody can talk so well as the Senator from Ohio and those who speak for his party; but the people of this country heard this, the people of the country took note that again this new democratic party that is newer, this party claiming and trying to seek parentage with Jefferson, had told this story many times before. The people took note that they had denied many times before that they had deprived the men of the South of a free voice in the elections. They had been told before that when this democratic party got power, no matter how, in these States, all was peace and good-will; but the people could not be made to forget or overlook the fact that republican majorities of 15,000 in one State and 25,000 in another and 20,000 in another and 15,000 in another had been, under this democratic rule, put to that sleep which knows no waking; and I have but to ask the Senator from Ohio if he is not discouraged, repeating, I admit with new eloquence every time, all these professions to the people, and yet the people telling him by their votes, "We have no confidence in the sincerity of these professions."

Mr. SAUNDERS. Yesterday I listened to most of the speech of the Senator from Kentucky, [Mr. BECK,] but was called from the Senate Chamber when what I am about to read must have been said, for I did not hear him make the remark, and I think it is proper that I should bring it to the attention of the Senate. The Senator from Kentucky said, as appears in this morning's RECORD:

I fear the Greeks and their proffered gifts. Whenever I feel sure that my enemy wants me to do a certain thing, I take care not to do it. That is a good rule in politics and in war. When the other side want us to help them out of the dilemma they are in, then I do not propose to do it; just as I would not consent the other day when the Senator from Nebraska [Mr. SAUNDERS] undertook to pair my colleague [Mr. WILLIAMS] with the Senator from Virginia, [Mr. MAHONE.] I protested, and refused to allow it.

That is not the whole but it is the substance of what he said on that point. Now I want to give the Senator from Kentucky to understand that it was not his protest which prevented the pair from being transferred that morning, it was the fortunate appearance of the Senator from Virginia before the roll-call was concluded. I had heard that morning that the Senator from Virginia was ill and would probably not be here, and I was requested to transfer my pair with the Senator from Kentucky [Mr. WILLIAMS] to the Senator from Virginia, [Mr. MAHONE,] which I consented to do. When I announced the transfer of the pair the Senator from Kentucky [Mr. BECK] called attention to it and made some objection, but just at that moment the Senator from Virginia appeared and voted, so that of course there was no necessity for insisting on the transfer of the pair any further.

While upon the floor, I wish to say to the Senator from Kentucky that if he has any arrangement or any understanding with his colleague that I cannot use this pair as pairs are used by other Senators on all other occasions so far as I know, I wish to know it, for the reason that in that case I shall ask to cancel it, so that it shall no longer be binding upon me. I do not propose to be limited unless I make my own contract. I made no such contract with the Senator from Kentucky, [Mr. WILLIAMS.] He came to me and said that he had, as he showed in fact, a very badly inflamed eye, and that he wanted to go to Cincinnati in order to have it operated upon. Suffering as he was, I felt it not only a privilege but a duty that I owed to

that Senator to make the pair. I considered that the pair was general, as all other pairs that I have made since I have been in the Senate, and that I had a right, as we have done on other occasions, to transfer it. If the Senator from Kentucky now present has any understanding with his colleague to the contrary, I wish he would make it known now.

Mr. BECK. When I entered that protest, the Senator from Nebraska will bear me out, I stated to the Senator from New Hampshire, [Mr. ROLLINS,] not now in his seat, who seemed to be the "whip" of the other side and was keeping the pairs, that my objection to the proposed pair with the Senator from Virginia was upon the ground that he is not a republican. If he is a republican, and you will so avow it, and if he will so avow it and allow the people of Virginia to understand that he is a republican and that what he said to the Senator from Georgia [Mr. HILL] that he was a better democrat than he was only Pickwickian, then I will consult with my colleague further as to the pair; but my colleague desired to pair with a republican, and, as the Senator from Nebraska is a stalwart republican, I was perfectly willing that the pair should continue. He has the power to withdraw it. I said then to him, "You may vote if you like, you can violate any agreement that you made," for it would be a violation of it, in my judgment, unless you gave notice. I asked the Senator from Nebraska then if he desired to withdraw the pair, and the Senator said no. The Senator from Virginia came in. It may not occur again. All I ask is to pair my colleague with a republican, with one of the stalwarts in front of you, either of the three I see before you, the Senator from Illinois, [Mr. LOGAN,] the Senator from Iowa, [Mr. ALLISON,] or the Senator from Kansas, [Mr. INGALLS.] I see them all there, and let him be paired with either of them or anybody else who calls himself a republican.

Mr. SAUNDERS. I have paired time and again with Senators on my own side, where we differed not on political questions but on particular questions before the Senate, and this ought not to be a political question to-day. It is a question whether the majority shall rule, or whether a minority taking advantage of the rules of the Senate may control legislation, or rather prevent legislation, and prevent us from doing what the majority ought to be permitted to do here. That is the issue.

Mr. BECK. The question of the majority, the Senator will allow me to say, depends upon other questions than the one suggested by him. While I do not propose to express an opinion, suppose it to be conceded that you are attempting to perpetrate a fraud, ought the minority to help you? Will you say that?

Mr. SAUNDERS. I do not understand the question.

Mr. BECK. Suppose the fact is conceded that you are carrying out a corrupt bargain, ought the minority to help you do it?

Mr. SAUNDERS. No, I think not.

Mr. BECK. Then how do you know but that some of us believe that such is the fact?

Mr. SAUNDERS. I cannot help the belief of people; I cannot control their belief.

Mr. BECK. That may govern our action perhaps; I do not say it does; I am not here to get into a wrangle; but if the Senator desires to withdraw his pair with my colleague, I have no disposition to hold him to it. Break it if you like. All I can say is that when it is broken I shall endeavor to secure a pair with somebody else.

Mr. SAUNDERS. I should like to know of the Senator before he takes his seat whether his colleague said to him that he did not allow or wish him to pair him with certain Senators, or anything of that kind? Does he make the statement himself, or does he get it from his colleague?

Mr. BECK. My colleague left it to my discretion to pair him with any republican. Now if Mr. MAHONE will say he is a republican, that is one thing.

Mr. BURNSIDE. Will the Senator from Kentucky allow me to ask him a question? The Senator from Illinois [Mr. DAVIS] is paired with the Senator from Louisiana [Mr. KELLOGG] on one question; would it be fair for any Senator on this side of the House to ask the Senator from Illinois to declare whether he was a democrat, and say to him, "We will not allow you to make that pair unless you do say you are a democrat?"

Mr. BECK. There is no person on this side who desires to pair with the Senator from Illinois. Gentlemen on the other side can say as they like about that; that is not my business. My colleague seeks to pair with a republican, and with none other than a republican. You may break pairs and vote if you like rather than have my colleague paired with anybody else than a republican on party questions.

Mr. BURNSIDE. If the Senator from Kentucky were paired with a Senator on this side of the Chamber, would he hesitate to transfer the pair to the Senator from Illinois?

Mr. HOAR. I ask leave to make a suggestion.

Mr. BURNSIDE. I ask the Senator from Kentucky to answer my question. Would he transfer such a pair to the Senator from Illinois?

Mr. HOAR. Mr. President——

Mr. BECK. Let me answer.

Mr. HOAR. Will the Senator allow me to make one suggestion? I think he will see the force of it.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. BECK. I might disoblige the Senator from Rhode Island.

Mr. HOAR. I will appeal to the Senator's courtesy. I desire to make an appeal to the Senators on all sides of the Chamber, and I hope they will believe that I make it in absolute good faith, whether they think I am bitter or earnest in my difference with them on other occasions. This matter of the pairing of Senators is the most delicate matter that can come up. It appeals solely to the personal honor of the individual Senator, and to nothing else.

Mr. BAYARD. That is all.

Mr. BECK. I admit that.

Mr. HOAR. It seems to me it is better all around, and I make this appeal to all sides, that a discussion of that delicate subject shall not be brought up as a matter of public debate. Whether my honorable friend from Kentucky (if he will permit me to use that title; I am not sure whether I have a right to use it about him) is right or my honorable friend from Nebraska is right in a particular instance where in this keen and earnest strife of parties they may differ, it seems to me that it is a matter which they will settle in private by private considerations and discussion rather than by public discussion before the Senate. I think this is the first discussion of this nature which has come up. We all, I confide in the personal honor on this question of making a pair with me of that member of the other side with whom I most differ and whom I most condemn in all his political course. The Senator from Kentucky will say that generally of the republican side of the Chamber. I am not making individual applications. He does say it in substance already. I appeal to the Senate to let this matter drop out of public discussion here where it is.

Mr. BECK. I agree to that.

Mr. HOAR. I hope my friend from Kentucky will not answer the question put to him by my friend from Rhode Island, and that my friend from Rhode Island will not desire any answer.

Mr. BECK. I agree with that entirely.

Mr. SAUNDERS. I desire to say before I take my seat——

Mr. FERRY. Will the Senator allow me one moment to remind him of a fact which occurred yesterday? I was amazed at the objection made by the Senator from Kentucky to the change of the pair of the Senator from Nebraska a few days since. Twice since that time a change has been made on the part of Senators on the democratic side. Yesterday the Senator from Tennessee [Mr. HARRIS] changed his pair with the Senator from New York [Mr. CONKLING] to the Senator from Indiana [Mr. VOORHEES] on account of the absence by sickness of the Senator from Indiana. No one questioned that pair or the right to transfer it. The Senator from Tennessee asked that the change might be made and it was done by common consent. That has always been the practice of the Senate, and I repeat that I was surprised that the Senator from Kentucky should have objected to the transfer of the pair of his colleague from the Senator from Nebraska to the Senator from Virginia.

Mr. HARRIS. I beg to suggest to the Senator from Michigan that my change was from a well-defined republican to a well-defined democrat.

Mr. FERRY. It is not for the Senator from Tennessee to define or state the status of the Senator from Virginia to-day. That is left to the public and the Senator concerned.

Mr. HARRIS. The Senator from Tennessee was stating only the status of the transfer that he himself made.

Mr. FERRY. But I contend, if the Senator will allow me, that it is not for others to criticise the request of any Senator. The practice has been without objection that whenever a Senator rises and asks that a pair may be changed it has been done by common consent, and the Senator from Tennessee who now rises to comment upon the fact yesterday made that change without objection.

Mr. SAUNDERS. Mr. President——

Mr. BECK. Will the Senator allow me to say one word?

Mr. SAUNDERS. Certainly.

Mr. BECK. It is only this, that I agree to every word that was said by the Senator from Massachusetts [Mr. HOAR] that we had better talk this matter over in private perhaps, or otherwise we may make mistakes all around. When the matter first came up it was made public, and I went to the Senator from New Hampshire, [Mr. ROLLINS,] who had charge of the pairs on that side, and made the statement that I made yesterday. When my colleague left he said to me, "I leave this matter in your hands, and you must do what you think is right in regard to it." I was not willing to pair my colleague with any one except an avowed republican, because I knew that was what he intended. That is all there is of it; there is no misunderstanding about it.

Mr. BURNSIDE. Now, I should like to have an answer to my question. The Senator from Kentucky has made the assertion a second time with reference to the pair proposed to be transferred to the Senator from Virginia. I should like to have the Senator from Kentucky answer my question in reference to the Senator from Illinois, and if he declares that he would transfer a pair to the Senator from Illinois I should like to read from the speech made by the Senator from Illinois at the beginning of this extra session.

Mr. BECK. The Senator from Illinois made his pair; it is in writing; the Senator from Louisiana [Mr. KELLOGG] has it; and I have not one word to say about it, because I have no right to speak of it. That is a matter about which I will not speak.

Mr. BURNSIDE. I venture to say that I am speaking the sentiments of every man on this side of the Chamber when I say that if

it becomes convenient to change that pair to any other republican on this side of the Chamber it may be done, and we know that the Senator from Illinois is not a democrat, and he says in this Chamber that he is not a democrat.

Mr. SAUNDERS. Mr. President, just one word.

The PRESIDING OFFICER. The Chair understands that the Senator from Nebraska rose to a question of privilege, and he was proceeding by unanimous consent.

Mr. SAUNDERS. I ask unanimous consent to say that I would not have called the attention of the Senate to the matter, but it appeared to me that if I left it in the situation it was it might seem that I had attempted to palm off an imposition on the Senate; that I had attempted to transfer my pair to an individual who was objected to by the person with whom I had paired. That is the reason why I rose. I think I was justified in it, and I think the Senator from Kentucky will say so. All I wish to say in regard to this matter is that I had no such limitation, and I thought I was at liberty to transfer my pair just as others had been doing, and I wish to so consider it.

Mr. HILL, of Georgia. Thursday last, I notice by the RECORD, (I did not fully understand it at the time,) the following occurred:

Mr. ROLLINS. Before I leave the subject I want to say one other thing, and that is, that the gentlemen upon the other side of the Chamber—

Alluding to the democrats—

unless they have been most wickedly misrepresented, would have been quite willing to have received the vote of the Senator from Virginia, [Mr. MAHONE,] and to have made any arrangement with him that would have inured to their benefit and given them the control of the Senate.

Mr. HILL, of Georgia. But we would not have bought it.

Mr. ROLLINS. You wanted to make arrangements, but you could not do it. You made your offers, but they were spurned. It would have been all right if you had received the vote of the Senator from Virginia; it would have been all proper for you to have done it, but it is all wrong for us in your estimation. A great difference it makes whose bull it is that gores the ox.

Mr. BLAIR. I should like to say to the Senator before he proceeds that if what he wishes to say is in the nature of a personal explanation, I beg to inform him that my colleague is absent from the city of necessity.

Mr. HILL, of Georgia. I am not making any personal explanation; and furthermore, I am going to say nothing but what is entirely proper to be said in the absence of the Senator from New Hampshire. I see also in this same connection a singular resolution adopted by what is called the Mahone meeting of readjusters at Norfolk, Virginia. The second resolution is in this language:

2. *Resolved*, That we consider the positions assigned General WILLIAM MAHONE upon the committees proposed by the democratic caucus as an insult to that distinguished Senator and the people who elected him, and we commend him for electing such committees as recognize his ability and influence and place him in a position to render efficient service to the State and the country at large.

I had not been in the Senate Chamber since Thursday until a few moments since when the Senator from Massachusetts [Mr. DAWES] was speaking. Strange to say, the first sound I heard when I came into the Senate Chamber was that Senator in a very excited manner, an amount of excitement which I think is unusual even with that Senator, and that is putting it in very strong language. It was upon this same subject, charging in substance that this side of the Chamber had endeavored by some arrangement or some proposition to secure the vote of the Senator from Virginia. As this charge has been made a second time on the floor of the Senate, and as it has been made a subject of a resolution by a lot of friends of the Senator from Virginia at a public meeting in Norfolk, and as I have heard none of the corrections which my friend from California [Mr. FARLEY] suggests to me have been made on that subject, I think it proper for me to make simply a statement.

I was one of the committee referred to by the Senator from Tennessee, [Mr. HARRIS,] and like him was on the committee appointed to propose an organization of the committees of this body at the time when we supposed the democrats had the majority, and indeed at that time they did have the majority. I state emphatically that that committee made no proposition to, and received no proposition from, the Senator from Virginia on the subject as to what should be done for him or how he would vote. Any statement, intimation, insinuation to the contrary is utterly false and untrue. We discussed the Senator from Virginia in that committee precisely as we did the other new democratic Senators, simply with reference to the proper places on the committees that were suited to their qualifications as we supposed these qualifications to be, and we determined to treat the Senator from Virginia precisely as we treated the other new democratic Senators, no more and no less. That was the unanimous determination of the committee; nothing to the contrary was said or indicated.

Mr. LOGAN. Leaving him just where he was?

Mr. HILL, of Georgia. Upon that subject I will say once more, there seemed to be no doubt among us that the Senator from Virginia in national politics was a democrat. The air was full of rumors as to what he was being urged to do by others, and various suggestions were made as to what he might be induced to do; but I will say that while we knew the Senator from Virginia was in the local politics of that State known as a readjuster, we regarded that as exclusively a local question in Virginia politics, having nothing to do with national politics, and we had no intimation, no doubt, and no right to doubt that in national politics the Senator from Virgina was a democrat, and we treated him as such.

While on this subject I will make one additional remark. For myself I had no previous personal acquaintance whatever with the Senator from Virginia; but from what I knew of him through others I had none but the kindliest feelings for him personally. I will remark as a fact that I was urged to go into the Virginia canvass both in 1879 and 1880 during the time he was making his issue there, for the purpose of addressing the people in support of the regular democratic ticket, as it was called, against the readjusters and the combination of republicans and readjusters. I declined to do so. I thought it was a local question, which I deeply regretted. While my sympathies were altogether with what were called the debt-payers, I determined not to interfere in the local politics of that State, and I did not go.

I will say, moreover, such was the estimation in which I held the Senator from Virginia that if he had sent a proposition to the committee of which I was one, indicating in the slightest degree that he exacted certain positions of advantage over other new democratic Senators, I would have spurned it. I would have considered it an insult to him to have made a proposition to him indicating in the slightest degree that we thought it necessary to assign him positions on committees to induce him to vote with the democratic party. Of his national democracy we had no doubt. I did personally have an idea that perhaps he would vote for personal reasons against the organization of two or three of the committees as proposed by the democracy; I had so heard, but that he would vote generally with the democratic party I did not doubt, and I do not believe the committee doubted. We at least treated him as a national democrat, and if anybody had said that it was necessary to give that Senator positions which we did not give other new democratic Senators, to give him the chairmanship of a committee, to give him the patronage of the Senate, allow him to designate who should be Sergeant-at-Arms or who should be Secretary of the Senate, we should have spurned any such propositions. I know I would; I believe every member of the committee would; and I believe every member of the democratic caucus would.

Our position was different from that of the gentlemen on the other side, for while we had every reason to believe that the Senator from Virginia was a national democrat in national politics, of course having his own peculiar views upon the local question of readjusterism, I never had heard that anybody supposed he was a republican. For one, I confess I did not expect the Senator from Virginia to go into the democratic caucus; I did not expect him to go into any caucus; I did not expect him to have conferences directly or indirectly with any caucus; I would not have advised him to do it; I should certainly have advised him not to do it, on account of his personal relations and the suspicions to which he might have subjected himself. While everybody, as I understood, believed and was authorized to believe that the Senator from Virginia was in national politics a democrat, and here upon this national theater would act with the democrats, I never heard it suggested by anybody with any plausibility until Monday morning, the 14th of March, that he was going to act with the republicans as a republican. That is the point.

When I said the Senator from Virginia was elected as a democrat I did not mean as a regularly nominated democrat by any means, because he differed with the regular democrats on the question of readjusterism and the local politics of Virginia; but every act of his life as I was informed of it, every word of his life, classed him a national democrat. No act of his life and no word of his life, as far as I was informed, classed him a republican. We therefore had a right to expect the Senator to co-operate with us in national politics, retaining his peculiar views on the subject of local politics in his State.

I make these remarks simply because the Senator from New Hampshire [Mr. ROLLINS] said what he did in response to something said by myself. I think it proper to state, as I was in a position to know, that there was no proposition, and no intimation of a proposition, arrangement, understanding, bargain, or trade of any kind, proceeding from the democratic members of the Senate to or from the Senator from Virginia in relation to the course he should pursue, the position he should have, or the vote he should give. I do not know what outsiders may have done; I do not know what persons who are employés of the Senate or who expect to be employés of the Senate may have done. The air is full of rumors on that subject; I do not choose to repeat them.

Mr. HOAR. Mr. President, this is a very interesting revelation the honorable Senator from Georgia has made; it interests me very much and it will interest the country very much. We have heard in almost every form of expression from eminent democrats that the nomination of Mr. Riddleberger as Sergeant-at-Arms of the Senate and the appointment of Mr. MAHONE as chairman of the Committee on Agriculture was an alliance with the dregs of the South, to use the language of one Senator, and was to embrace or indorse or do something else with the moral leprosy of repudiation. And now it turns out that a member of the committee appointed by the democrats to arrange the Senate committees, knowing all about the Senator from Virginia so far as his opinions on repudiation or readjustment or State demands or State credit were concerned, had proposed, if he himself had consented to the relation, to recognize him, to use the language of the Senator from Georgia, as a regular democrat. We have got about a week of democratic eloquence eliminated from this discussion by this little statement of the Senator from Georgia

There is nothing in this gentleman's opinions on State credit which prevents his receiving honor, recognition, position, welcome to full and entire fellowship by the democratic party. Now we will put a pin into that and leave that as settled by the declaration of the Senator from Georgia.

Now remains, so far as he is concerned, the question whether he has been unfaithful to that relation by consenting to accept the office of chairman of the Committee on Agriculture, or anything else that he has done or proposes to do by way of vote or act on his part. I suppose that whether the Senator from Virginia was a national democrat at the last election is to be settled not upon the imperfect information of a Senator representing Georgia, but upon the official declaration of the national democracy of Virginia. They know whether he was a national democrat in the last election or not. I read the other day to the Senate the statement of the Richmond Dispatch made before the election in regard to the Senator and his followers, which I wish to read again in connection with another document which I shall read also:

As for individuals, their action on the 4th of November will settle their status. Those who follow Mahone will do so understanding that they need never ask for recognition by a conservative convention or a democratic administration.

That is the language of the democratic organ of the State of Virginia published at its capital city. Then comes the circular of the democratic executive State committee dated Richmond, July 28, 1880, in which they say, speaking of the Mahone ticket for Hancock electors, this:

The other ticket was framed by a convention that neither bore the name nor affected the principles of the national democracy. It assembled after the national convention adjourned; sent, of course, no representative thereto, and was without a voice or vote therein; was composed indifferently of democrats and republicans; counted among its constituents over forty negroes—

They do not think negroes vote the democratic ticket much, because negroes being in a convention is a sign that the convention is not composed of democrats according to this committee—

and among these some delegates to the State republican convention, and many recognized as republican leaders; took pains, as we shall see, to disown all allegiance to or connection with the party that nominated Hancock and English; and as it was without participation in the choice, so is now without share in the organization of the national democratic party.

That is the certificate of the national democratic committee of the State of Virginia. I hold in my hand the original hand-bill which was stuck up in public, got out in the second congressional district of the State of Virginia, signed "Warner T. Taliaferro, Chairman Ex. Com., Dem. Party, 2nd Con. Dist." I send this to the Clerk's desk and ask to have it read.

The Secretary read as follows:

Regular conservative-democratic ticket.
Election, Tuesday, November 2nd, 1880.

For President,
Winfield S. Hancock,
Of Pennsylvania.
For Vice-President,
William H. English,
Of Indiana.

Electors at large,
John Echols, of Staunton.
P. W. McKinney of Farmville.

District electors.

1st. Thomas Croxton, of Essex.
2d. Legh R. Watts, of Portsmouth.
3d. Hill Carter, of Hanover.
4th. Samuel F. Coleman, of Cumberland.
5th. James S. Redd, of Henry.
6th. Samuel Griffin, of Bedford.
7th. Francis M. McMullan, of Greene.
8th. J. Y. Menefee, of Rappahannock.
9th. Robert R. Henry, of Tazewell.

For Congress,
Second district,
John Goode.

ATTENTION, VOTERS.

The above is the regular conservative-democratic ticket, chosen by the convention of the democratic party of Virginia. To vote any other ticket is to vote in favor of the republican party. It is the only ticket recognized by the national democratic committee.

WARNER T. TALIAFERRO,
Chairman Ex. Com., Dem. Party, 2nd Con. Dist.

Mr. HOAR. Now, Mr. President, we have the declaration of the Senator from Georgia that, representing the democratic party in this Senate, he deemed the Senator from Virginia, in spite of his opinions on financial questions, a fit person to be recognized as a democrat and to be appointed to an office of trust and honor in the organization of this Senate. We have the declaration of the democratic State central committee of Virginia, of the democratic executive committee of the second congressional district, and of the principal democratic paper of that State made before the election, that that gentleman and his followers had fully and thoroughly severed their connection with the national democratic party. Those two things are proved; they cannot be disputed. The Senator from Virginia therefore stands as the Senator from Illinois [Mr. DAVIS] said he stood, an independent elected by the combined votes of two parties, at liberty to cast his vote as he chose. The honorable Senator from Illinois occupying that attitude was named by the original proposition of the democratic party as the chairman of the honorable Committee on the Judiciary; and it was only his own refusal to act in that capacity that prevented his receiving the vote of the democratic party on this floor for that position. He was elected by republicans and democrats, the democrats being largely in the majority, and, as was his right—no man has a right to challenge it—he assumed the position of an independent. The democratic party knowing that position, expecting his vote however in the organization of the Senate, placed him at the head of the principal committee of this body. He had not been cut off by the official action of the national republican party of his State, though of course they did not claim him to be a republican. Now the Senator from Virginia does precisely the same thing; and what is wicked and sinful and justifies the revolutionary method of refusing to permit the Senate to record its action when a Senator is placed at the head of the Committee on Agriculture, is just, lawful, and proper in placing a Senator at the head of the Committee on the Judiciary.

Mr. HILL, of Georgia. Mr. President, I certainly do not wish to say anything that is offensive; but the Senator from Massachusetts [Mr. HOAR] must allow me to say that I could not avoid thinking all the time he was speaking of that passage of Scripture which seems to be his favorite passage, "Beware ye of the leaven of the Pharisees, which is hypocrisy." I never said that the Senator from Virginia was a regular democrat.

Mr. HOAR. A regular national democrat.

Mr. HILL, of Georgia. Nor have I declared that anybody said he was treated as a regular national democrat; and yet the Senator from Massachusetts put the word "regular" in my mouth. I said distinctly, what everybody in this country ought to know, that in Virginia as in other States we unfortunately have local issues upon which the democrats themselves divide; we have them in nearly every Southern State, and it is generally the case in States where any party is largely predominant. There is practically in most of the Southern States but one party, and that is the democratic party; and upon local questions the party divides. It is a habit, a very common habit, in that country for those who adhere to the nominations of the party to call themselves regular organized democrats and denounce the others who do not adhere to the nominations as going to the republicans. That is very common; it is an argument used on the hustings to keep the bolters, if I may use that term, from being influential, to keep them from carrying off votes from the regular democratic party, to charge, "that man says he is an independent; that man says he is a readjuster; but I tell you he is a republican and is going with the republican party." That is the common argument. Just such arguments we hear brought up here and repeated as having been used by democrats in Virginia against the Senator from Virginia. There is a stereotyped answer to all that which I suppose the Senator from Virginia and certainly his followers have made a thousand times, and that is to say that these charges that they had abandoned the democratic party were false, and they were true democrats, that they were better democrats than the regular democrats. Every man in the South has heard that a thousand times; there is nothing more common.

And yet the Senator from Massachusetts says I have made a revelation to the country that we on this side of the Chamber would have allowed the Senator from Virginia to associate with us in national politics as a democrat. Certainly. Why not? There are a great many local questions in our States that do not affect our national affiliations in the slightest degree. It is so, I suppose, in other States; it is with other parties. The question as to whether Virginia should settle her debt in full or in part is not a national question; it is a local question that does not affect the division between the republican party and the democratic party on the great questions of national politics. I have no doubt myself that there are a great many gentlemen in Virginia belonging to the democratic party who were readjusters, honest men, men who honestly believed that under all the circumstances that policy was right. They were made to believe it. I do not concur with them; I sympathize with their feelings very largely, and with their misfortunes; but those gentlemen have repelled on all occasions the charge that because they were readjusters in the local politics of Virginia, therefore they were republicans in national politics; and if I chose to read them, I could read letter after letter that I have received from prominent readjusters of Virginia, scorning the idea that they were going to be carried into the republican party because they happen to be readjusters in local politics.

What we complain of in the republican party, or on that side of the House, is not that you associate with the Senator from Virginia. The Senator from Virginia has a right to choose his own politics; he has a right to be a readjuster in Virginia if he chooses; he has a right to be a democrat here if he chooses; and he has a right to change his politics and be a republican if he chooses. He has no right to be all three at once. He has no right to be a republican and a democrat both at the same moment. We concede his right to be either; we concede his right in local politics to be neither; we concede his right, if he chooses to take that position, to be neither here, neither republican nor democrat; a man has a right to choose his politics in this country. We do not assign him a position; we repel the idea that we do.

The Senator from Massachusetts talks about our assigning him a position; that is the effect of his language. By no means. If he chooses to recognize himself as a national democrat and act with the national democratic party, notwithstanding he is a readjuster in Vir-

ginia, that is his lookout, not ours. If that alienates him from the majority of democrats in Virginia and drives him to what is called the independent democrats there, be it so; he must take his chances; nobody is complaining of that.

That is not the point. The point is this: When, how, for what, did the Senator from Virginia become a republican? I am not quarreling with him for being a readjuster; I have nothing to do with that question; that is his own lookout; but when did he become a republican? He is one now; the Senator from Massachusetts proves that he is one; the Senators on that side have been laboring terribly to prove that he is a republican and has a right to be a republican. Very well, let him say so. We admit now that he is a republican. He sits with the republicans; he votes with the republicans; he acts with the republicans, and he joins the republicans in slandering his own people. If that does not make him a republican, pray, what does? That is all. He has taken up the talk of the republicans about tissue ballots and about a free and a fair count, and all that sort of thing; but he has not announced that he is a republican. Why does he not save you these long-winded speeches to prove that he is a republican? Why does he not rise in his place and say he is a republican? One word from him is worth ten thousand speeches of that character from the Senator from Massachusetts.

I concede his right to take what course he pleases. We, of course, are now compelled to regard him as a republican; but we say, when, why, for what purpose? He has not announced any change of opinion. He was a democrat in 1877 when he was a candidate before the democratic convention for the nomination for governor of Virginia, when the present excellent governor was nominated instead of himself; he was a democrat then, was he not? Did he not agree with the democrats then in their opinions on national politics? Was he not a democrat last year when he was voting for Hancock and English? He may have done it on his own peculiar ticket; it does not matter; he voted for Hancock and English. He was not a republican therefore, surely, unless he was one in disguise; he certainly was not openly one. He was not a republican in October last when he wrote that letter in which he spoke of the republican party as the "grip-sack party;" and I say here, as I read once before, his meeting in Norfolk the other day characterized the republican party as a "grip-sack party." Would a man characterize his own party with that contemptuous epithet?

Nobody denies the right of the Senator from Virginia to change his opinions; but has he changed? Does he entertain opinions on the great questions of national politics and of national issues different now from what he had in 1877; different now from what he had in 1880? If so, let him say so. We, of course, assume that it is so, because he acts with the other party. That is all.

All I got up to say was to negative the idea, which was new to the Senator from Virginia as well as to this side of the Chamber, that there was any negotiation between him and this side, that in consideration of his vote, or provided he would give us his vote, we would give him positions on committees to suit him, or give him the patronage of the Senate, or anything else. I deny that. That is all I rose to deny. There were no such propositions; we would not have made such propositions and we would not have received such propositions.

The thing the country wants to understand is, How does it happen that just at the particular moment when the vote of the Senator from Virginia became the balancing vote of this body, when he could make the organization of this body republican or democratic as he pleased—how did it happen that just at that moment, for the first time in his history, he went with the republicans? Nobody denies his right to go. Every man in this country has a right to change his opinions; it is an inalienable right; but let him say he has changed his opinions, and let him say that in consequence of that change of opinion he has changed his party affiliations. I am making no charges; I am simply saying that we made no bargain, we made no proposition for a bargain, and would have made none; and it is due to the Senator from Virginia as well as to the democrats that that should be known.

Mr. MAHONE. Mr. President, I think the Senate will bear me out that I have at no time during this discussion as to the election of officers of the Senate exceeded the bounds of propriety. I think it cannot be denied that in all I have had to say on this floor I have been courteous, I have been respectful. I think it will not be denied that I have not here intruded any question foreign to this debate. When we had for days under discussion the subject of the public debts of the several Southern States and the methods of their readjustment, the responsibility of bringing that question to this Chamber did not belong to me; it came here at the hands of my colleague, if I remember correctly. It is here that he has sought to introduce the question of the public debt of Virginia and to characterize a portion of his own people in effect as repudiationists, and another party, with which he would ally himself, as debt-payers, when the record not only of the Legislature of Virginia but the record of his own acts and all the facts show that there is no such party in the State of Virginia as a debt-paying party, in his sense, by his interpretation of the term. Has the Senator forgotten that the last attempt to deal with the public debt of the State of Virginia resulted in the passage of a bill known as the McCulloch or brokers' bill? Would he call that a debt-paying bill, a measure of extreme force, which undertakes openly and by violence legislatively to repudiate one-half of the accrued interest of eight years on a certain portion of the debt?

Mr. President, I did not rise in my place to review the speech made in answer to the one I delivered here in respect to this matter by my colleague. If need be, I will take a special occasion for that, if it shall be necessary, if for no other purpose than to be courteous to him. But, sir, I wish to say—and for that reason I have alluded to this question—that the responsibility for all that has come before the Senate in respect to this matter of dealing with the public debt of the several Southern States does not belong to me. When gentlemen on that side of the Chamber, whose States have readjusted in one form or another their State debts, sat silently by and allowed my colleague to bring the debt of Virginia before the Senate and to make that a question for the consideration of this body, and when gentlemen in the rear, if you please, of this tier of Southern States came to his assistance to assail the people who sent me to this Chamber, the readjusters of Virginia, as repudiationists, as unworthy associates with the democratic party, as unworthy associates with any party in this country—I say when Southern Senators sat there silently and allowed these things to be said, giving thereby their assent to the attack made upon these people of mine, could I do less than in justification of the course of the people of the State of Virginia give a reference to their legislation (and without comment) by which the public debts in the various Southern States had been treated as I showed they had been. When, where, or in what particular did I undertake to impugn the motives of the people of any State who had so dealt with their public debt, as to question the propriety of their methods? It is not to be found in anything I said on this floor. I hold, I have always held, that it is a question with which the people of each State alone have a right to deal for themselves; it is a matter not to be interfered with by any other people than those directly concerned.

Now, Mr. President, it has been suggested I am perfectly sure by gentlemen on this side of the Chamber that I had been approached by gentlemen on the other side in respect to the organization of this Senate. I want to say here—I have said before, but I desire to repeat—that no Senator on either side of this Chamber has ever approached me improperly as to the organization of the Senate, and I do not presume that any honorable man would expect or desire me or any one else to violate those amenities which obtain among gentlemen. I therefore shall not, unless compelled, repeat conversations which passed between myself and gentlemen on either their own quarters or mine; but I do have to say that neither on this side nor on that side of this Chamber has any Senator approached me by any improper suggestion as to the organization of this Senate. That gentlemen on that side of the Chamber, as on this, have asked me as to my wishes respecting the organization of committees, is true. Whether on either side they came as the representatives of a caucus, or a committee of a caucus, I never thought to inquire. They were gentlemen; they were so recognized and they so demeaned themselves, in whatever they had to say as to the formation of committees. As I have said, on both sides of the Chamber gentlemen have asked me as to my own wishes and my own views as to the formation of committees. My response has been to both alike in effect—and that response I have heretofore made in this Chamber—that I had no wish to prefer, and furthermore I was indifferent where I was placed, stating at that moment that I meant no discourtesy, but that I might, out of abundant caution, serve notice that here I intended on all occasions in respect to men and measures to vote as I pleased, [applause in the galleries,] recognizing obligation to no party for my seat in this Chamber, national or State, other than the readjuster party of Virginia. I came here to represent that people, and, God willing, I intend to do it according to my best ability and my honest convictions. Whether the discharge of that duty shall lead me to act with the republican side of this Chamber or with the democratic side, that is for me to judge and not to be suggested by a caucus.

Now, Mr. President, I hope I have said enough on this question of approaches to me, not only for myself, but in justice, at any rate, to the gentlemen on both sides of this Chamber, and, if need be, to repel any suggestion that I could be so approached with any scheme or plan, by combination or otherwise, to reach ends not legitimate.

Mr. President, I have said here once before that I was the custodian, and intended to be, of my own democracy. I do not choose to debate that question; it is not debatable. I think the sole question is between myself on the one hand and the people who sent me here on the other. When it is suggested that I was a national democrat, I ask by what species of analogy could I be a national democrat? There is no harmony, there is nothing that I have seen for eight years in sympathy between the democracy of my State and what is called the national democracy—a democracy which sought an extreme violation of true democratic sentiment and principles.

Why, sir, in my own State, when it was well known that the democratic party there, heretofore called the conservative party, and never denominated the democratic party until the 19th day of May, 1880—I say when it was well known to the national democracy that the democratic party in the State of Virginia were divided, when there had grown up in that State a division not to be reconciled, then came the national democracy with its national convention; and did that wing of the democratic party which supported me attend the State convention which sent delegates to Cincinnati? Not so. Then and there these people served notice alike on the so-called democratic party of Virginia as well as the national democracy that we participate not in your national convention. I say that the constituency which sent

me here refused to participate in the convention, called a democratic convention for the first time, which sent delegates to the Cincinnati convention. And although that was a State convention calling for over fourteen hundred delegates, and there were over one hundred and eighty-two thousand democratic votes in the State, it was a convention which was elected by less than three thousand of the popular vote, and a convention calling for over fourteen hundred delegates could muster less than three hundred and fifty—a convention which sent a delegation to Cincinnati pledging the democracy of the State to a candidate for the Presidency, I undertake to say, whose name had never fallen upon the ears of three thousand people outside of one city in the whole State of Virginia.

Sir, the party which I represent on this floor is a party of the people of the State of Virginia who won their right to control their own affairs at the ballot-box, who got the privilege to send me to this Chamber on a direct vote at the polls which elected the members of the Legislature that sustained me to a man by 15,000 majority of the white vote of that State, a Legislature composed of a majority in both branches of white men, democrats, if you like, that voted for me, and representing a party that refused to recognize the national democracy at Cincinnati; a party that protested that the national committee should not interfere with our own liberty; and yet, against precedent, against all the principles of democracy as I understood those principles, this high committee, sitting at New York—will you believe it when I tell you?—undertook to say to the people of Virginia "These men shall be your electors," undertook to take down the ticket put up by the people and set up a ticket of their own men. Was that democratic? I protested then that this was a usurpation to which no people loving freedom would submit. The right of the democratic national committee to say to the people of Virginia "vote for these eleven men as your electors" would soon lead to the assumption that that committee could take the power of naming electors for all the States, themselves composing the electoral college. That is your national democracy to which the people I stand for do not belong.

But, sir, it was not expected (so I am now informed) that I would enter the caucus of either party here. I do not suppose there is any man in all the broad land who knew anything of my coming to this Chamber and of the organization of parties in Virginia who for a moment ever supposed I would enter either caucus, that I could ever become the partisan of either party. What do I owe either? I certainly say that I owe nothing to that democracy which undertakes to stand here for the national democracy represented by Mr. Barnum and his committee. If there had been no reason within the borders of my State to resist that manner of democracy, I would have it in the conduct of that committee.

But, Mr. President, as I said in the outset, I rose for an explanation which I conceive to be due no less to gentlemen on this side of the Chamber than to gentlemen on the other, in respect to the suggestion that there had been improper approaches as to the organization of the Senate. I had intended to ask you, Mr. President, for the floor at the earliest moment this day, not in respect to what I have said, but in respect to another matter, a question of privilege. I find a reference made to me from a quarter I had not expected. It was impossible for me to have expected, after what had heretofore passed in this Chamber, any allusion to myself from that quarter. I certainly would never have violated the rule which I had supposed to be established in this Chamber. I was not in this Chamber on Thursday during the afternoon when in the debate there took place a passage between the Senator from New Hampshire [Mr. ROLLINS] and the Senator from Georgia, [Mr. HILL.] I did not see or know of this passage until I came to the Chamber on Monday, when in glancing over the RECORD I saw for the first time this allusion. I desire to read it, and I cannot doubt that the Senate will concede that I am justified in calling attention to this language:

> Mr. ROLLINS. Before I leave the subject I want to say one other thing, and that is, that the gentlemen upon the other side of the Chamber, unless they have been most wickedly misrepresented, would have been quite willing to have received the vote of the Senator from Virginia, [Mr. MAHONE,] and to have made any arrangement with him that would have inured to their benefit and given them the control of the Senate.
>
> Then comes the Senator from Georgia [Mr. HILL] interjecting—
>
> But we would not have bought it.

Mr. President, that language on the part of the Senator from Georgia admits of one or more interpretations. I come to ask the Senator from Georgia now, as this language in one aspect to my mind implies either that my vote had been or could be bought, whether in this language he intended to convey any such impression? [A pause.]

Mr. HILL, of Georgia. Go on; I will answer.

Mr. MAHONE. I am ready to hear.

Mr. HILL, of Georgia. Do you want it now?

Mr. MAHONE. I have nothing else to say but to ask that simple question.

Mr. HILL, of Georgia. Give me the floor and I will answer.

Mr. MAHONE. Whether the Senator from Georgia——

Mr. HILL, of Georgia. I shall have the floor in my own right when I answer, but I shall answer the Senator very fully.

The PRESIDING OFFICER. Does the Senator from Virginia yield the floor to the Senator from Georgia?

Mr. MAHONE. Yes, sir.

Mr. HILL, of Georgia. No, sir, I do not ask the Senator to yield to me. If I have the floor in my own right I will proceed.

Mr. MAHONE. I surrender the floor and take my seat.

Mr. HILL, of Georgia. Now, sir, I shall make to that Senator the answer which I feel that he ought to make to me, or any other gentleman ought to make under like circumstances, and tell exactly the truth. I inferred from the remarks made by the Senator from New Hampshire that he was charging in the language which he employed that we had sought to make an arrangement—that was his language—by which we should control the vote of the Senator from Virginia to get the organization of this Senate, and in response to that I said, "But we would not have bought it." I meant simply to negative what I understood to be the charge of the Senator from New Hampshire. That is what I intended to negative. The Senator from New Hampshire seemed to be arguing upon the assumption that they were charged with having bought his vote, and it seemed to be implied that we wanted to do it and could not do it. [Addressing Mr. MAHONE.] I deny that we buy your vote, I deny that we wanted to buy your vote, and we deny that we would have bought your vote; we would not have given you a fig for your vote. That is what I intended to deny. I did not charge that the Senator had sold his vote. I do not say now that the Senator had sold his vote. I would not charge, unless I knew the fact to be a fact, that any Senator on this floor had sold his vote. If the Senator wants me to go further and say what I believe, that is a different question; and I wish to say to the Senator now that if he proposes to call everybody in this country to account who has a belief on that subject, he has a heavy task upon his hands. I will make no charge against any Senator; but do not let any Senator invite my opinion or compel my opinion by seeking to make that a charge which is not, because he might get that opinion, and get it very fully.

Mr. MAHONE. Mr. President, I have nothing to do with the beliefs of the Senator from Georgia. I do not deal otherwise than directly in all those matters.

Mr. HILL, of Georgia. I do not hear the Senator.

The PRESIDING OFFICER. The Senator from Virginia will please speak louder.

Mr. MAHONE. I say, sir, I have not in anything that I have said in respect to any Senator here indulged in suggestions, and I have risen to ask the Senator from Georgia a very plain question. He says that I will have everybody to call to account. That is not the question. The Senator from Georgia has used this language. Now he knows well whether he intended to convey the idea that I had been bought, or could be. He knows that! He knows whether he intended to convey that impression, and I respectfully ask whether he so intended? That is all.

Mr. HILL, of Georgia. I have answered you fully, and it will be in the RECORD.

Mr. MAHONE. Well, sir, I understand your answer not to be full. The Senate will pardon me now. As the Senator from Georgia fails here to answer directly a direct question, I give him a problem to solve; he shall have a conundrum. I say to him if he did mean to imply that my vote had been or could be bought, he states that or undertakes to convey that which is foul, untruthful, false, and that no man less than a coward will make such a statement. [Applause in the galleries.] Now, I say to him he can solve in his own mind whether he so intended or not. [Addressing Mr. HILL, of Georgia.] You can solve that, sir. If you did I know what I have to say to you. Now, I have made my answer. You can solve that question for yourself whether you intended to convey that meaning or not. [Applause in the galleries which the presiding officer sought to check by rapping with his gavel.]

Mr. COCKRELL. Mr. President, I hope that you will not interrupt the galleries. It is disturbing both to the Senate and to the galleries to have that rapping continually on the President's desk.

The PRESIDING OFFICER. The galleries will preserve order.

Mr. PENDLETON. The disturbance came from persons in the front seats of our reserved private gallery immediately back of the Senator from Virginia.

Mr. McMILLAN. It is all around all the galleries.

Mr. HILL, of Georgia. Mr. President, I have too much respect for the Senate, too much respect for myself, too much respect for the people of this country to bandy epithets with the Senator from Virginia or any other Senator here. I have never sought to give nor will I receive or resent an insult in this Chamber I would not insult the Senator in this Chamber. The Senator cannot insult me. He is powerless to insult anybody.

Mr. CAMERON, of Pennsylvania. What do you mean by that?

Mr. HILL, of Georgia. And strange to say he is not aware of the fact. I am not dealing with the Senator from Pennsylvania now.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. HILL, of Georgia. The Senator asked me a question. I answered his question; I answered it explicitly. The answer is on record; it will remain there; it was a truthful answer. I answered precisely as I thought and felt at the time I used the words, and any

Senator can read those words and find them there. If the Senator thinks that he can suppress gentlemen in discussion in this Senate by assuming to play the bully, he has made a mistake.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to indefinitely postpone the pending resolution.

Mr. FARLEY. Mr. President, I have endeavored for some time, for about three or four weeks, I believe, to get the Senate to consider executive business, and it seems to me that we are spending a good deal of time in discussing matters that have nothing really to do with the questions that are before the Senate. I therefore move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. FARLEY, Mr. COCKRELL, and others called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired for the remainder of this day with the Senator from Mississippi [Mr. LAMAR.]

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired on this question with the Senator from Georgia, [Mr. HILL.] Were my colleague here, he would vote "nay."

Mr. BECK, (when his name was called.) I am paired upon all questions with the Senator from Maine, [Mr. HALE,] who was obliged to leave the city on important business. I would vote "yea" if I were allowed.

Mr. GORMAN, (when Mr. GROOME'S name was called.) My colleague [Mr. GROOME] is paired with the Senator from Illinois, [Mr. LOGAN.]

Mr. PLATT, of Connecticut, (when Mr. HAWLEY'S name was called.) My colleague [Mr. HAWLEY] is paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. HILL, of Georgia, (when his name was called.) I am paired on this question with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here, I should vote "yea."

Mr. JACKSON, (when his name was called.) I am paired with the Senator from Connecticut, [Mr. HAWLEY,] and I make that announcement for the day.

Mr. JONAS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. EDGERTON.]

Mr. LOGAN, (when Mr. KELLOGG'S name was called.) The Senator from Louisiana [Mr. KELLOGG] and the Senator from Illinois [Mr. DAVIS] are paired on this question.

Mr. LOGAN, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.]

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

Mr. SEWELL, (when his name was called.) I am paired on this question with the Senator from North Carolina, [Mr. VANCE.]

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded.

Mr. SLATER. I desire to say that my colleague [Mr. GROVER] is paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. HARRIS. I desire to say that I was paired with the Senator from New York [Mr. CONKLING] during his absence; but the Senator from Indiana [Mr. VOORHEES] being also absent, I have transferred my pair with the Senator from New York to the Senator from Indiana, and therefore I have already voted "yea."

Mr. RANSOM. I desire to state that my colleague [Mr. VANCE] is paired with the Senator from New Jersey, [Mr. SEWELL.]

The result was announced—yeas 20, nays 20; as follows:

YEAS—20.

Bayard,	Coke,	Hampton,	Pendleton,
Brown,	Davis of W. Va.,	Harris,	Pugh,
Butler,	Farley,	Johnston,	Ransom,
Call,	George,	McPherson,	Slater,
Cockrell,	Gorman,	Morgan,	Vest.

NAYS—20.

Blair,	Dawes,	Ingalls,	Mitchell,
Burnside,	Ferry,	McDill,	Morrill,
Cameron of Pa.,	Frye,	McMillan,	Platt of Conn.,
Cameron of Wis.,	Harrison,	Mahone,	Platt of N. Y.,
Conger,	Hoar,	Miller,	Plumb.

ABSENT—36.

Allison,	Garland,	Jones of Florida,	Sawyer,
Anthony,	Groome,	Jones of Nevada,	Sewell,
Beck,	Grover,	Kellogg,	Sherman,
Camden,	Hale,	Lamar,	Teller,
Conkling,	Hawley,	Logan,	Vance,
Davis of Illinois,	Hill of Colorado,	Maxey,	Van Wyck,
Edgerton,	Hill of Georgia,	Rollins,	Voorhees,
Edmunds,	Jackson,	Saulsbury,	Walker,
Fair,	Jonas,	Saunders,	Williams

So the motion was not agreed to.

Mr. DAWES. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and twenty-seven minutes p. m.) the Senate adjourned.

THURSDAY, *April* 14, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business, unless there is some objection to the motion at this time.

Mr. INGALLS. I suggest to the Senator from Ohio to suspend the motion for a few moments, if he has no objection.

Mr. PENDLETON. I will do almost anything that the Senator from Kansas desires except act on the pending resolution.

Mr. DAWES. The other side is so thin that I hardly think the Senator should take advantage of the absence of his friends.

Mr. PENDLETON. I would not do that for the world.

After a pause, during which Mr. DAVIS, of West Virginia, and other Senators entered the Chamber,

Mr. DAVIS, of West Virginia. Had we not better have a call of the Senate if there is not a quorum present? I suggest it to the Chair. That, I suppose, will enable the Senator from Massachusetts to gather up his forces, if that is what he is waiting for.

Mr. DAWES. Any course that is most acceptable to the Senator from West Virginia or the Senator from Ohio, who very courteously suspended a motion he made a moment ago, will be agreeable to me. I should prefer, though, to have a vote on the resolution.

Mr. PENDLETON. There would not be a quorum.

Mr. DAWES. I think I should be willing to take the risk of a vote on the resolution.

Mr. DAVIS, of West Virginia. If the Senator does not wish a call of the Senate, I move that we now proceed to the consideration of executive business. That is the legitimate business before the Senate and that is the business we ought to transact.

Mr. DAWES. I think we should get along better if we should take a vote on the resolution.

Mr. DAVIS, of West Virginia. I wish to say to my friend that if he waits for that he will wait until he is grayer than he is now. I do not know how long it may be, but certainly it will be a good while.

Mr. DAWES. I regret exceedingly to hear so unpatriotic a remark from the Senator from West Virginia.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. DAVIS, of West Virginia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I desire to announce for the day that I am paired on all questions with the Senator from Maine, [Mr. HALE.] I should vote "yea" if I were not paired.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Wisconsin [Mr. SAWYER] if he is not in the Chamber. I should vote "yea" if he were present.

Mr. HARRISON, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GORMAN.]

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were present, I should vote "yea."

Mr. JONAS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. EDGERTON.]

Mr. KELLOGG, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. DAVIS.]

Mr. LOGAN, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.]

Mr. COKE, (when Mr. MAXEY'S name was called.) My colleague, Mr. MAXEY, is paired with the Senator from Colorado, [Mr. TELLER.] I make the announcement for the day.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded.

Mr. SAULSBURY, (after having voted in the affirmative.) I desire to withdraw my vote. I had forgotten at the time that I am paired with the Senator from Ohio, [Mr. SHERMAN.]

Mr. PLATT, of Connecticut. I am requested to announce that the Senator from Wisconsin [Mr. CAMERON] is paired with the Senator from Missouri, [Mr. COCKRELL.]

Mr. BLAIR. I wish to announce that my colleague [Mr. ROLLINS] is absent from necessity, and that he is paired with the Senator from Florida, [Mr. JONES.]

Mr. HARRIS. I desire to say that I agreed to pair with the Senator from New York [Mr. CONKLING] during his absence. The Senator from Indiana [Mr. VOORHEES] being also absent, I have transferred my pair with the Senator from New York to the Senator from Indiana. I make the announcement for the day upon all questions that may be voted on.

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bayard,	Davis of W. Va.,	Johnston,	Pugh,
Brown,	George,	Lamar,	Ransom,
Butler,	Hampton,	McPherson,	Slater,
Call,	Harris,	Morgan,	Vance,
Coke,	Jackson,	Pendleton,	Vest.

NAYS—21.

Allison,	Ferry,	McMillan,	Platt of N. Y.,
Blair,	Frye,	Mahone,	Plumb,
Burnside,	Hawley,	Miller,	Sewell.
Cameron of Pa.,	Hoar,	Mitchell,	
Conger,	Ingalls,	Morrill,	
Dawes,	McDill,	Platt of Conn.,	

ABSENT—35.

Anthony,	Fair,	Hill of Georgia,	Saunders,
Beck,	Farley,	Jonas,	Sawyer,
Camden,	Garland,	Jones of Florida,	Sherman,
Cameron of Wis.,	Gorman,	Jones of Nevada,	Teller,
Cockrell,	Groome,	Kellogg,	Van Wyck,
Conkling,	Grover,	Logan	Voorhees,
Davis of Illinois,	Hale,	Maxey,	Walker,
Edgerton,	Harrison,	Rollins,	Williams.
Edmunds,	Hill of Colorado,	Saulsbury,	

So the Senate refused to proceed to the consideration of executive business.

Mr. MORGAN. Mr. President, yesterday when the Senator from Massachusetts [Mr. DAWES] had the floor in discussing with his usual fervor questions which had come before the Senate, the Senator seemed to have made up his mind at last that he could not force a minority of the Senate into compliance with his will by whatever course of coercion he might see proper to adopt or even by his extraordinary powers of persuasion. He then cried out, like one in anguish, "Let the debate go on," and declared that the country needed information and education in respect of a number of questions which have been introduced into this debate, not unnaturally and not improperly, and which I for one do not regret.

The Senate of the United States finds itself arrayed with thirty-eight members on one side and thirty-eight on the other, every man the peer of every other, and representing, notwithstanding the size of his State, its population or its wealth, an equal amount of power in this peculiar body. That equal distribution of power between the States, without reference to their size or wealth, makes this particularly the conservative body of the United States, more conservative than the executive department, and really more conservative than the supreme judiciary. There is no positive power vesting anywhere under our Constitution in any other tribunal, the unquestioned and unimpeachable constitutional right, to interpose its final negative upon the action of the majority, and to compel the majority not merely to stop and consider the value of that negative, but to compel it absolutely to stop until the minority may see proper to go forward. It is the only body in the United States that has the attribute under the Constitution of having the determination of a question pending before it resolved by the action of a person who is not a member of the body, and in that respect it is powerfully conservative, and not in any respect to be regarded as an aggressive body, a merely popular body.

What the Senators on the other side have been pleased to term a minority of the Senate have been sitting here for twenty or twenty-five days out of forty for the purpose of assisting in the conduct of the business for which we were called together before organized committees. For forty days, the same number of days including the nights that it took to deluge the world with destruction, the Senate of the United States has been held here in debate upon the question whether it would first disorganize under the first resolution offered by the Senator from Massachusetts, and then reorganize the Senate for certain purposes, some of which are avowed and some of which still rest in imagination and in suspicion, or whether we should proceed to the conduct and discharge of those high functions for which we were assembled here as we understand the call of the chief Executive.

The question as to where the fault rests for this non-execution of constitutional duty on the part of this great body has been so much discussed that it is quite unnecessary at this hour to make any further reference to that. What I have to say on that subject is merely this, that the people of the United States fully understand the purpose for which we were assembled; they understand that under the Constitution of this Government the President of the United States has the right to convene an extraordinary session of either House or both at his pleasure for the purpose of carrying out such objects of government as may occur to him as being necessary to enable him to execute that part of his oath which requires that "he shall take care that the laws be faithfully executed."

It is not at all necessary now to discuss the question for what purposes the President of the United States might assemble the House of Representatives in extraordinary session, not assembling the Senate at the same time. Perhaps it will be well for those who are profound constitutional lawyers and sometimes get their consent to look into constitutional questions when they subserve their personal or their party interests, to inquire for what purposes the President of the United States might see proper to assemble the House of Representatives in extraordinary session not in connection with the assembling of the Senate; but under the Constitution he has the power to assemble either House, and I am incapable of understanding how, except in perhaps one solitary case, he could assemble the House of Representatives alone except for legislative purposes.

But the country is not misinformed; it is not ignorant, nor is it inattentive to the fact that the President of the United States, obeying a custom of this country, at the close of the preceding administration called the Senate together for the purpose of considering those matters which relate to the conduct of the executive department of the Government and the incumbency of such other departments of the Government as the President has a right to assist in filling up by providing the necessary officers.

The democratic party in the Senate have aided that purpose all that they could. On the 4th of March, or on the next day of session after the inauguration of the President, we took immediate steps to organize the committees of this body, without which the body cannot act, or at least without which it cannot act according to its rules heretofore prescribed, and which we found in operation when the Senate met, and which we did not find it necessary to readopt. We offered to organize the committees, and Senators on the other side of the Chamber informed us that they would resort to every method that was then within their power to prevent the organization of this body. They predicated that opposition upon various excuses and pretexts, which necessarily in themselves implied an opinion on their part that the Government of the United States would not be properly carried on in any of its branches except with the assistance of the republican party, when there was only a mere possibility that that party might be in the majority and might at a future day have the power. We bore that reflection upon our patriotism and our sense of duty without complaining.

The Senate was delayed from day to day, until finally the republican seats were filled up which had been vacated by the action of the President himself, and the majority of this body was reduced not to a minority but to an equivalency of power with the other side of the Chamber. After that had been accomplished, after Senators had set the example by abstaining from acting with this body by withdrawing their States from out the reach of the roll-call of the Secretary which he was making by order of the Senate; after they had succeeded in breaking down the constitutional power of this body during the last hours of the last Congress, and by that action not for the first time nor even for the twentieth time had set us the example of an abdication of constitutional duty on this floor, then the Senator from Massachusetts brought forward the resolution to disorganize the portion of the Senate which we received fully organized when we met in this extraordinary session, for the purpose merely of its reorganization.

At first the Senators on this side of the Chamber, not suspecting any design to pervert the Senate to extraordinary and unusual uses or to prostitute its dignity and its powers so that it should become a part of the mere machinery of a political organization, thought that the Senators on that side were so greedy for the little offices which remained undisposed of, or which they might have a chance to dispose of, that they were moving in this solid phalanx, in this compact organization, and with this resolute step for the mean and insignificant purpose of handling the little coin through the agency of their friends which belongs under the laws of the United States to the employés of this body. That, as a mere scramble for the offices, would have been very bad.

The next step in the progress of the debate appeared to develop the fact that there was something beyond, and that the Senators on that side were struggling to execute on their part an engagement through which a coalition of hitherto hostile and contending factions had been made. We could not quite understand then all that it meant. The subject began to dawn upon the country, and the people of the United States began to lend an attentive ear to all the utterances that escaped the lips of Senators on this floor. When the controversy received another dark shadow in the thoroughly believed and as I think well-sustained suspicion that this movement meant a prostitution of the powers of this body for the purpose of electing a successor to a gentleman who is now upon this floor, then it became startling to the country, and it has raised a spirit of inquiry and, I will say further, a spirit of resentment which I think Senators will have to employ themselves diligently for a long time to quell.

Never before, and I hope to God it shall never be hereafter, did the Senate of the United States employ its great powers and its dignity, its traditional eminence in the history of this country, for the distinct purpose of taking one Senator out of his seat at the end of his term and replacing that individual with another man; and yet the purpose is just as distinct as anything that can be stated, now that it has become revealed. The object of the majority of the Senate of the United States as now avowed is to use its offices as a power of patronage for the purpose of entering a State of the American Union in order to dictate to the people of that State who shall come here to fill up this body in the future. Senators, instead of being embassadors from States and the representatives of great sovereignties, who are charged by the Constitution with performing certain high functions, not only in extraordinary sessions but in all sessions, find themselves able in this day to turn their backs upon their high constitutional duties and to take the offices which are meant for the mere convenience of the Senate and for the proper discharge of public

business, and the officers who are brought here as the servitors of this body, and to organize them into a special squad of political campaigners and bummers for the purpose of entering a soverign State to control the people in the selection of a Senator.

That is the business of the Senate of the United States, and that is the expedition which the Senator from Massachusetts leads so heroically. Some Senator remarked one day, "Would to God that Webster and Clay could be here for one moment to rebuke this body for its departure from all its constitutional purposes and functions!" I cannot repress the thought, if that great Senator from Massachusetts, Mr. Webster, who preceded the Senator who leads in this miserable expedition, were here, he would rebuke him in the name of his own State. The Senate of the United States is using its patronage and its officers to have men elected here for the express purpose of entering into a State to capture a man and to place him here as a Senator, who will become, when he does get here, more the slave of the party that elected him than any man who ever had the privilege of disgracing a seat on this floor.

It is announced in the Republican, or if not announced, more than intimated, (that paper which is edited by a gentleman who is to be made one of the servitors of the Senate,) that Mr. Riddleberger is a candidate for the Senate of the United States, to take the place of Mr. JOHNSTON. That is an *ex cathedrâ* announcement, as we understand it, because it has got to be thoroughly believed on this side of the Chamber, and I think throughout the country at large, that the gentleman who was formerly Secretary of the Senate and is now the principal editor of that paper is the man who, after all, is more responsible for Riddleberger's candidacy on the floor of the Senate than the Senator from Virginia, [Mr. MAHONE,] who made the boast that he was responsible for it. It is more than believed that the editor of that leading newspaper which has announced Mr. Riddleberger's candidacy for the seat of Mr. JOHNSTON found himself capable, or rather capacitated, to compel his party to swallow him, nauseous as was the dose, because he had in one way and another trumped up power enough to induce the other side to believe that there was great political gain to be made in the election of Mr. Riddleberger as Sergeant-at-Arms of this body. That is the editor who comes out in this morning's paper and announces with flaming capitals at the head of one of his articles:

Hill, the Bourbon, called a coward by Mahone—An exciting scene in the Senate Chamber yesterday—The Virginia Senator badgered and dodged by Bourbon Senator Hill—Details of the debate.

When he gets here as our Secretary he will not perform the purpose for which you elect him unless every morning he can come up with capitals flying at the head of his editorial columns denouncing Senators through the public prints as Bourbons and cowards and as men who fly from an attack. A man who is to be chosen, if chosen at all, for the mere purpose of carrying into execution the laws of the land and the rules of the Senate, a servitor of the Senate, has, through the political machinery of this miserable expedition which the Senator from Massachusetts leads and heads, the power and the ability through his paper to demand our silence in order that he may be thrust upon us while he hurls abusive epithets at gentlemen who discharge their constitutional functions in their own way upon this floor. And when you have got Riddleberger here, that also will be a part of his business, and you will have employés appointed under our rules that will consider that a part of their business, and instead of performing their functions and duties as gentlemen should, they are expected to come here and abuse Senators, heap calumny on them, and I dare say in the very secret sessions of this body to betray a confidence that we have no power to withhold or to protect ourselves in the enjoyment of.

You have chosen the wrong set of men as recruits in your new campaign, Senators. You should have gone outside of the officers of this body if you wanted to do it, and have hired a set who had no connection with the discharge of public duties and no responsibilities personally to Senators on this side of the Chamber, and have allowed us to have had men here in confidential communication with us, who were not put here for the purpose of abusing and maligning us, or for the purpose of deceiving and betraying us. A seat in the Senate is not a pleasant place when Senators know that they are surrounded by a corps of pot-house politicians, brought here for the purpose of breaking up and destroying and obstructing what they conceive to be wrong or unprofitable to them in policies in which this Government is deeply interested.

I therefore charge upon that side of the Senate, that with a purpose which they perfectly understand and of which the country is by no means ignorant they abuse and prostitute the offices of this body for the purpose of making a special and distinctive campaign in the State of Virginia, the object of which is to remove Mr. JOHNSTON or some man like him from the possession of the senatorial seat and to put in his place a man that they can handle at their will and pleasure.

Perhaps, sir, I should not have been so bold in making this declaration if I had not found ample warrant for it in the debates which have gone on in this body; but I do find such warrant here, unquestionably do I find it, and finding it I will make bold to speak about it, although I am not quite certain that a Senator on this side of the Chamber may to-day enjoy the constitutional right of freedom of debate (without being questioned for it here or in some other place) which is guaranteed to us in the Constitution as one of the conservative features of the liberty of the people and the States that we represent. It seems to require a man to have a little more at his back in the Senate of the United States now than the Constitution to be able to enjoy all his rights under it. The right of freedom or debate and of speech and of commentary upon existing and known facts seems to be denied to Senators on this side.

I regret, sir, that the honorable Senator from Ohio [Mr. SHERMAN] is not in his seat to-day. I would omit to make the remarks that I propose to submit to the Senate in reference to his speech on the 6th day of April in this Chamber but for the fact that although he is not the acknowledged leader of that side of the Senate he is the known and real leader of it. That honorable Senator, on returning to this Chamber after a four years' experience in the executive administration of the Government, coming back crowned with the plaudits of the country in respect to his administration of the finances of the country, is recognized, not merely by that side of the Chamber, but he is also recognized by the country, as being the authentic spokesman and mouthpiece of that side of the Chamber; and after I have made my comments on that speech there will not be one on that side who will rise in his place to take issue with that honorable Senator in respect of some very important declarations that he has made before the Senate of the United States.

What I have said in respect of the prostitution of the powers of this Senate in its dabbling in the dirty pools of local politics would be extremely unjust, and I would never have dared to have made such a statement as that if I had not found that this great leader and mouthpiece of the republican party in this Senate had laid down in his speech made before this body, with all possible solemnity of utterance, a doctrine—to call it such—which is broad enough to justify all that you are doing, and a great deal more than I fear you expect to do.

The Senator referred to what he was pleased to call the Bourbon democracy, and he had made various impressive and incisive utterances to show his want of confidence in that organization; to show that he did not believe that organization was capable of carrying into effect what it professes to have adopted as the basis of its action; to show that that organization was not entitled and should not have the respect of the American people; to show that that organization had set itself against the Constitution and the peace of the country, against every proceeding that was considered necessary for carrying into execution the great purposes of the plan of our Government; and after having inveighed against us in that style he proceeded to deliver himself in a most philosophical and *ex cathedrâ* way of the following utterance. The Senator from Ohio said, in reply to the Senator from Delaware, [Mr. BAYARD:]

But the third proposition of my friend is that to elect Riddleberger Sergeant-at-Arms is to interfere unconstitutionally with the election in Virginia, that the election of Riddleberger in some way or other has a connection with the election in Virginia. I do not exactly see how, although I hope it will.

The honorable Senator could not quite see through it, because like the other Senators who were exonerated yesterday by the Senator from Virginia on this side and on that side of the Chamber from all participation in any bargain, trade, or coalition by agreement, of course the honorable Senator from Ohio was exempted from knowing personally or seeing how that was to be, but with that blind faith and confidence which no man has the right to repose in anybody but his God or his mother that Senator takes the bit in his mouth quietly and marches under the direction and guidance of George C. Gorham and Captain Riddleberger, and comes here under their direction to enunciate doctrines, philosophical, political, and moral, doctrines which justify him in the course in which he has been driven to justify himself, not only in that, but in any result that may follow; and he hopes that the election of Mr. Riddleberger as Sergeant-at-Arms of the Senate will result in the election of a Senator of the United States to represent the people of Virginia who may be in harmony with the sentiments of the Senator from Ohio, or if not, at least more under the control of his will than any democrat, Bourbon or what not, that would ever come from that great State. The honorable Senator wants another man under his power here, and when he saw an opportunity through the assistance of Riddleberger and his subordinate servitors of this body to effect that he would not hesitate to add to Riddleberger's public duties the other private political duty of serving him and his friends in any way whatsoever for the purpose of depriving the people of that State of their free right to elect a Senator of such political complexion and character and such acquirements and accomplishments as they might think would be worthy of the great name of that great Commonwealth. The Senator says:

If the election of Riddleberger will enable us to break up the power of the Bourbon democracy in Virginia I will go into this contest with ten times the heart I have had. If the action of the republican party in coming up to the support of the Senator from Virginia and electing one of his trusted friends will strengthen the republican party in Virginia that is a political object which will greatly advance the good of the people of the United States, it is a political object for which I would contend.

How would he contend for it? In the same manner that he wants you to contend for it, and in the same manner that he knows you have been contending for it, for his remarks are not only declaratory of his own convictions but are apologetic at the same time for your course. Here is the method in which he declares he will contend for it. He says that:

Anything that will beat down that party and build up our own is justifiable in morals and in law.

Mr. President, we find just such a certain course of conduct adopted here. I will not delay the Senate further to recapitulate it or to comment upon it, but it is in the line of the employment of the subordi-

nate officers of the body; it is in the line of using the patronage which is conferred on those officers by law to compensate them for the discharge of their public duty, in personal political enterprises; it is in the line of having these officers to influence in the State of Virginia, of having them become a band of canvassers to influence and control an election in Virginia in some way, it makes no difference what, for there is no restraint of law and morals which the Senator thinks would be proper to be imposed upon them or upon him. After this corps has been organized and sent into the field under the advice and control of this great political leader, if they are called in question as to the methods which they may employ for the purpose of controlling the free will of the people of Virginia, what are they to say but to turn back to that great leader of the republican party in this Senate and ask the question, "Did we not go out with the authority of that great man who declared that whatever we might do, whether in violation of law or morals, would be right, provided it was for the purpose of beating down the democratic party and building up our own?

Mr. President, I cannot believe that that remark was born simply of malignity of spirit, for the weakest and most nervous dyspeptic in the land, when interfered with rudely and unexpectedly by the embarrassing restraints that may surround him, or the disappointment of his tastes or his hopes, would scarcely ever think of abandoning himself to such petulant exclamations even in the privacy and secrecy of his own sick chamber. But here is a Senator clothed with the majesty and power of his party and his State; here is a Senator who stands at the head of that great phalanx on the other side of this Chamber; here is a Senator whose will not one of them will dare to oppose and whose utterance not one of them dares to deny, who, in the midst of the solemnity of this Senate and after he had laboriously argued himself up to the proposition, announced this hideous doctrine which would not bear the test in any tribunal pretending to be civilized or even semi-civilized in the circuit of this globe. Even in the Sublime Porte at Constantinople the man who would utter such a declaration would be denounced as an unworthy Turk and driven from the body. Sir, if it were announced in the councils of the savages of the West, the Indian chief who announced it would be regarded as a man who had degraded himself below that position which entitled him to lead a brave and gallant people.

I will read it again; and, mark you, Senators, this world will read it from now till doomsday; these words have become immortal, not because of their value, but because they mark that condition of political sentiment in this country espoused and acted upon by the other side and never once denounced or even dissented from on that side of the Chamber:

> Anything that will beat down that party and build up our own is justifiable in morals and in law.

We have got your measure; we see your purposes in your conduct. You have revealed to us how easy and how convenient it is for you to throw off all restraints of law and morals to "beat down" an opposing political party, consisting of nearly five millions of people, and for the purpose of building up your own. And if the Senate of the United States should be put into political harness for the purpose of executing a plan like this, and these sovereign States or their embassadors here, great and small, should be required for forty days longer to sit here to prevent the consummation of a plan whose justification was expressed only in the language that I have read, what else could I call it but a prostitution of the Senate, and who will call me to task for saying that? I stand before the bar of this country accusing you not out of my own mouth, but out of yours. I present for its consideration this terrible announcement of your purposes and your creed, and I ask you either to deny it or to stand up to what that Senator has put upon you.

The honorable Senator from Ohio would not reform the democratic party; he wants it destroyed. That has been the burning desire of his heart, I have no doubt, ever since he first found that it was the lion in his path to imperial power. That party will stay, sir. Four million four hundred and forty thousand men who voted in the last November election with the Bourbon democrats and for the Bourbon democrats will be apt to last, and that power is not going to perish in the coming days and years of this country; it will be found here as long as the people need protection. As long as the poor need a friend, as long as the helpless need a defender, as long as justice needs somebody to uphold its authority, as long as laws are enacted and are required to be obeyed, as long as they are recognized in the depth of the heart of society, these 4,440,000 Bourbon democrats and their successors will be in this country for the purpose, not of breaking down the republican party by any means whether constitutional or not or justifiable or not in law or morals, but for the purpose of breaking you down by exposing and opposing the infamy of the creed which you profess on this floor.

The Senator has had many plans for destroying the democratic party. The republican party on that side of the Chamber have had numerous plans for destroying the democratic party, and the more you war against it the more you fail, because you have not sought to break it down with the force of truth and argument; you have not sought to break it down by an appeal to the honest convictions of the great mass of the people of the United States; but you have always sought to break it down by trick and combination and coalition and arrangements like that which you are attempting to employ in this Senate to-day. They have resorted to a curious method of breaking down the democratic party in Virginia, a very singular method. They find a little schism there upon a local question, and that out of the schism an unfortunate heat has grown up between persons who allowed themselves to indulge in debate upon it, and, like a jackal, slipping in behind while the majestic animals of the forest were warring over a capture, they propose to slip off with the spoil. They found a little division of sentiment in Virginia; they found some men there who had more ambition than they had the means of gratifying by their own unaided efforts, their skill in statesmanship, or the confidence the world had in their purposes and in their purity of motive, and they instantly seized upon one of these factions, naturally taking the weaker one, and they endeavored to incorporate it into their own body, and they have prophetically stated on this floor that there was no half-way ground, that the capture of the readjusters in Virginia is a capture out and out, including the side-arms of the officers, camp equipage, baggage, and all. The honorable Senator from Ohio in proclaiming the nature of this conquest or capture declared that the Senator from Virginia could find no half-way ground and no stopping-place, and he at once received him into the bosom of the republican party, as was said here, unshriven and unaneled, without death and without repentance, as the honorable Senator from North Carolina [Mr. VANCE] wittily observed.

But it seems that there is a half-way ground somewhere, for the Senator from Virginia does not want quite at this moment of time to undergo the process of deglutition by which he is to be absorbed and become the lamb on the inside of the lion to which the Senator from Kentucky [Mr. BECK] referred, quoting from the Senator from New York, [Mr. CONKLING.] He is not ready yet to occupy that position. Doubtless after a while he expects to be so honored. We shall see in the coming future how long it will take the great anaconda of the republican party to swallow this small affair in Virginia. But, anticipating this, the Senator from Ohio knew very well that if he could get the Senator from Virginia and his party outside of the ranks of the democratic party of this country it would take him but a short time to destroy him, it would require but a very brief moment of time to put him and his little squad *hors du combat*. He first swaps the carpet-bagger for the readjuster. He resorted to the tactics that the Indians sometimes resort to in the West when they want to get rid of their wives. They have there no law for divorce. An Indian cannot get rid of his wife except by her death or else by selling her. He has the right to sell, but the purchaser has the right to rescind the contract whenever he sees proper, and particularly as long as the tender which the vender received in exchange for the wife remains so that it can be returned. An Indian out West desiring to get rid of his wife refused to sell her out and out to another for money, fearing a rescission, but he swapped her off for a dog, and then he killed the dog, which prevented her return, and thus obtained a perfect divorce. So I must think it is that the Senator from Ohio and his friends on that side of the Chamber mean to treat this party. They mean to swap off their republican allies in Virginia, their "grip-sack" friends down there, for the readjuster party, and then when they get the readjuster party in power for the purpose of preventing a restoration of the bans they intend to kill the readjuster party. That is the only way they can think of to dispose of this matter and get rid of the "grip-sack" party.

The truth is, Mr. President, the republican party in the United States have found at last that their attempt to govern the Southern States through "the grip-sack party," as Mr. MAHONE calls them, or the carpet-bag party, as we call them, is a failure. They are obliged to get some substitutes down there for the purpose of leading the negro hosts in the political campaigns of the country, and they think the best thing they can do now is to immolate and destroy the carpet-baggers in the South and substitute the readjusters in their place.

I was utterly surprised the other day when I saw the honorable Senator from Louisiana, [Mr. KELLOGG,] the remaining soul, body, and bones of the Packard government, extending his arms in a death-like embrace to welcome his friend, the readjuster from Virginia. There was the old story of Damon and Pythias renewed. The Senator from Virginia was scarcely warm in his seat till this last remaining remnant of the Packard government enwrapped him within his tender folds and embraced him metaphorically until I thought they would die—a curious combination. It is perfectly understood on this side of the Chamber that the party which is led by the Senator from Virginia, or which he thinks he is leading, is designed by that side of the Chamber to supplant the carpet-baggers and take their place in the administration of affairs in the local governments of the South. Why, sir, there is not anything more patent than the fact that they intend to deliver into the hands of the disaffected democrats in the South, whom they call independent democrats, all the governments of the States, and in consideration and in compensation for it they are to assist these gentlemen here in managing the great affairs of the nation. They are to keep you in power in the Federal Government, where you have the expenditure of $1,000,000 every day that shines upon the earth, and you are to turn over to them the local governments in the States of the South in order that they may play the rôle there which the carpet-baggers have played heretofore, and in order that they may bring back as far as need be, without regard to law and without regard to the restraints of morals, that condition of affairs which existed in the South for many years, and out of which we succeeded in extricating ourselves by the twofold appeal of prayer to God and appeal to the hearts of our honest countrymen in the North.

How is it in Arkansas, where there is a distinct repudiation party running against the democratic party in that State for the offices during the coming summer and fall? Your party are as much organized to-day in the assistance of that repudiation party as you are here in the assistance of the readjuster party. It was so in Tennessee, and the repudiation movement in Tennessee received its impulse from the republican party. My honorable friend [Mr. JACKSON] on the left knows it and bows his assent to the proposition. No man who understands the history of politics in Tennessee can deny it. How is it in Mississippi? An organization is being perfected in Mississippi by which the negro race as a race and as a body are to be placed in close coalition with what are called the independent democrats, and are to be sustained by the patronage of this Government in attempting to dislodge the government of the people of Mississippi. Similar combinations are forming in Louisiana. In my own State during the last November election all the power of the Federal Government and its money as far as they chose to use it was employed in the northern district of Alabama for the purpose of defeating a democrat with a greenbacker, thereby showing that the business of the party is to use, wherever they can find it, a disaffected element among the democrats of the South, and, dropping all considerations of law and morals, to undertake, in the language of the honorable Senator from Ohio, to beat down the democratic party and to build up the republican party.

And so it will be in every Southern State where you can find a foothold. It is precisely the same case that exists in Virginia, where, notwithstanding the effort made on the other side of this Chamber to plaster and smooth over the trouble about the nature of the enterprise which the readjuster party is conducting there with reference to the debt, you are encouraging, as you well know, that party in Virginia, organized, as the Senator from that State told you yesterday, strictly with reference to local affairs and belonging to neither of the great parties of this country. Yesterday evening he undertook to announce his independence and that of his party from either of the great parties of this country, stating that he was here merely as the representative of that party. Let me read his words:

> I came here to represent that people, and, God willing, I intend to do it according to my best ability and my honest convictions. Whether the discharge of that duty shall lead me to act with the republican side of this Chamber or with the democratic side, that is for me to judge and not to be suggested by a caucus.

Before that he had said, in substance, that the readjuster party, of which he was a member, was his party; that it was organized upon a particular phase of local politics; that it had no connection with either of the national parties and had refused to participate with either of the national parties in their last great campaign. He had also said that the readjuster party, which he led at the time of his election to the Senate, had no representatives in the Cincinnati convention. In that I think the Senator's memory was at fault, although it would be inappropriate, perhaps, for a Senator from another State to undertake to correct him about the history of his own State; but, as well as I recollect about it, Mr. James Barbour, who was a readjuster, was president of the State convention that sent delegates to the Cincinnati convention from Virginia, and Mr. H. D. Allen was also, I believe, made permanent president of that body, or, at all events, he was an influential member of it, and the delegates from the State at large, both readjusters, were James Barbour and S. H. Moffatt, the delegates at large of the regular democratic party being William Terry and John W. Daniel.

So it goes, Mr. President, through the entire chapter. The words which I have quoted from the honorable Senator from Ohio will become more suggestive to the people of this country in the future attempts of this combination to legislate here. I do not know what measures they propose to carry into effect to accomplish their designs, but I can very well understand that, when there are no restraints of law or morals on a party thus united together in the government of this country, the people, referring to the experiences of the past, have much to dread from this combination. Sir, it was combinations of this kind which destroyed many of the best governments of the world, and the persecutions that men have endured from age to age and from generation to generation are due to the fact that the leadership of the great parties of this world was in the hands of men who renounced all obedience to law and morals in their dealing with their political antagonists. It was that which bathed Lu Vendee in the blood of the peasantry. It was that which dismembered Poland and drove the majority of its population into exile in Siberia. It is that which carried into Siberia during the last year more than 16,000 exiles, of whom three-fourths were political prisoners. It was that which prompted the bloody assizes of England. It was that which has put the yoke of bondage upon the neck of Ireland, so that to-day she groans with inextinguishable grief beneath the hand of her oppressor. It was that which sent your carpet-baggers into the South, and it was that which put upon her a burden the like of which no people in this country or any other have ever before been required to bear. The man who will announce on the floor of the Senate that he is unrestrained by law or morals in beating down the opposing party or in building up his own is not one whit better than Cortez or Pizarro. His principles would lead him to the extermination of any man or set of men who opposed him. Left to himself, he would convert Alaska into another Siberia, where the ice and the sands alternating in their strife for the occupation of the country during the summer would drive the population to misery and death.

Sir, in the light of this philosophy there is nothing that can be said in opposition to the will of a bare majority uncontrolled by law, unrestrained by morals, which would prevent them from doing what they desire to do. I would never have thought of charging this sentiment upon that side of the Senate, but when it is asserted out of the mouth of your own leader I do not know any occasion that requires me to bate my breath in discussing the proposition.

Sir, according to high republican authority the honorable Senator from Ohio has been some time preparing himself for an announcement of this kind. During the last year when the canvass was proceeding for the candidacy of the republican party, when the conventions were about to be held and delegates were about to be selected from the South and North and East and West to represent the republican party in the great convention at Chicago, the New York Times indulged in some remarks about the honorable Senator from Ohio which that paper states are based on facts, which I ask the Secretary to read.

The Chief Clerk read as follows:

> Of the delegates to the Mississippi republican convention, eight were employés of the Treasury Department, six were postmasters or postal-route agents, and one was a United States district attorney. All these were, of course, Sherman men, since to hold a Federal office in the South and support any presidential candidate except the Secretary of the Treasury is to invite removal. They were aided by half a dozen outsiders, also in the employ of an indulgent people, whose money is used to the extent of at least $35,000 a year to galvanize Mr. Sherman's candidacy in Mississippi. Perhaps the discreet journalists in Ohio and New England who have been so greatly shocked by the suggestion that Mr. Sherman was not entirely without responsibility for the peculiar transactions of brother-in-law Moulton may condescend to explain the tactics by which their immaculate candidate has pushed his candidacy in Mississippi. These are, it is true, merely a repetition of the shameless trickery practiced in North Carolina and Georgia, but as they are, if possible, a little more impudent, they appear to challenge some sort of notice from the alleged reformers who have undertaken the somewhat delicate task of vouching for the statesmanship and political probity of the eminent trimmer from Ohio.
>
> * * * * * * *
>
> It is well to make this statement in order that Mr. Sherman may know just how much his friends bear for his sake. Further for his information, that of the civil-service-reform administration, and the public, it will not be amiss to give the following list of office-holders who conducted the Secretary's Mississippi canvass. Those marked with a star were delegates to the convention. The others did good work on the outside:

	Pay.
W. H. Gibbs,* census supervisor	$500
James Hill,* collector internal revenue	2,650
J. J. Spellman, deputy collector internal revenue	1,200
W. D. Frazee,* deputy collector internal revenue	1,000
W. M. Hancock,* deputy collector internal revenue	1,000
W. H. Noonan,* deputy collector internal revenue	1,000
Frank Hill,* deputy collector internal revenue	1,000
W. H. Foote,* deputy collector internal revenue	1,000
James D. Cesson,* deputy collector internal revenue	1,000
J. P. Matthews,* deputy collector internal revenue	1,000
W. C. Raum, alternate	1,000
E. W. Hall, alternate	1,400
J. L. Morphis,* United States marshal	fees and 2,500
Thomas W. Hunt, United States marshal	fees and 2,500
Green C. Chandler,* United States district attorney	fees and 2,500
W. H. Kennon,* postmaster, about	2,000
J. L. Wofford,* postmaster	2,000
J. R. Smith,* postmaster	2,000
H. R. Smith,* postmaster	2,000
W. G. Henderson, collector customs	2,500
I. N. Osborn, deputy collector customs	1,000
W. H. Harney,* route agent, Post-Office Department	900
N. D. Sneed,* route agent, Post-Office Department	900

> In addition to these were a number of messengers and minor "hangers-on."

Mr. MORGAN. Mr. President, the New York Times is high authority in republican circles. If it stands for anything at all in its statements, the honorable Senator from Ohio was not wrong in stating as his moral view of political action in this country that "anything that will beat down that party [the democratic] and build up our own [the republican] is justifiable in morals and in law," and he might have added that anything that will beat down an antagonist in my own party is justifiable in morals and in law.

While that canvass was going on there was another initial movement going on in the United States custom-house, which was called civil-service reform. It was a prelude to the Chicago convention. I turn to the celebrated civil-service order No. 1, and read it for the purpose of reminding the Senate of the very high ground which was taken by the administration of which the honorable Senator from Ohio was a prominent member:

CIVIL-SERVICE ORDER NO. 1.

EXECUTIVE MANSION, WASHINGTON, *June* 22, 1877.

SIR: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury, on the conduct to be observed by the officers of the General Government in relation to the elections:

"No officer shall be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessments for political purposes on officers or subordinates should be allowed."

This rule is applicable to every Department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

That was indeed "thundering in the index," as the honorable Senator from New York remarked the other day in reference to another matter, and it was followed by a book of history in which was written the weakest and feeblest performance in that line that I think was ever recorded in a book since books were first made. The Senator from Ohio was a part of that administration, and while he was

there, with this rule held out for the guidance of public officers of the Government of the United States in all the Departments, we find him, according to the New York Times, undertaking to use the employés of the Government, and in the pay of the Government, to conduct a personal canvass for him in Mississippi against other republicans. I do not wonder, after he has left that administration and come back to the Senate, that either in a moment of forgetfulness (for men sometimes in moments of forgetfulness get to be too candid in the expression of their opinions) or in a moment of boastful bravado and of imperious determination to sustain what he calls the power of a constitutional majority, he has announced the odious doctrine on this floor that he would stop at nothing because of the constraint of law or of morals to carry into effect the purposes of his party, provided it would beat down the democratic party and build up the republican party.

Under the influence of this civil-service order No. 1 the honorable Senator from Ohio, when he was Secretary of the Treasury, addressing a letter to Hon. William A. Wheeler, President of the Senate of the United States, in respect of an important public official who was collector of customs in New York and another who was naval officer, made the following observations, which are entirely in harmony with civil-service order No. 1, and entirely out of harmony with the declarations made the other day in the Senate:

The third report shows that the gravest irregularities existed in the department of weighers and gaugers; that the larger number of the thirteen weighers and eight gaugers rendered but little, if any, personal service to the Government; that the weighers' fireman performed but little service; that the weighers' clerks in some instances performed no duty; that in most, if not in all, the weighers' offices men were hired as employés and assigned to do the work of the regular clerks; that the number of laborers thus assigned varied from four to eight persons in each weighers' office; that the men so assigned had but little duty to perform; that persons were borne on the pay-rolls as laborers as a reward for political services who performed no service except to sign their names to the rolls and receive their pay; that a part of the weighable merchandise was not weighed by the Government officers, but by city weighers, who furnished memoranda upon which the United States weighers rendered their returns; that a part of the weighable goods were not weighed at all, but the marked weights on the packages were copied off and returned by the weighers as if weighed; that the weighers had adopted a schedule of irregular fees, which they illegally collected from merchants for special returns and copies of weights, delaying to make returns to the custom-house until the importers paid these irregular fees; that by reason of these irregularities the cost of weighing and gauging imported goods at the port of New York had increased to the enormous sum of $346,524.80 per annum.

These evils were known to Collector Arthur, yet he made no attempt during his term of office to remedy them. * * * The existence of all these irregularities was subsequently verified by independent investigations made under my direction.

What is the weight and pith of that accusation? It is that the men employed in these offices rendered but little service and that of a perfunctory character, but that they had permitted men to be assigned to this duty who were borne upon the pay-rolls as laborers as a reward for political services. If that be wrong in the custom-house at New York and if that be a sufficient ground of accusation by a Secretary of the Treasury against a distinguished and a long-tried public officer, what must we say to the honorable Senator who was then Secretary of the Treasury when he comes back to the Senate and says that he will be glad to know that the officials of this Senate can be employed to control political elections in Virginia? Sir, it is time to pause and reflect a little as we go along in this debate. It is time to understand the reasons of our action. It is time to probe to the very bottom the motives of this proceeding and to understand whether or not any man in this country who has held a responsible official position has made the declarations I have quoted while holding such position, and now in the Senate feels himself warranted in declaring that the employés of this body, who are chosen and paid only for the service of the people and the Senate, are to have offices conferred upon them not only as a means of influencing political action in the different States, but for the express purpose that they may have the power to do so. In the concluding part of the same letter the same honorable Senator, while Secretary of the Treasury, proceeds as follows:

It is respectfully submitted that, under the circumstances, the restoration of Messrs. Arthur and Cornell would be a serious injury to the public service, involving a loss of public revenue and an increased revenue. It would establish a constant irritation and struggle between old abuses that existed and reforms that are sought to be accomplished. It would destroy the discipline of the Department; for, after all, the collector of customs is but a subordinate of this Department, and, though possessed of great powers, can do but little without the sanction of the Secretary; but he may seriously obstruct the Department in the conduct of business according to its ideas and plans.

IMPORTANCE OF THE NEW YORK COLLECTORSHIP.

It has been the established custom that this great office should be held as an administrative office, like that of a Cabinet minister; for the officer who collects over two-thirds of the revenue from customs performs functions equal to those of a Cabinet minister; but the law requires constant supervision and approval of his acts by this Department.

To require this business to be performed by persons in hostility to the general policy of the Administration would create discord and contention where there ought to be unity and harmony. It would be unjust to the President and personally embarrassing to me in the discharge of my duties to have the office of collector of customs at New York held by one who will not perform his duties according to the general policy of the Department.

Especially is this in point if the officers of any Department are employed for political purposes, and if the money paid to them out of the Treasury of the United States is to be perverted to the business of the corruption of elections, or even to the direct use of influence by these officials. Did it never occur to the honorable Senator that the men we are proposing to employ in the Senate are the mere servitors of this body, that they have very important official connection with us, that they are under our control, that it is expected of them that according to law and every consideration of propriety of action they will faithfully obey the orders of the Senate? After men are brought into this Chamber and in such relations to us are they to announce their independence of the Senate, and say that neither morals nor law shall restrain them any more than they shall restrain their chief in what they please to do in thwarting the purposes of any man or set of men in this body?

I will read from the message of President Hayes upon this same question, addressed to the Senate of the United States, and bearing date the 31st of January, 1879:

The custom-house in New York collects more than two-thirds of all the customs revenues of the Government. Its administration is a matter not only of local interest merely, but is of great importance to the people of the whole country. For a long period of time it has been used to manage and control political affairs.

The officers suspended by me are, and for several years have been, engaged in the active personal management of the party politics of the city and State of New York. The duties of the offices held by them have been regarded as of subordinate importance to their partisan work. Their offices have been conducted as a part of the political machinery under their control. They have made the custom-house a center of partisan political management.

The custom-house is a business office. It should be conducted on business principles. General James, the postmaster of New York City, writing on this subject, says: "The post-office is a business institution and should be run as such. It is my deliberate judgment that I and my subordinates can do more for the party of our choice by giving the people of this city a good and efficient postal service than by controlling primaries or dictating nominations." The New York custom-house should be placed on the same footing with the New York post-office. But under the suspended officers the custom-house would be one of the principal political agencies in the State of New York. To change this, they profess to believe, would be, in the language of Mr. Cornell, in his response, "to surrender their personal and political rights."

I have read enough of it to give emphasis to the proposition that the President of the United States and the Secretary of the Treasury both denounced, as being improper under the laws and spirit of our institutions, the employment of any of the officers of the Government of the United States for the mere purpose of affecting party politics.

Now, sir, I would like to know how far the honorable Senator from Virginia [Mr. MAHONE] is expected to assist in this business. If we could have that question answered, we should perfectly understand what his relations are to this side of the Chamber and whether he is here, as he boasts, the representative of an independent party, refusing to go into the caucus of either party, standing upon his own party organization and outside of all others; or whether he is here to give the influence of his counsel and his vote to purposes like that which are now uncovered before the Senate. If I could know in what way he would vote upon propositions respecting the punishment of Virginia's judges, who may undertake to execute the constitution and laws of that State according to their oaths; if I could know what he means to do or is expected to do in reference to the jury-box, in reference to the future employment of troops at the polls, in reference to the striking out of the representation of Southern States upon the false clamor of their having denied "a free ballot and a fair count" to the negroes of the South, upon the proposition to make a permanent reduction of the democratic power in this body and in the House—if I could know how far he intends to go in that direction, then I would not be doubting, perhaps, whether he was a democrat or a republican, and the honorable Senator from Ohio would feel more fully satisfied that he had pocketed his game or else had lost it.

But is this coalition to stop with the organization of the Senate? Is the alliance to be broken the moment the honorable Senator's friends are placed in position and office in the Senate, or is it expected to be a permanent alliance, offensive and defensive? There is no middle ground to be occupied in the Senate of the United States on questions like these, and I, for one, must be permitted to doubt, it makes no difference how bold and defiant the declarations may be, or how much they may be accompanied with threats or bravado, I must be permitted in my own conscience upon the facts to doubt whether this alliance is not a through and through arrangement, and whether it does not imply that the Senator, notwithstanding his announcement of independence of caucuses on both sides, is not after all as much the slave of a caucus as any man on either side of this Chamber. The Senator announces that he has not been in either caucus and gives notice that he is not going into either caucus, and that it was expected that he would not. He is the luckiest man not to have any special political friends that I ever knew. Not to have any political support from either party in this Chamber he is the most fortunate gentleman I ever met. The chairmanship of a leading committee, important positions upon other committees, and dignities have been been conferred upon him at the expense of Senators on that side who have been serving here for years, men of ability and character known throughout this country and, some of them, throughout the world. They have been rudely displaced, set aside to make room for a gentleman whose present position cannot be accounted for except upon one of two hypotheses: one that he is the most gifted and most highly endowed man that America has yet revealed to an astonished people, or else some good friend who has the power to control and manage has provided the places for him. We must be permitted to judge of these things, because when you place astonishing facts before the human mind, they challenge inquiry, and when the solution becomes to us a matter of constitutional duty we cannot hesitate because the conclusion we arrive at may be disagreeable on the one hand or extravagantly flattering on the other.

Is this new doctrine that the honorable Senator from Ohio has espoused for the first time on this floor a part of the readjuster doc-

trine? Does the credit belong to the readjustment party of Virginia to have discovered it and to promote the idea that it is the right and duty of Senators here to violate law and morals to beat down an opposing party and build up your own? Sir, has it come to this that, to accommodate that feature of southern politics (as it is called southern politics) which partakes of the nature of readjustment or repudiation as you please to call it, that you have graded down the moral standard of the republican party to this low plane to gain this little squad of 31,000 readjusters in Virginia? Are the five millions of voting republicans in the United States to have imputed to them that doctrine which the honorable Senator from Ohio announced on this floor, merely because it is necessary to lower the standard of your party to be able to include men like these?

The honorable Senator from Ohio has been in many a contest and we have felt the weight of his hand in the past. I admit it; and when he rises on the floor of the Senate and makes an utterance like this we do not regard it as a merely unguarded expression. It is a trumpet-sound in our ears and a tocsin of alarm. It comes to us with a force and weight that we cannot resist or avoid. We are obliged to understand that hereafter the immense power, not of that Senator only, but of all the Senators on that side, is to be used for the purpose of beating down the democracy of the country without respect to law or to morals.

Mr. President, while this debate is going on in the Senate let us turn our eyes outside of this Chamber, and let us see whether the enunciation of doctrines like this, and the fruits of such doctrines, as displayed in the conduct of republicans on the other side of this Chamber on this particular resolution, meet the approbation of the people of this country.

What is the condition of the actual relations between the people of the United States at this moment of time? Here is the Senate of the United States engaged in angry debate; thirty-eight men are speaking and voting against thirty-eight others, day in and day out, and there seems to be a settled conclusion on the minds of all that we shall stand here and debate and that no conclusive vote shall be taken upon the pending resolution. While this is going on the people that we represent and the States that we represent, so far as I know, are entirely in harmony with each other. I do not know of a State in the American Union that has a quarrel with any other State. I have not heard of a spiteful message that has been sent from the executive of one State to the executive of any other. I have not heard that there is any antagonism in fact or in feeling between the northern section and the southern section, or the eastern and western sections, if we are obliged to have sections in this country. We have peace and amity and harmony between the States. How is it among the people? From the borders of Maine down to the peninsula of Florida, and from the easternmost shore of Massachusetts to Alaska, around all our borders and throughout the entire country, I hear of no bickerings and no strife. The people from my own State visit Massachusetts and Connecticut and New York to sell their productions; they are well received, are heartily welcomed, entertained oftentimes with expensive and luxurious taste. There is no strife that I know of between the people. The commercial men and the manufacturers of the East and of the North are preparing their goods to send them down to our country. They deal with each other in perfect security and confidence. The people of the Northwest send their provisions and crops to the South and exchange them for what we have to sell or the money we have to pay for them. From the city of Cincinnati, the chief city of the State of the honorable Senator from Ohio, a railroad has been built by the corporate authorities at an expense of about thirty million dollars, going right down into the heart of the State that I have the honor in part to represent. What was the object of that great thoroughfare? It was to increase the facilities of intercourse between the people. While during the late presidential campaign heated and abusive speeches were made through the Northern and Northwestern States against the people of the South we listened with astonishment at the complaints that were being made against us, knowing they were not true, knowing that the very men who were sent to the South from all these great commercial and manufacturing establishments, and who visited every part of the South and inspected the condition of every community were taking back reports continually that utterly contradicted all these stories. Your trade with us increased. Our development has been great and progressive in consequence of it, and because of our own industry also. Senators must know, or if they do not the country knows, that the productions of the South could not have increased a hundred per cent. in the last twelve years, and its trade with the Northern States more than a hundred per cent., if there had been in the South any condition which was hostile to the purposes of legitimate and honorable government.

These facts are a reproach to the condition of the Senate of the United States to-day, and a bitter reproach to those men who make it their business to get up on this floor and undertake to create excitement and prejudice against communities in the South that are laboring to do their duty, working under the laws of the country in perfect harmony with the people in all the rest of the country. Sir, I thank God that the influence of the Senate of the United States is not yet powerful enough to disturb the harmony of the people of this country; for whatever else we may think of ourselves, of the grand powers that are placed under our control here, the people understand that after all they hold the helm, and that at the ballot-box they can control us. However we may allow our passions or our prejudices to abuse our judgment and warp our conduct, they, being at peace with each other and in harmony with each other throughout this land, will after awhile assert their power, and they will produce harmony in this body also.

The honorable Senator from Ohio [Mr. SHERMAN] has chosen for himself this bad eminence, and he is entitled to occupy it alone. He cannot get the American people to follow him in a declaration which invites them to set aside law and disregard morals to break down any political party. He says that every party does these things. I deny it; and if every party did such things, such conduct is not worthy to be quoted on this floor as a precedent for its continuation. As my friend near me says, our experiment of self-government demands that we should prove to the world that we are capable of driving out wrong and injustice wherever it may exist. If this is not our business here, we have got no business here. If we are only urging the bad conduct of one party as a justification for bad or worse conduct on the part of another, then we abdicate the authority which the Constitution has placed in our hands and degrade the high offices that we occupy.

If that side of the Chamber is stronger than this side of the Chamber constitutionally, as they claim to be, and which I dispute, what is the duty of that side of the Chamber toward us? It is not to beat us down; it is not to break us down; it is to consider questions in conjunction with us, to debate them with freedom, to vote upon them with candor and sincerity of purpose, and with a view to the good of the country, and not to place over us a set of men merely because you have the power, who you know are objectionable to this side of the Chamber and with whom we cannot have the relations that we would like to have with the officers of this body. It is no part of the business of any majority here imperiously and arbitrarily to exercise this authority to the beating down of the other side or to their degradation in any sense whatever. It seems to me that if I had been on that side of the Chamber I should have had the floor before this to demand that one of the great committees of this body should have taken charge of this subject and should have inquired into the facts which cause this terrible uneasiness, not here alone, but among the people. Sirs, we are not entitled to be treated by you with imperious arrogance. There is not a State on this side of the Chamber, nor is there a Senator on this side of the Chamber, who is worthy of any such treatment.

It has been time and again insidiously hinted that some of us do not hold the titles to our offices by legitimate elections. If you believe that, bring forward your inquiries and see whether there is a Senator on this side of the Chamber who will take shelter behind the plea of *res adjudicata* or former acquittal or former conviction. Can you afford that inquiry? We challenge you to it. We have got nothing around us or behind us that we would shut the door of inquiry upon or exclude the light of heaven from illuminating. Intimations do not prove anything in this body, and history cannot be made by mere assertions, especially by innuendoes. You can go deeper than that when you wish to try us. When you expect to put a gag upon us by crying out treason when we get up to vindicate the constitutional right and powers of minorities, we recall how that same cry was raised in the house of burgesses in the peninsula of Virginia and how it was met by an indignant people. Your Constitution defines treason. There is no doubt about that. There is no man amenable to that charge who is not liable to be indicted in one of the courts of the country. When the Senator from Massachusetts [Mr. HOAR] reiterated yesterday as a settled conclusion and conviction of his own mind that this side of the Chamber were in spirit traitors to the Constitution of the country, and intentional traitors, we understood it as being one of those outbreaks of the honorable Senator which I believe he has not got the constitutional ability to resist, an outbreak of serious ill-temper; for it is his habit, wherever he can find a spot or blotch on the body-politic of State or government in the South, to strut through it like a piece of proud flesh, and to demand the skill of the considerate surgeon. Treason, is it?

As one of the reasons which has been urged for this new coalition between a thoroughly independent man who will not connect himself with any party at all and the great republican party is the demand of a free ballot and a fair count in elections. That matter has been very extensively discussed in the Senate; but has it never occurred to Senators that they are influencing somebody's ballot when they pay a corps of hirelings here to go to Virginia to influence and control elections? If you want a free ballot keep your hands off the ballot. If you want a fair count keep your agents out of the field. Let the men who are employed here to serve the Senate in subordinate capacities remain here and perform their duties according to the law, and do not send them out for the purpose of influencing the ballot in Virginia. Yet while the Senators on that side get up here and talk loudly and eloquently about a free ballot and a fair count, they admit themselves that they are concerned in what I call a conspiracy to place the power of the United States Senate and the money and influence that belong to these offices at work in the State of Virginia for the purpose of controlling elections in that State. It is a magnificent start you are taking for a free ballot and a fair count. If you will go deep enough into the Treasury of the United States, and it seems not to make any difference to you how deep you will go, and take enough money out of it to my State, I will assure you that you can hire 60,000 negroes to vote for the repudiation of the debts of that State or any

other State, or to follow the Senator from Ohio in his newly developed scheme of controlling the politics of this country without respect to law and without regard to restraint of morals.

Some Senator rose the other day and suggested that after all a hardship would not be inflicted upon the officers of this body by turning them out, for the reason, as he said, that they were entirely willing to vote the whole amount of the pay to them just as if they had filled the offices until the commencement of the next session in December. Yes, you are very free, very liberal, and very kind with other people's money; but who gave to the Senate of the United States the right to go into the pockets of the people and take out salaries to pay one set of officers that you turn out and another set that you keep in for the same service? The proposition itself shows the absolute state of demoralization of the republican party. They are willing to go into the Treasury of the United States and, I will say, filch therefrom (for it is nothing else) money enough to pay the full corps of officials for the Senate of the United States, who will not perform one hand's turn of service from now until next December, provided we will consent to also employ and pay another set that they want in just now, not for the good of the public service, but merely for advancing their politics in a particular State.

This may be considered by some as a small matter, but it takes sometimes a very little pimple on a man's cheek to convince the skilled observer that he has a malady in his system which will eat the marrow out of every bone in his body.

When you came with your proposition to us you supposed that the democratic party would be willing to go into the Treasury of the United States and take out of the people's money enough to pay these officers until December provided we would let you have the control of another set to do the same business, they being brought here and sworn in, not for the purpose of serving the Senate, but for the purpose of serving a political party.

This subject of a free ballot and a fair count is one that does not belong to sections, nor does it belong exclusively to the republican or the democratic party. Our election system in the United States is about as just, as fair, and as free as it is in England or in France, perhaps not more so; and in the South it is as fair as it is in the North. But the man is a Utopian and has no just conception of the realities of government who expects that any political party, embracing more than four million voters within its circle, would be able to conduct all the elections of this country without the intrusion of any fraud or irregularity into any of them. It is one of the evils of the system which it is impossible for us to root out, but which every honest and good man in the country sets himself diligently to try to check. I say on the part of every Senator on this side of the Chamber, that there is not a man in the world who can lay his finger upon an act in which, by expressions or by his conduct, he has ever participated in any unlawful or improper interference with the ballot-box. Neither repudiation, nor ballots that are perverted, nor counts that are corrupted, have an advocate or a defender or an apologist on this side of the Chamber. We represent our own constituencies; we come here as men who were elected, not with reference to the defense of the corruptions of the ballot-box, not with reference to the repudiation of debts, State or national. Being representatives of such people, it is enough that we should rise in our places and deny the impeachments, to be able to exonerate ourselves from the broad and sweeping denunciation of the Senator from Ohio, that it will not do to trust the democratic party of the United States to carry out their own professions.

Mr. Butler impeaches the elections in Massachusetts and Senators on our side of the Chamber have impeached the elections in many of the Northern States. It is thoroughly well known that every important civil officer of this Government during the last presidential campaign actively exerted himself in the endeavor to control elections. As far as that was legitimate I have no objection to it; but it is equally well known that there was not an official, an employé, an officer of the Government of the United States here or elsewhere within the Union in the civil service who was not taxed in the last campaign a percentage upon his per diem or his salary for the purpose of collecting a fund with which to control elections in this country. From the President of the United States down to the women who upon their knees scrub the floors of the Insane Asylum in this city, nobody was exempt from taxation for political purposes. The system was as perfect, as thorough, as inexorable as any system of taxation that was ever imposed upon the people of any State in the Union.

Let me ask you what did you do with the millions of money which you collected thus by taxation out of the office-holders of this country last year? Where did you use it? You had a terrible complaint against us, reaching back for ten, fifteen, or twenty years, ever since the enfranchisement of the negro race, that we would not allow them to vote, that we perverted the ballot in one way and another. Why did you not use that money in these Southern States to protect a free ballot and a fair count? I am not aware that a dollar of it went farther South than Hon. John Goode's district, in Virginia. I know that some of it went there, and I happen to be informed of the orders by which it went. Why did not you take these levies that you taxed out of the people elsewhere and use them in Southern States to secure this fair count and this free ballot? It was because you knew that there was no occasion to do it. You employed your money in Indiana and Ohio, in Maine and in New York. Wherever there was a doubtful State there your myrmidons flocked, loaded with money taxed out of men and women who were in Government employment. When you got to those States do you expect to convince the people that you made a legitimate and honorable use of this money? If you do you had better prepare yourselves and occupy the remaining part of your days in that labor, for the world is not going to believe it, though you might stand tiptoe and preach it from now to the dawn of eternity. We know as well as you know that the money which by the arbitrary system of levies upon the public officers of this country you gathered in these immense masses was used to influence the floating population of the large cities, and to pay professional ballot-box stuffers and Johnny Davenport for his cages and his chains to put upon the limbs of honest freemen. Knowing that as you do, it is well enough for you to depart from your lines of defense and make an attack upon us, for well you understand when the people of the United States in organized array assail your defenses you are obliged to go to the wall. I commend your strategy and your tactics in coming out from your own camp to fight people upon ground that you select for them.

I have sat here in the Senate recently (and it has not been until recently that I have had it to do) and listened to the horrible accounts that have been presented by various Senators, some drawn like that which the honorable Senator from Massachusetts drew out of his pocket or else from his imagination about the gin-house that was burned in Mississippi. Some were like that; and then we have had bloody pictures. The Senator from Louisiana [Mr. KELLOGG] got up here and undertook to tell us horrible recitals of terrible murders, of bottoms of bays and lakes and creeks filled up with the bodies of slain republicans in Louisiana. We have had intimation after intimation of such crimes in the South, and though our people have protested in every form in which a protest can be presented, it makes not the slightest impression to remove from us the stigma that all communities in the South are capable of inflicting upon an inferior race any sort of cruelty and outrage that the devilish malignity of the depraved human mind could invent. We are denounced by States and sections. We are not given the benefit of a fair trial even to the extent of having a bill of particulars, but the broad indictment is made that all society in the South is corrupt and cruel. There never was a greater cruelty and injustice than that, and the men who perpetrate it will be at last compelled to understand that the people, though very credulous, especially in believing what they desire to believe, can never give them credit for veracity when they decline to come forward with their particulars, but make broad and sweeping accusations for the inculpation of whole communities in the South.

Sir, they may be a very bad people, but I still thank God that myself and my children have the privilege of living among them. I do not know a people in all this world where I have been or of whom I have heard with whom I would prefer to have my posterity cast their lot rather than with the people of the Southern States. We do not boast much of ourselves either of learning or of genius, but there is an honest, homely simplicity of character and a love of truth pervading society in that country which prevents them from becoming the unjust accusers of other people and disturbers of the rights and privileges of other societies, and which gives them a just confidence that after all this world will do them credit in the days to come.

I am going to read some remarks by the honorable Senator from New York [Mr. CONKLING] delivered on the floor of the Senate in respect to certain transactions in the city of New York, and then I will ask some Senator on that side to rise in his place and point to me a southern community in which it can be asserted by a Senator on this floor that such things have ever occurred. That Senator, on the 24th of April, 1879, in the discussion of a measure then before the Senate, proceeded to say this:

> In the autumn of that year—
>
> Eighteen hundred and seventy—
>
> an election was held for the choice of Representatives in Congress.

That was in the city of New York, that great metropolis of the United States, that center from which comes forth, we are to suppose, every just and moral influence to control the people, as well as the financial power which regulates their affairs, the largest city in the Union, the center of American civilization, the focal point upon which every eye from every promontory of this world is directed when they want to understand American character.

> I see more than one friend near me who for himself and for others has reason even unto this day to remember that election and the apprehension which preceded it. It was the first time the law of 1870 had been put in force. Resistance was openly counseled. Democratic newspapers in New York advised that the officers of the law be pitched into the river. Disorder was afoot. Men, not wanting in bravery, and not republicans, dreaded the day. Bloodshed, arson, riot were feared. Ghastly spectacles were then fresh in memory. The draft riots had spread terror which had never died, and strong men shuddered when they remembered the bloody assizes of the democratic party. They had seen men and women, blind with party hate, dizzy and drunk with party madness, stab and burn and revel in murder and in mutilating the dead. They had seen an asylum for colored orphans made a funeral pile, and its smoke sent up from their Christian and imperial city to tell in heaven of the inhuman bigotry, the horrible barbarity of man. Remembering such sickening scenes, and dreading their repetition, they asked the President to protect them—to protect them with the beak and claw of national power.

I defy any Senator on that side of the Chamber to rise in his place and point to me an instance where men and women in the South, white men and white women, drunk with madness and rage, have roved the streets stabbing and killing, mutilating the dead, setting fire to orphan asylums where the children of blacks or whites were

assembled, and burning them until the smoke ascended to heaven to protest against bigotry and outlawry.

Senators, until you can remove that spot put upon your own country by one of your own Senators do not turn to us to point out the little peccadillos of which some of our forgetful and injudicious people in the heat of passion and burning with a sense of wrong have attempted, or on some occasions have been guilty. Get rid of the accusations of Mr. Butler; get rid of the accusations of Mr. CONKLING; get rid of the accusations made by the whole democratic press of the North against your conduct in the last election; and then we will give you a free and fair opportunity to sit down with us and to counsel with us about our sins, and we will take your advice to the letter. You need not come at us with any hypocritical pretensions of your purity and excellence with a view to convince us that we must bow our heads to you and never make an inquiry as to what sort of men you are. When reformers begin to reform, to gain the slightest degree of respectability in the estimation of mankind they ought first to convince the world that they have started a reformation in their own lives. The most contemptible of all God's creation is a non-reformed reformer, a man barnacled with crime and sins, who comes out and preaches holiness and purity to others!

Has Virginia been derelict? If so, when was that? When was it that a free ballot and a fair count were denied in Virginia? What has given this sudden and unexpected spur to inquiry in regard to the affairs of Virginia, and has made this the great crisis in the history of that State, which renders it necessary that a distinguished Senator should come out from the midst of those people and signalize his devotion to the cause of the Constitution and laws by proclaiming and declaiming against the abuse of a free ballot and a fair count?

There was an election in Virginia last November, and there were three tickets in the field. There were a great many around the polls to watch. There was not a Bourbon democracy there who had control of the people of Virginia to do with the ballot-boxes what they pleased; but the election was held and the count was made, and no man on that side of the Chamber has risen in his place, and I expect that none will, to assert that in that election there was a single ballot which was not fairly cast, or that there was one which was cast and was not counted. What is the necessity, then, of this great reformation in Virginia politics? When did you make the discovery that it was necessary to hold the Senator from Virginia in your protecting grasp in order to secure in that State a free ballot and a fair count?

Mr. President, we of the South have occasionally heard something about tissue ballots. I never saw one; I do not know that I would recognize the article if I were to see it. The Senator from Massachusetts [Mr. DAWES] bows. I have no doubt the Senator has one. It was an invention of his own people; his presses worked off the first issue; they were sent to the South on a tour of political reformation. They came in the name of God and morality; they came as a part of the reformation.

The first time that I ever heard of a tissue ballot was at Petersburgh, in Virginia; that was in 1874. I recollect the newspapers came out with entirely a new view of political management quite stunning to the gentlemen of the South; and when it was charged upon what was then the conservative party of Virginia that they had used them there was a feeling of intense disgust that ran through every honorable mind in the South that men who called themselves Virginians could be induced to resort to a trick so low as that. It was known as the Petersburgh method, and at a time when Petersburgh was under the ban, as it was termed. That method was afterward alleged by the republicans to have been continued. I am not prepared to admit it or to deny it, but I know the papers of the country rang with the accusation that the political methods of Petersburgh, in Virginia, were such as comported with that declaration of the honorable Senator from Ohio [Mr. SHERMAN,] that to beat down a party it is right to do anything, whether justified or not by law or morals.

Suppose I should take that text as a justification of the alleged Petersburgh method of holding elections in Virginia, what would be the result? It would be that that side of the Chamber would be estopped from claiming that we were censurable for anything that was done in connection with an election, because if it is fair for you to do anything without respect to law or morals to break down the democratic party it would be quite as fair for us to use your own weapons upon you, including your tissue ballots.

This zeal about the tissue ballot in Virginia is entirely modern; and, so far as the Senator from Virginia is concerned, I think it is entirely new-born. When I have listened on the floor of the Senate to his infantile complaints about a free ballot and a fair count it has occurred to me that these wailings arose from the fact that, like Cæsar, he had been suddenly brought into a fresh atmosphere by compulsion and found himself taken by surprise. That this idea of a free ballot and a fair count was entirely new to a Petersburgh man passes belief.

What do the republicans of Virginia say about this business? I want to inform that side of the Senate of the complaints that have been made by the republicans of the United States against the Petersburgh method, and perhaps when they get hold of the complaints made by their party they may be able to bring to the contemplation of the country the reasons why they are so anxious now to adopt into their family the honorable Senator from Virginia because of his orthodoxy on that subject. The republicans charge down there that the vote in Petersburgh, Virginia, for the years 1869 to 1874, was as follows:

1869.—Walker, (democrat)	1,822
Wells, (republican)	2,781
Total	4,603
1873.—Kemper, (democrat)	2,065
Hughes, (republican)	2,295
Total	4,360
1874.—Greggory, (democrat)	2,483
Wood, (republican)	1,945
Total	4,428

That was the way it stood up to 1874; showing that in five years the democrats gained 661 votes, and the republicans lost 836 votes, the total vote being in 1869, 4,605; in 1873, 4,360; and in 1874, 4,428. In November, 1874, W. H. H. Stowell was the republican candidate, and William H. Mann was the democratic candidate for Congress. Mr. Mann is a readjuster, and was elected judge of Nottoway County as such by the same Legislature that elected Mr. MAHONE. Mann was sprung upon the republicans on the morning of the election, his name being borne in huge capitals on this delicate and fairy-like ticket, which is one inch and seven-eighths long by three-fourths of an inch wide. [Exhibiting.] I hope that the printer will be able to duplicate this, in the exact form in which it is, in the RECORD. Perhaps the honorable Senator from Massachusetts would like to examine it; it is a kind of little joker; it is the readjuster ticket that was voted:

City of Petersburg,
Virginia.

ELECTION,
November 3rd, 1874.

For Representative
in Congress
From 4th District:

Judge
Wm. H. Mann,
OF
Nottoway County

Stowell's ticket had on it the eagle bird, and is four and one-half inches long by two inches and one-half wide. I have Stowell's ticket here also. I will hand that to the Reporter to be inserted:

Republican Ticket,

PETERSBURG CITY.



FOR CONGRESS,

Fourth Congr'l District of Virginia,

W. H. H. STOWELL.

Perhaps you would like to know why these small tickets were used. I will inform you out of the statutes of Virginia, and then perhaps the honorable Senator from Virginia can make some explanation of it that will make it clearer than I can. I read from page 160 of the Revised Code of Virginia, (1873.) I will omit the parts that are not necessary to be read in connection with the observations that I am now engaged in making:

The canvass shall commence by taking out of the box the ballots unopened, (except so far as to ascertain whether each ballot is single,) and counting the same to ascertain whether the number of ballots corresponds with the number of names on the poll-books; and if two or more separate ballots are found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed. Then, if upon a comparison of the said count with the number of names of electors on the poll-books it appears that the two ballots thus folded together were cast by the same elector they shall be destroyed. If the ballots in the ballot-box are still found to exceed the number of the names

on the poll-books, then the whole of the ballots shall be replaced in the ballot-box; and after the same shall be well shaken, the conductor, or one of the judges of the election, being blindfolded, shall draw therefrom a sufficient number of ballots to reduce the same to a number equal to the number of names of electors on the poll-books.

After listening to that statute you can very well understand why it was that for the purpose of electing this famous readjuster, Mr. Mann, in Petersburgh, his ballot was one inch and seven-eighths of an inch long and three-fourths of an inch wide, and that Stowell's ticket being four and one-half inches long and two and one-half inches wide, being put in the same box, there was an over-vote, a large over-vote, and when they drew out all the ballots and examined them that were folded together and destroyed them, if they found any, and then they put them in the box and shook it well and they blindfolded one of the judges and he put his hand in the box and whether he drew the big ballot or the little one was a matter of taste and convenience to himself. That was the Petersburgh method, and at that time the honorable Senator from Virginia was a distinguished conservative democrat in that vicinity. Whether he had any connection with that I do not know. He knows. He was a friend of Mann, the man who was voted for. The republicans down there complained that in every ward in the city of Petersburgh in that election the number of ballots found in the boxes exceeded the number of names upon the poll-list by from fifty to two hundred votes. There was no difficulty about Mr. Mann's being elected on that occasion; he had no trouble in getting through. This was charged upon Mann by the republicans, not upon the Senator from Virginia; but after it had been charged upon him by the republicans, it is a remarkable thing that the republicans on that side of the House should be rejoicing over his conversion to readjustment and to republicanism.

The next election was for State senator in 1875, when William E. Hinton, a readjuster, and Colonel Robert Bolling were the candidates, a very important election for a very important office. The republicans and part of the democrats supported Bolling. Hinton received 2,483 votes and Bolling received 1,837 votes. And this same system was resorted to. It was then complained that the railroad company of which the Senator was president conveyed three hundred negroes out of the city of Petersburgh and so arranged that they could not get back to vote. I do not know whether that complaint is just or not. The republicans make it, and it is for them now to settle among themselves, as they have such a dear friend concerned, who is right and who is wrong about that business. That was a very violent contest. That was the very spring of readjusterism in that part of Virginia. It was then and there that party lines commenced to be drawn between the debt-payers and the readjusters in Virginia.

Mr. William E. Cameron in 1880 was one of the electors for the State at large on the independent readjuster ticket. Mr. Riddleberger and Mr. William E. Cameron were the two candidates of the readjuster party for the State at large on that electoral ticket. I desire now to call the attention of the Senate for the purpose of tracing along in the opinions of these various distinguished gentlemen who belong to the readjuster party their views on the subject of "a free ballot and a fair count," their views on the subject of negro domination, and their views also on the subject of repudiation; for you cannot accept Mr. MAHONE in your party and welcome him as you have done to your confidence without at the same time accepting and welcoming in the same degree every readjuster in Virginia with whom he was associated, and especially those who speak officially for him and for his party.

Now, I will read the readjuster electoral ticket for 1880:



RE-ADJUSTER TICKET.

Election, November 2d, 1880.

ELECTORS AT LARGE:

William E. Cameron,
H. H. Riddleberger.

DISTRICT ELECTORS:

1st District—Robert M. Mayo,
2d " William Lamb,
3d " John S. Wise,
4th " F. E. Buford,
5th " William Powell,
6th " Wyatt M. Elliott,
7th " S. Brown Allen,
8th " N. B. Meade,
9th " James C. Taylor.

FOR CONGRESS:

FOURTH DISTRICT,

JOSEPH JORGENSEN.

Jorgensen's name is on this ticket for Congress. Now, let us see what are Mr. Cameron's views on various topics. He was editor at one time of the Daily Index and afterward of the Evening Star, at Petersburgh. I will read an extract from his paper of February 19, 1869, on the subject of the debt of the United States, and perhaps we shall find out from that the root of this business, we shall find out from that the start of readjusterism, and we shall be able to ascertain by comparing views then and now whether readjusterism is important with respect to the treatment that it would bestow upon the public debt of the United States or any other debt. The heading of the article is "The national debt treated facetiously;" and it is:

The Tribune thus amuses itself over a proposition of one of its correspondents: "A correspondent gravely proposes the payment of our national debt by voluntary subscriptions. He probably supposes that a shinplaster collection some bright Sunday morning in the churches would suffice. Finally he suggests that we send him the Tribune a year or so, 'for this valuable idea.' We respectfully but most positively decline. Our plan for paying off the debt is only worth five cents, but that is five times as much as the cash value of any competitor. Its outlines are: 1. More workers, few idlers. 2. More productive industry and less gold and stock gambling. 3. Larger exports, or much smaller imports, or both. 4. More Federal revenue and less expenditure. 5. Begin to pay off the debt at once, and keep doing it so as to be able to fund our five-twenties at a lower rate of interest. We value these propositions at one cent each, not because they are not important but because they are so obvious that any honest, sensible person could have developed them as well as we have done."

Now says Mr. Cameron of the Index in commenting on that article in the Tribune:

It is gratifying to see Greeley, the friend of humanity, take the matter of our national debt so easily. It is gratifying to see the modest value which he places on his own plan for its liquidation—but modest as it is, it is half a dime too high. The real question before the people is not how to pay the debt, but how *not* to pay it. There is such a neat and expeditious way of getting rid of this intolerable burden altogether that to discuss the best means of carrying it further does seem like ludicrous trifling, no amount of which can have appreciable value. The debt must and will be repudiated.

I do not know how far Mr. Cameron, the elector for the State at large on the readjuster ticket, has had his opinions modified and reformed by association with the honorable Senator from Virginia, or how far they will be modified if he should associate long with that Senator in his alliance with the republicans in this Chamber; but his was a bad start for a debt-payer; and it was because the South had in its midst a few men like this who were blatant in forcing their views before the world that we have been accused of being repudiators, when we have, in fact, had to sacrifice all that man could find in his reach to make a sacrifice of in order to be able to countervail and counteract such sentiments as these.

At the time these contested and heated elections were held at Petersburgh Mr. Cameron was there working side by side in the harness with the honorable Senator from Virginia. In his issue of the Evening Star, of Petersburgh, of September 21, 1875, he says:

No people ever displayed a more noble endurance and determination than was put forth by the people of Petersburgh under the long black years of negro domination, and none ever made a more splendid exhibition of energetic resolution than that which they put forth in the spring of 1874, when with serried masses and unbroken tread they marched upon the despoilers and hurled them from the seats of power their ignorance and dishonesty had defiled.

That is a bad start for a readjuster who now professes to be so extraordinarily affectionate toward the negro race, and yet he was in 1880 a candidate for elector at large upon the Mahone ticket. On the 22d of September, 1875, he said this:

Others must act up to the conscience and light they possess; for ourselves we hold our older slogan: *Fusion of the whites against the solid enmity of the blacks.*

There is your color line drawn with a distinctness and energy that I have rarely seen excelled by the pen of any southern editor. October 1, 1875, he said:

We want no better reason for opposing Mr. Bolling than that the radicals and their negro followers support him. Is that not cause enough?

On October 5, 1875, he said:

It is one thing for the conservative organization, founded by white men for the protection of the whites, to accept the votes of negroes who believe that the intelligence of the Commonwealth should rule. It is quite another thing for men who seek the disruption of that organization and who rebel against its mandates to seek negro assistance to accomplish their purpose. It is one thing for a majority of white people to accept aid coming from any source. It is another and a distinct matter that a minority of the whites should rely on negro aid to overcome a majority of their own race.

On the 7th of October, 1875, in the same paper he said:

Yet to-day in Petersburgh, in Virginia, there are those willing to join hands with a crew who have only lacked opportunity to visit upon us the ills which their brethren have heaped mountain high upon the helpless people of less favored communities. Even here we have had experience enough to give us a foretaste of what to expect if the radicals ever achieve political supremacy.

On October 16, 1875, he said:

The independent programme as to radicalism: endure; then pity; then embrace. Do you want to break up the conservative ascendency in Petersburgh, and have negro policemen, and carpet-bag officials, and an irresponsible council, and colored teachers in the free schools?

On October 20, 1875, he said in the same paper:

And yet the Petersburgh bolters are willing to make a gap in the organization and to weaken its authority and prestige simply to overcome a candidate (Hunter) distasteful to a minority of the party here. Nay, more, they *are willing to borrow negro assistance to accomplish the injury to the State.* And yet they claim to be conservative and ask *white* men to vote with them.

On November 3, 1875, he said this:

For five years and everywhere the supremacy of the party sustained by these black people has invariably resulted in plunder, oppression, and social lowering of the intelligent and virtuous citizen over whom they had usurped control.

On November 5, 1875, he said:

Conservatives and negroes, a nice combination truly. Verily our former friends have "stooped to conquer." Richards and Van Auken will be very much disappointed on Tuesday night if it shall be found that Hunter has been elected. Such news as that will drive iron into the souls of the *oppressors* of our brethren, the feeders on our substance, and the persecutors of our registrars and judges. But all true conservatives will rejoice at it. Do the white people of Petersburgh wish to labor for the satisfaction of radical leaders?

I suppose, Mr. President, that that is a sufficient introduction of that gentleman as an elector for the State at large upon the Mahone ticket to give you an idea of the bond of union between him and the Senator from Virginia, and it will be enough to give this country an idea of the bond of union between you and the Senator from Virginia. You who profess to love the negro, you who profess to love "a free ballot and a fair count," you who profess to detest repudiation, now ally yourselves with him, not for the one vote of the honorable Senator in this Chamber, but because of the power that he is supposed to possess in the State of Virginia to carry another vote into this body. There is the bond of union between you—there is the platform.

Well, sir, it might well be supposed that editorials of that kind, coming from the leading readjuster paper in Petersburgh, would produce certain rough results, and it is no wonder to me that in the later elections in Petersburgh it is charged by the republicans that white men there belonging to the readjuster party had invaded every precinct in Petersburgh and violently torn the books from the hands of the book-holders of the republican party, the Jorgensen men, those who were there to guard the ballot-box and who had made memoranda for the purpose of preventing the voting of tissue ballots. Why, sir, it is perfectly well known in Virginia that Petersburgh is the very nest of this tissue-ballot business. I will not make charges and accusations upon my own knowledge as to matters of which I do not know anything personally, but I will say this: I have before me a paper which shows that the honorable Senator from Virginia was the president of the congressional club in Petersburgh and for that district, and the republicans charged that while he was the president of that club, and while that club had the issuing of the tickets, the ballot-boxes of that district were stuffed with tissue ballots.

I must suppose, of course, that the president of that club was entirely ignorant of this business; otherwise this enlightened and excellent body of gentlemen on the other side of the Chamber would never have received him with open arms, at the same time boasting that they did so because he was not a man who was willing to tolerate tissue ballots or any other interruption of the ballot or of the honest making of a fair count. I give you republican complaints; I do not know what they are worth, but the whole air was full of them.

Mr. President, the honorable Senator from Ohio found one other reason why we were to be exposed to anything that he saw proper to do or say about us without respect to law or morals, and that was included in the important fact that he took the liberty of calling us "Bourbon democrats." Some Senator, I believe it was the honorable Senator from North Carolina, [Mr. VANCE,] remarked that he had no use for a democrat that had to have a surname or handle to his name. Throughout the length and breadth of this great land, where we divide great States with you, like New York, by a very few thousand votes, and others by a very few hundred votes, and where the total vote between the two parties is divided by less than three thousand difference, I believe—throughout all this land those who belong to the political alliance call themselves democrats. They are not new-light democrats, or independent democrats, or anything else but the men who rally under that great creed which has stood as the monument of the democratic party in the history of this country from its foundation down to the present time. Yet the Senator from Ohio seems to delight in calling all these millions Bourbon democrats.

What is a "Bourbon democrat?"

The Senator from Ohio employs Talleyrand's celebrated witicism to describe us as "democrats who learn nothing and forget nothing." We cheerfully accept his definition, and would be glad if he enjoyed the honor of having been its author. There is at least an idea of integrity in such a character, though it may better become a fool than a wise man. That is a better character after all than that of a man who is wiser in his day and generation than the children of light, "who is all things to all men" that he may win men to the republican party, or than that of the man who is ready to be won to any party in order that he may make unto himself "friends of the Mammon of unrighteousness."

The complaint that we learn nothing is just when it is made in connection with the fact that we have not been willing to adopt the discoveries in the art of government which the republicans have made in the last twenty years. I rejoice that there are some new inventions of radicalism which we cannot be schooled into adopting:

1. We cannot be taught that there is a power in this country higher than the Constitution.

2. We cannot understand that the oaths we took to support the Constitution are relieved when we come in view of a party necessity which cannot be fulfilled without the abrogation of the Constitution.

3. We cannot comprehend that any burden can justly be laid on the people that mere party success may require.

4. In our ignorance we cannot believe that the offices were not created for the service of the people, whose money is gathered by tax collectors for their support, but for the purpose of rewarding the henchmen and retainers of political barons who claim the perpetual lease of power, and the right to use the offices to perpetuate their hold upon it.

5. To our stupidity it is incomprehensible that any man has the right to trample out the rights of another without his being afforded constitutional redress.

6. We dread to believe that the Army is the proper custodian of the ballot, or the proper judge of the elections.

7. In the innocence of our reverence for what we consider the sheet-anchor of our liberties we spurn the doctrine that the judicial department must prejudge the elections of Senators and members of the House, and also the officers of State governments, and so destroy constitutional rights reserved to the legislative department by employing its deputies to visit the polls and there to decide, without appeal, who shall vote and *what* votes shall be counted.

8. We take alarm at the suggestion that the great corporations of the land, in addition to their valuable and exclusive privileges and immunities, shall also enjoy the monopoly of every product in every market in the country, and price the toil of the people at arbitrary sums.

9. In the name of the fathers of constitutional government we repel the thought that States, as well as men, may be disfranchised at the will of Congress.

10. Our convictions and sentiments are in arms against the horrible heresy that the judiciary is to be used as a mere machine of party politics, and that judges shall be appointed only because of the distinction they have won in the most disreputable employment of mere partisanship.

11. With shame and disgust we feel that we are to be made unwilling witnesses to the fact that fraud and corruption are the canonized saints of the political calendar, and when they are carried in the procession of the saints every knee must bow and every tongue be silent, except to say "Thy will be done."

12. We protest in the name of the people whose love of justice still survives that it is false that either citizens or Senators are worthy to be charged with treason who speak against or vote against the power of a bare majority surreptitiously gained and used for the abuse of the right of any State, without constraint or interference by Congress, to express its free and untrammeled voice in the selection of its representatives to this body or the other House.

The Bourbon democracy are incapable of learning that either of these twelve capital sins, which comprise the leading features of the creed of this readjusted radical republican party, are worthy of their adoption so long as they are recognized as free American citizens. So much for our capacity to learn the new teachings of the readjusted radical party.

It is said we can forget nothing. Would to God that we could forget some things. We can forgive, and in our hearts we have forgiven much, but when God made man in His image he did not make him to forget!

Coming to the time when the republican party really crystallized in its present organization—in the year 1865—and going back no further, what is it in connection with the history of the Government under the control of that party that we are required to forget?

The mighty compass of the historian's field of inquiry will never embrace a tittle of the horrible wrongs we have been compelled to endure and are now required to forget.

Not speaking of the South, but of the whole country, its Constitution, its laws, and its traditions, let us recur to a few of the leading crimes of the radical party against all of these, of which we are never to speak or to think except upon pain of being denounced as traitors and stigmatized as Bourbons.

I could occupy hours and days in the simple recital of the crimes committed under the guise of reconstruction; but on the 16th of January last I had the honor to speak before the Senate on this subject, in a very imperfect manner, it is true, but sufficiently to outline the sufferings of the South under that system, and to draw the attention of the inquirer to the disastrous effects of that policy upon the States of the North. No reply has been considered necessary to what I then said, and I let it stand until there is some attempt at denial or explanation of the facts I then brought forward. Froude, in his admirable sketch of Julius Cæsar, says that the attempt of the Roman Republic (in a somewhat similar manner) to govern its dependencies necessarily converted the republic into an empire, for the reason that no free constitutional government can rule subject States and provinces without the entire discredit of the principles on which it is founded. The freedom of the government means the freedom of the governed; when the governed are free the people must govern themselves, and to do this they must be relatively and proportionately equal in the rights, powers, and privileges which the government is ordained to establish and protect.

The reconstruction measures violated these laws of political economy, and this violation was almost as dangerous to the governing States as it was to the States that were governed. They exasperated the people of the subject States, and covered them with the shame of degradation from an eminent position of honor and power to so low a condition that to call them States was an insulting mockery, while they encouraged the governing States in assumption of power that made them dangerously arrogant. It was after the governing States under republican lead had first felt the intoxication of unrestrained power and the first imperial triumph over conquered

sister States had purpled their history with imperial crime that the real purpose and mission of the republican party began fully to reveal itself. In its career of wild debauchery it made a history that democrats cannot forget even under the pain of being stigmatized with the fearful epithet of "Bourbon." Let us recall a few of the remembrances that time can never efface:

1. We cannot forget that the States were coerced to adopt the fourteenth and fifteenth amendments, but we faithfully remember them to keep their commandments.

2. We cannot forget in the South that in doing this we were compelled to dishonor our dead in their graves and our living heroes who had nothing left worth living for but the honor they had won by their sufferings in a cause that we believed was right and worthy of the holiest sacrifice.

3. We cannot forget to thank you for the high consideration you have bestowed on the "lost cause" by receiving with open arms Mosby and Longstreet and MAHONE, none of whom have breathed a sigh for forgiveness for what you have always alleged was treason and rebellion. They have never recanted or repented, and are to-day what they were twenty years ago, "rebels and traitors," if there were ever any such in the South.

In their persons the whole southern people stand vindicated by your voluntary act; and in conferring honors on them you inflict upon yourselves the reproach of having slandered and abused them and us for twenty years. We hope that Mr. Garfield will not prove himself so intensely a Bourbon as not to be able now to reverse his statement that he would never shake hands across the bloody chasm, or any other chasm, with an unrepentant and unpardoned rebel. It is due to surrounding circumstances that he should yield that harsh declaration to the softer sentiment now pervading the republican side of the Senate. He required repentance and an open confession of treason as a condition of his reconciliation to the rebel traitors of the South, while you are willing that a Harry Hotspur of the rebel brigadiers shall strut out on the floor of the Senate and shake his fingers in your faces while he ejaculates his defiance in your ears that he should never recant or apologize for anything; provided he will make promises not of future repentance but of "good works" in bringing back to you again the scepter of absolute power you so much love to wield.

4. We cannot forget that you attempted to impeach Andrew Johnson, President of the United States, because he held the Constitution to be of higher authority than your imperious will, and attempted to protect the States and the people against your cruel demand for their immolation; and that you ignominiously failed.

5. We cannot forget that you made war upon a peaceful and prostrate people after they had surrendered; that by arms you destroyed their chartered rights and common law inheritance of liberty, violated the sanctuary of their homes, violated their rights of personal security, despoiled them of their goods, and confiscated their lands, decitizenized them by *ex post facto* laws as to their rights of voting, holding office, and sitting as jurors in the courts, after you had invited their assistance and they had given it in so amending the Constitution of the United States as to destroy three thousand millions of property, much of which they had purchased from you and paid you for.

6. We cannot forget how you entered peaceful States with your armies and with the bayonet drove out every officer, high and low, that had been elected by the people and qualified according to law, and filled their places with appointees who were selected by military commanders and commissioned by adjutant-generals; how you assembled Legislatures with the drum calls of military corps, selected their membership by the assistance of armed sentinels at the doors of State capitols, purged out such as were of doubtful politics by the aid of provost guards, and disbanded and dispersed entire legislative bodies when their presence was inconvenient to the military authorities. We remember, yes, we cannot forget, that while the Constitution provides that the military shall be subordinate to the civil power the republican party has reversed these grand utterances, and has not hesitated to make the military the ruling power whenever it suited their purposes.

7. We cannot forget the ruin and desolation of a beautiful land under the hot scourge of republican hate, which, like a sirocco, swept across its bosom scorching, withering, blasting, uprooting, and destroying the works of its people, leaving them not even the means of subsistence. We cannot forget the anguish of the innocent, the sufferings of the old and helpless, or the indignation of the strong and youthful who had laid down their arms to accept an honorable allegiance, only to find that it was the chains of slavery and the badge of degradation, and not the bonds of fraternity, which they had been deceived into fastening upon their limbs.

8. We cannot forget our debt of gratitude to many republicans of the North and to the Bourbon democracy of the North for its sympathy for us in those years of persecution and calamity which followed the surrender to military power. We cannot forget such men as Seymour and Greeley and Hancock, for whom we voted as northern men, as men opposed to all our views which led to and resulted in the great civil war, but who were true to the Constitution when it stood for our protection, after we had surrendered, as they were true to the cause and the armies that restored the whole country to its sway.

9. We cannot forget that the republican party under the lead of the Senator from Ohio [Mr. SHERMAN] by a single act of Congress increased the burden of the public debt by more than six hundred millions of dollars, and by demonetizing silver took from the people at least one-fourth of their power to carry that heavy burden, and struck down the most important industry of the times—the production of silver from our great mines. Who can forget the terrible impoverishment of the people, and the enormous increase of wealth in the hands of the favored few whose servants the Congress became?

10. We have not forgotten the Santo Domingo business, or the Pacific mail subsidy, or the Leet and Stocking frauds, or the millions squandered in the Navy Department on the Secors and Catletts, and on a nest of procurers.

11. We have not forgotten Black Friday, or the fact that it lifted Fisk and Corbin into great wealth and Jay Gould into a position where he is more powerful to-day than the President, while it sunk thousands of worthy and innocent men, women, and children into poverty and wretchedness.

12. We have not forgotten that the republican party in the twenty years of its rule has granted to railroads out of the public domain 291,758 square miles of land, worth at the average of $2.50 per acre more than $700,000,000, embracing an area larger than the thirteen States of Ohio, Pennsylvania, New York, New Jersey, Indiana, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Vermont, Maine, and New Hampshire.

13. We have not forgotten Babcock, or McDonald, Joyce, McKee, or Avery, and the whisky ring, which for a time seemed to have more power than the Government.

14. We have not forgotten Belknap and the post-traderships, the Indian ring, the moth swindle, or the Sanborn frauds.

15. We have not forgotten the Freedman's Bank, or the robbery of the negroes of their little savings throughout the country. The Credit Mobilier and the illustrious names connected historically with that infamy are not lost to memory, nor will they ever escape the contempt of the Bourbon democrat.

16. We have not forgotten Durell and his midnight order to arrest the Legislature of Louisiana, or the military and naval expeditions prepared in advance to support it.

17. We have not forgotten the "free ballot and the fair count" of the Louisiana returning boards. All who participated in that scheme, in whatever capacity, on the side of the republican party, have had their names and memory perpetuated on the pay-rolls of a grateful country; and the Eliza Pinkstons and the Agnes Jenkses and the James E. Andersons and Don Webers are to live, as parasites live and flourish, on the decaying trunks of some of the sturdiest reputations in the history of the times.

18. We have not forgotten the great electoral commission or its work. It does not require a Bourbon's memory to keep alive the sad and disgraceful memory of that act, by which millions of free ballots were annulled by a false count and the sovereign voice of a constitutional majority, first of the people and then of the electors appointed by their votes, was reversed and held for naught.

It is because we have not accepted the doctrines and methods of the republican party, to some of which I have referred, as substitutes for the doctrines and methods of the Constitution; and because we cannot forget the history of that party, a portion of which I have adverted to, that the Senator from Ohio has seen fit to ascend to what he seems to consider the very climax of eloquent denunciation, and to stigmatize us as Bourbon democracy.

Let me say to the Senator that we prefer the ignorance of Jefferson, Madison, and Jackson to the wisdom of Thad. Stevens, Durell, and J. Madison Wells, and we prefer to remember the wrongs done to our country as a means of avoiding such painful experiences in the future, rather than to slumber in forgetfulness in the lap of the Delilah of the republican party, from which we can only arise when we have been shorn of all strength and are ready to be treacherously delivered into the hands of the destroyer.

For one I must say that I feel that the rights, liberties, and prosperity of the people of Alabama are as safe in the keeping of the thirty-seven Bourbon democrats on this side of the Chamber as they would be in the hands of the best thirty-seven men, including the readjusters, who were ever found or will be found hereafter in the ranks of the republican party. I am proud of the association with these thirty-seven Bourbon democrats, not one of whom has ever attempted to sustain a fraud or an outrage against the rights of the people, or has ever failed to lend his assistance to the preservation of their constitutional rights.

Mr. BROWN. Mr. President, at the end of what was known or must now be classed as the war of the rebellion because it was unsuccessful, the Government of the United States was in the hands and under the control of the republican party, and I admit they had very difficult problems to deal with in reorganizing the machinery of government and putting it into operation again. Whether they dealt wisely or unwisely has been a question for the people to determine and is yet a question of debate. They thought proper to pass what were termed the reconstruction bills into laws. Those acts disfranchised and drove from the ballot-box, in the elections for the conventions that were to form constitutions for the southern people to live under, probably two hundred thousand of the most intelligent, cultivated, and educated people of the South, including all persons who had ever

taken an oath in any office to support the Constitution of the United States and had afterward in any way whatever aided the war of the rebellion. I fell in that class, and I stood by and saw my negroes, or those that had been mine, vote in the election for members of the convention who were to form a constitution under which I was to live while I was excluded from the polls. There may have been—I do not say there was not—"a fair count" then, but there was not a very "free ballot." It was free, however, to all the males of the colored race who were twenty-one years of age and upward. They all had the right to come to the ballot-box and exercise the suffrage; I think they were generally there.

At a subsequent period, however, the grave question arose as to whether these mere acts of Congress were enough on this subject, and it was found by the republican party that it was necessary to propose a constitutional amendment that would guarantee to all persons, without regard to race, color, or previous condition of servitude, equal rights at the ballot-box.

These measures were regarded very hard measures by the people of the South. I thought so; but having taken part in what is to be termed the rebellion, I recognized the Government of the United States as my conqueror, and when these terms were dictated I acquiesced in them and advised my people to do so, and I think they committed an error—but there is a difference of opinion about that—in not promptly accepting those terms. I think the mistake we made when you put the suffrage into the hands of the colored race was that we indicated displeasure at it. The colored people were our friends, and we were their friends; but when our people—and it was the most natural thing on earth that they should have taken the course under all the circumstances—thought proper to make an issue on this question; and the carpet-bagger—and by that term I do not mean the northern man who came South for any honest purpose, but the man who could not have been elected constable in Massachusetts or Ohio, who came down to the South simply for the purpose of taking charge of the colored people and securing their support for the promotion of his ambition or his interest—when the carpet-bagger took our former slaves into the out-houses or school-houses at night and swore them into the Union Leagues, they were taught to believe that on that question our people were not their friends; and it was probably very natural that they followed this class of northern men who said to them, "The Government of the United States has given you the right of suffrage and we are here to see that you have it."

At that day I took position for absolute acquiescence in the reconstruction measures, and in the dictation of my conqueror. I said the terms were hard, but I believed it was better to accept them promptly; I recognized your power to dictate them, and I thereupon, after the passage of the fifteenth amendment, took position for "a free ballot and a fair count" in Georgia and all over the South, and I have stood there from that day to this, and I stood there at a time when, to say the least, it was a matter of some inconvenience to a man to stand there.

My friend on my left asks, where did the Senator from Virginia stand? I understand him to ask where did the new republican Senator from Virginia then stand? I do not know. I was noticing Georgia matters then more than Virginia matters; but I had always been under the impression that he stood with the democracy at the time when I temporarily separated myself from them upon that issue, and that he then voted with those opposed to the reconstruction measures.

Times have changed. The past year I entered the Senate under an executive appointment. There were those in Georgia to whom that appointment was very distasteful and, as I stated the other day, there were popular demonstrations in two or three counties against the governor of the State for having tendered me that appointment. The governor appealed to the people upon that issue, and I appealed to them also, and announced myself a candidate for election to the Senate of the United States. What was the result? Two democrats ran for the office of governor; both planted themselves fairly and squarely on the line of "a free ballot and a fair count," and I think I may say with perfect propriety that at no time in any State in this Union has there been a fairer election or a fairer count. No one has complained, so far as I have heard, of either party, that anybody was excluded from the polls who had a right to come there, or that there was coercion, or that there was any unfairness of any character. Members of the Legislature were elected in the same manner; and when the Legislature met, standing as I did before them as a democratic candidate for the United States Senate, I received a majority of more than two-thirds of the Legislature; every republican in the body and nearly two-thirds of the democratic members voted for me.

Then I affirm in the Senate Chamber to-day that the democracy of Georgia stand fairly and squarely upon the doctrine of "a free ballot and a fair count," and that they practice it. My colleague has announced the same doctrine. There is no division among us on that question, and it is not probable that there can ever again be such a division. All that is said in reference to any unfairness in elections there, or any disposition on the part of the democracy of that State to drive from the ballot-box any one entitled to vote, is gratuitous and unfounded.

The honorable Senator from Connecticut, [Mr. HAWLEY,] in his very able and eloquent speech, the other day, on the republican side of this Chamber, said:

> The South, the solid South, declares that the fifteenth amendment is a failure, that it cannot be executed in letter and spirit.

I deny it. With all due respect to my honorable friend I say the South, the solid South, occupies no such ground, and takes no such position. There is no place on the face of the earth to-day in any civilized government where there is a freer ballot; and there is no question about it that the fifteenth amendment is acknowledged to be binding, and in practice that it is faithfully carried out. The same honorable Senator said:

> I come back to the great fact which you, sir, and I, and every man in this land must accept, and may as well make up his mind this hour to accept, now and hereafter, that universal suffrage is the law of the world of late, and is the irreversible law of this Republic to-day.

I deny that, too. Universal suffrage is not the law of the world at present, and never was, nor is it the law of any civilized government in the world. Universal suffrage is not the law of this Republic to-day, and never has been. I admit it is manhood suffrage in most of the Southern States, and each male citizen, twenty-one years of age, without regard to race, color, or previous condition of servitude, may go to the polls and vote; but it is not the law of Connecticut; it is not the law of Massachusetts, and it is not the law of Rhode Island.

Senators from those States have said and said properly that the States have a right for themselves to regulate this question. That they have a right to say what restrictions or qualifications shall be put upon suffrage, I admit; and much as State rights may have trailed in the dust, and much as they may have been overridden and downtrodden, I am glad to see Massachusetts and the other New England States come up and take the lead in the affirmance of that doctrine. I desire to do no injustice to your States. As I have already said on this floor, I admire your industry, I admire your thrift, I admire your enterprise, I especially admire your educational systems, your colleges, your universities, all that you have done for the civilization of the country and of the age in which we live. I admit that you are a great people, and that you are a powerful people; but while that is true, and you have ample time to attend to your own business and do it well, I think you appropriate a little too much of your time in attention to *other people's business*. Now if you would only be content that other people of other States exercise the same privileges and rights that you claim for yourselves on that subject, to regulate this question for themselves, and if you would be content for us to carry out an important principle of the constitution of Massachusetts—I do not say whether a wise one or not—probably we should all get along better. In the constitution of Massachusetts I find this language:

> Wisdom and knowledge as well as virtue diffused generally among the body of the people being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education, in the various parts of the country, and among the different orders of the people, it shall be the duty of the Legislatures and magistrates in all future periods of this Commonwealth to cherish the interests of literature, and the sciences, and all seminaries of learning, &c.—*Constitution of Massachusetts*, chapter 5.

Here you lay down the doctrine that wisdom, knowledge, and virtue diffused generally among the body of the people are necessary to the rights and liberties of the people. If you had permitted us to apply that rule in the South we should have had less difficulty. You have put upon us by your legislation an immense mass of ignorant voters. They have not wisdom, they have not knowledge, some of them even have no virtue, as is the case in every community. These are not diffused among them; from the very nature of the case it cannot be; and yet how anxiously you guard their rights to go to the polls to make laws for us and to regulate our affairs. You have, it may be wisely or unwisely, excluded them from the polls in your States. They must have something of this wisdom, something of this knowledge, something of this virtue there, before you permit them to go to your polls. Why? Because I presume you are not willing to trust your rights, your liberties, your property, all that is dear to you, the very organization of society itself, in the hands of the more ignorant and less virtuous part of your people. And in order to protect yourselves there and protect your property, what have you been compelled to do? You have in carrying out that very idea I admit—I wish to do you no injustice—placed a wall of constitutional steel between the men who would exercise manhood suffrage in Georgia and excluded and driven them from the ballot-box. Your constitution says that no male citizen shall vote until he can read your constitution in the English language and write his name. Your constitution and your laws further say—I do not remember whether that is a constitutional or statutory provision, and I will not misrepresent it—that he must have resided twelve months in your State, if he is a citizen coming in from another State, before he can vote; he must have paid a tax assessed against him within the last two years, and he must be neither a pauper nor under guardianship.

Now, what is a pauper in your State? I have not found the direct definition, because I may not be as familiar with your laws as I ought to be with our own, but I have found a description of a pauper, as I suppose, correctly, where it is provided who may enter an almshouse, and I there find this designation:

> Paupers in Massachusetts are poor and indigent persons who are maintained by or receive alms from city or town; who, *being able of body to work*, and not having

estate or means otherwise to maintain themselves, refuse or neglect to work; who *live a dissolute, vagrant life*, and exercise no ordinary calling or lawful business; *who spend their time and property in public houses*, to the neglect of their proper business; or who, by otherwise *misspending what they earn*, to the impoverishment of themselves and families, *are likely to become chargeable to the city*, &c.

Mr. HOAR. Mr. President——

Mr. BROWN. I will permit a reply after I am through; but I prefer not to be interrupted.

Mr. HOAR. Mr. President——

Mr. BROWN. I decline to yield. If I misstate any matter connected with Massachusetts the Senator will have a fair opportunity to correct me when he gets the floor. I do not state that this is the definition of a pauper; I only find that to get into the Massachusetts alms-house—and that is where a pauper generally goes—these seem to be the qualifications. But at least there is a class of people there who are known as paupers. It will not be denied. Now, whether that is the correct definition of a pauper or not, certainly all who fall within the correct definition of a pauper are excluded from the ballot-box. There may be many or there may be few. But they are an excluded class.

Then, in reference to spendthrifts. There is a class of persons, as I understand, in Massachusetts who are spendthrifts, as is the case in every community, unfortunately. You have a provision, probably a very wise one, there, for appointing guardians for those spendthrifts. The word "spendthrift," as your law-books, I believe, say, includes every one who is liable to be put under guardianship on account of excessive drinking, gaming, idleness, or debauchery, and who spends his property in these vices. I suppose you execute your laws faithfully, and if you do, all those who indulge in drink to excess, or indulge in gambling to excess, or in idleness to excess, or in debauchery to excess, and thereby misspend their property, are under guardianship as spendthrifts, and they, too, are driven from the ballot-box in Massachusetts; it is doubtless a good long list. There may not be many paupers. I may be wrong and the Senators may be right, and they will correct that if necessary when the proper time comes, in reference to the class of persons I have been referring to as paupers, but you certainly have some paupers. If you did not have them you would not make the exception in the statute and say they should not come to the ballot-box; you certainly have a class of spendthrifts that you have provided guardians for, and they are embraced under your statute with persons who indulge in the vices already stated——

Mr. HOAR. The Senator is mistaken.

Mr. BROWN. I prefer not to be interrupted now. If I have the wrong page, or the wrong statute, then I still plant myself on the other statute which gives the correct definition, not being as familiar with the Massachusetts laws as the Massachusetts lawyers are. You do have a class of people who are spendthrifts, who are driven from the ballot-box; you do have a class of people who are paupers who are driven from the ballot-box—I do not say how many there are; you do have a class of people who have not been twelve months in your State who were voters in other States before they come there; you do have a class of people who if they have not paid their tax are driven from the ballot-box; you do have a class of people who cannot write their names and are therefore driven from the ballot-box; you do have another class of people who cannot read the constitution of Massachusetts in the English language and therefore they are driven from the ballot-box. There is quite a numerous list of disqualified classes.

Now, on the principle laid down a little while ago that the people of Massachusetts and New England, being a thrifty people, whom I admire very much, with, as already stated, ample time to attend to their business and a good degree of time to attend to other people's, I incline to think that you have attended pretty well to your part of it in excluding classes that you think might be dangerous to your institutions at home from the ballot-box. I do not know how many there are excluded; I have to be governed by the statement of others on that subject, for I am not familiar with the state of things there. I can form an estimate, however, from the data at my command. I read from a speech delivered by the Senator from Rhode Island [Mr. ANTHONY] during the last session of Congress, who is apt to be very accurate, I believe, and I suppose very good authority on that side of the House. He says:

> A distinguished citizen of Massachusetts has declared that the tax and educational qualifications in that State disfranchised a hundred thousand of its inhabitants, fifty times as many as the census returns render as disqualified by the real-estate qualification in Rhode Island. This gentleman estimates that, by the enforcement of the fourteenth amendment, the representation of Massachusetts would be reduced from eleven to eight.

That is taken from the statement made by the Senator from Rhode Island in this Chamber during the last session of Congress. I do not know whether he was right or not. I have so much admiration for his character and for his accuracy that I will not dispute the point with him; I will take it for granted that the Senator from Rhode Island was right and that he believed that the estimate made by this distinguished citizen of Massachusetts was not very far wrong, or he would not have introduced it here in his argument. If that be true, then there are 100,000 of the male citizens of Massachusetts over twenty-one years of age who are barred out by the constitutional inclosure that you have put around your ballot-box, and cannot go to it; they cannot approach its sacred precincts. But the number may not be 100,000; that distinguished citizen of Massachusetts may have been in error. I heard that question canvassed somewhat the other day when the honorable Senator from Florida [Mr. CALL] was discussing this question. I think there it came down to the point, if I recollect correctly, where you admitted in round numbers 18,000 of your citizens of foreign birth and native born who are excluded from the ballot-box on account of their inability to read and write as required by your constitution and laws. That is my recollection of it. Eighteen thousand is a good round number to be driven from the ballot-box.

All this, as I have stated, may be entirely necessary in your opinion for the protection of your property and your rights and for the preservation of your State institutions; and I am not assailing your right on that point; but I only say that there is probably no State in the Union that has so many qualifications on the right of suffrage, and probably none that bars so many of the male citizens of twenty-one years of age and upward from the polls. It is true, as the honorable Senator from Massachusetts [Mr. DAWES] stated a few days ago, that the provision of the constitution in reference to reading and writing did not apply to those who were voters at the time it was adopted; but that has been about twenty-three years ago; so that I suppose those who were then voters have in a great measure passed away, and it does apply to much the greater portion now.

Just in that connection let me state another fact. You are very exacting about the right of the negro to vote in the South. If my State to-morrow were to apply the rule of suffrage that is applied in Massachusetts to the colored people of Georgia, we should drive more than eight-tenths of the whole number from the polls. Take the colored citizens of Georgia to-day over twenty-one years of age and let them move to Massachusetts, as they have a right to do, because they are entitled to all the rights, privileges, and immunities of citizens in the several States—let them locate in Massachusetts, and you drive eight-tenths of them from the polls, and will not let them vote. Why? Because they cannot read the constitution of your State in the English language, and they cannot write their names; and therefore it is very well to give the negroes of the South the right of manhood suffrage and to insist upon it, but it will not do in Massachusetts. I do not know how many of the colored race there are there that are disfranchised. All who come within any of the exceptions I have mentioned are, however.

But I say, take the southern colored men and transfer their citizenship to Massachusetts, and as they have had no chance to learn to read and write, if they were there now, as they cannot labor for their living and learn, indeed many of them are not trying to do it, they would be driven from the polls there by scores and hundreds and thousands. We have but a single qualification with us, and that is the tax qualification, which you have. We turn none away for any other cause, unless they be insane persons or convicted felons, and most of the Southern States do not even have that qualification.

Mr. DAWES. How much is that?

Mr. BROWN. There is a small number. If there were one hundred in the last gubernatorial election in Georgia excluded from the polls in consequence of the non-payment of the tax I have never heard of it, and I do not believe there were so many.

There is another point I will notice, Mr. President. All this ado about suffrage has but one object: it is to try to republicanize the South by the use of the negro. We might as well deal plainly about the facts. Let us examine the negro question a little. You did not enter into the war for the purpose of setting the negro free. He is not indebted to any of your good intentions at the time you entered the struggle for his freedom. You distinctly proclaimed to the world that that was not one of the objects even of making war on the Southern States. The reason given, and no doubt the one you meant at the time, was the preservation of the Union and the execution of the laws. Within a day or two after the battle of Bull Run you saved the Border States to your cause, greatly to our regret at the time, by passing almost a unanimous resolution of both Houses here, the purport of which was that it was not your object in waging war to make conquest or to interfere with the institutions of the Southern States. Had you not done so, you could neither have carried Maryland nor Kentucky nor Missouri with you, and the termination of the struggle might have been different.

Then you were not making war for the benefit of the negro. And near the end of the struggle, on a very noted occasion, after Mr. Lincoln as a necessary war measure had issued his proclamation of emancipation, at Hampton Roads conference as recorded by Mr. Stephens in the second volume of his history of the war between the States, at a time when all the parties except Mr. Lincoln were in life—and I have never seen its correctness denied—Mr. Lincoln indicated very clearly to the southern commissioners that while he would take back nothing of his proclamation it was a doubtful question to be left to the courts whether anybody was set free except the negroes who had fallen within your lines and had taken part with you; in other words, whether the emancipation applied to the colored people within our lines. He even went so far in the kindness of his heart and the generosity of his nature—and probably no man ever had more of either—as to indicate his willingness that $400,000,000 be paid to southern slaveholders for their slaves if peace could then be restored. Mr. Seward is reported as having said at the time that he would be willing that an amount as large as the balance of the

necessary expenditure in the prosecution of the war should be paid for the negroes. It is true the confederate government did not accept those terms, nor were they tendered in an authoritative shape, but only spoken of in the conversation as terms that might be agreed upon if the war could then cease. But I refer to these facts to show that the great object of the war, even up to the close of it, was not the emancipation of the negroes. It was, as Mr. Lincoln had said, the restoration of the Union and the execution of the laws.

As another evidence that Mr. Stephens has not mistaken this matter, in his place in the House of Representatives on a noted occasion, the uncovering of F. B. Carpenter's picture, February 12, 1878, he used these remarks and I have not seen them challenged:

> Emancipation was not the chief object of Mr. Lincoln in issuing the proclamation. His chief object, the ideal to which his whole soul was devoted, was the preservation of the Union. Let not history confuse events. That proclamation, pregnant as it was with coming events, initiative as it was of ultimate emancipation, still originated in point of fact more from what was deemed the necessities of war than from any pure humanitarian view of the matter. Life is all a mist, and in the dark our fortunes meet us.

That has not been challenged. Therefore I take it that Mr. Lincoln even near the end of the war when he was holding the Hampton Roads conference did not make the emancipation a *sine qua non*. He had other objects in his mind. Providence set the colored man free and not the Government of the United States. You did not expect it, and we did not expect it when we entered into the contest; but God in His mercy and in His benign providence interfered and struck the shackles from the hands of the race and made them free, and I am glad to-day that it is so; I was not then.

What was your next step? You did not apply to the Southern States the rule of the Massachusetts constitution, that wisdom and knowledge and virtue diffused generally among the people were necessary to the preservation of their rights and liberties. You did not apply the Massachusetts rule of suffrage to the Southern States. Instead of doing that, as already stated, in the election for delegates who were to form our constitutions you disfranchised the great mass of southern intelligence, and you turned all the negro males of twenty-one years and upward loose to the polls. I do not say it was not wise for you to adopt the rule you did for your home government, but if it was wise in Massachusetts, was it unwise to do it in Georgia? You may say that the South had been in rebellion, and that that made a difference. I give you all the benefit of that. Possibly you were justified to some extent in applying a different rule, but was it not your natural expectation, and should it not have been the understanding of every one, that when the colored race were given the ballot for their own protection, if you saw they needed it for that, that they should then be left to the usual rules applied to other citizens?

I want to be candid and intend to be; I admit that there were outrages soon after the close of the war. I only wonder there had not been more. Look at the situation. A proud, wealthy people had entered into a contest in which they had been conquered and had lost probably a greater amount of property than almost any other people of like number ever lost in a war, coming out at the end of it almost destitute, with brothers, fathers, husbands, the cause they had been attached to, lost; everything lost. Then the conqueror dictated terms of the character I have mentioned, taking the slaves, without education, and placing them over us, driving us from the ballot-box and turning them loose to it. Was it wonderful that we thought this upheaval was sapping the very foundations of society? And was it wonderful, under these circumstances, that there should have been restlessness, that there should have been Ku Klux, that there should have been every effort to try to maintain something like society organized under the usual rules that apply in other States?

But that day has passed. There were outrages; I admit it; now there is as free a ballot as there is in any State in this Union. It has taken years to reach it. There are still outrages that may occur there (not in reference to the ballot, however) as there may occur outrages in Massachusetts or in any other State; but we execute the laws there, and we are for disposing of the Ku Klux in any manner that is necessary to apply the remedy if they should raise their heads again. Only last year, near Cochran, Georgia—the case went the rounds in the newspapers—not with any view to politics, as we understand there, but on account of some grudge that some unworthy men had against a very worthy, steady, clever old colored man, they put on their masks and they surrounded his cabin at night with arms in their hands, and demanded that he deliver himself up. He had a double-barreled gun, it was loaded, he was a good shot, he aimed well, and he fired both barrels and killed one at each fire; and there they lay in his yard the next morning with their masks on. His course was applauded by all the white people of Georgia, so far as I know; the newspapers commented favorably on it, and expressed the hope that it might always be so when desperadoes gathered around the home of the humblest colored or white man at night; and I hope such may be the fate of all who may attempt it. He was never even arrested; there was nothing done with him, no legal steps were taken against him whatever; I do not know that he remained in the community, but everybody said he did right. It may have been that he was afraid to remain on account of the revenge possibly of the friends of those who had been killed; he probably thought it prudent to move from there, as it would have been in Massachusetts under similar circumstances, but his act met the approval of the people of Georgia. In a county of Upper Georgia, on account of a Ku Klux outrage, three men were convicted on circumstantial evidence of being guilty, and sent to the penitentiary.

Outrages have occurred in Massachusetts. I remember years ago that the whole country was shocked by a report that a highly cultivated man there, a man occupying a high position—I refer to Dr. Webster—had for a paltry sum, probably two or three hundred dollars, killed his fellow-man, a man of good standing in society, and to conceal him had even mutilated the body and attempted to dissolve it by lime and other chemicals.

Mr. DAWES. And he was hung for it.

Mr. BROWN. The Senator says he was hung for it. I was going to give you full credit for that; but I want to draw a comparison between that and a case that occurred in Georgia at a much later period. You executed the law, I grant, and you did right. Some three or four years ago, in Floyd County, Georgia, in which is the city of Rome, a man named Johnson, of one of the best families of our State, a young man, reckless and somewhat dissipated, killed a young negro boy under circumstances of very decided cruelty. He was put upon his trial. All the influence of family and otherwise that could reasonably be brought to bear was brought in his favor and able counsel defended him. The jury found him guilty. Strong appeals were made by strong family influences to the governor to commute the sentence or pardon him. He refused, and as your man did in Massachusetts, he atoned for his offense on the gallows; he was hanged by the neck until he was dead. Yes, you execute your criminal laws where one white man kills another. So do we, and we execute them where a white man kills a negro; and so we should. You see, then, that our community is as orderly as yours is, we execute the laws as promptly and as faithfully as you do, and the ballot-box is as free.

Thus much in reference to how the colored men got the ballot and as to the execution of the laws. I am inclined to think, and I may be wrong there, and I do not wish to judge wrongly, that in giving universal suffrage under those circumstances possibly you had a little eye to power. There may have been at least a thought of party power in it, that it was the best way to republicanize those States, that it was the best way to get control of them for the republican party. I do not say that was the object, for I have no right to judge harshly the motives of others. At least you gave the negroes the ballot under circumstances that you would not give it to them at home, and at a time when you did not give it to them at home.

I have here another little sentence from the speech of Senator ANTHONY that I wish to read in this connection. Even of the great State of New York, which is so well and so wisely governed, this is what Senator ANTHONY says:

> Many of the Northern States adhered to their discrimination against colored citizens till the results of the war compelled its abandonment, and all the Southern States retained or established it. In New York the proposition to admit colored citizens to equal rights of suffrage was submitted to a separate vote, with the constitution of 1846, and was rejected. It was submitted again, in an amendment in 1860, and again in 1868—

After the passage of the reconstruction acts, you will please bear in mind—

> and was both times rejected. It was not adopted until 1874, when the fifteenth amendment to the Federal Constitution had removed the disqualification and established the equality of the whites and the blacks in the suffrage.

Therefore it was not simply the love of the colored man that prompted the giving of the suffrage in the Southern States. Even in that great State, as I say, they refused absolutely to give the colored man the ballot for years after it had been given in the South and they were exercising it there.

Again, I incline to think under all the circumstances that you have not dealt as liberally with these colored people as you might have done. There are fifty million people in round numbers in the United States. Of that number the republican party lacks nearly 160,000 voters of being half, according to the Political Almanac. So, then, the republican party represents a population of about twenty-four millions in the United States. There are six million five hundred-and-odd thousand of the colored race, more than one-fourth, if they are all republicans, of the entire republican party of this Union. How many of the offices have you given them? What have you done for them? The last administration did give Hon. Frederick Douglass, who is a man of great intelligence and power, the position of marshal of the District of Columbia, but if the reports be correct he was not invited to do all the honors at the White House that have generally been performed by the marshal of the District of Columbia. And rumor says, I do not know whether it is true, that now he will have to give way to a white man who can attend to all those honors and duties. I admit there is some palliation in that, because it has been reported that the white man is to come from that poor and neglected State of Ohio that never gets anything. That may be a reason for the change. What high positions have you given them? Are none of them intelligent enough to fill them? I see before me now a distinguished gentleman, Mr. Bruce, who occupied with dignity, urbanity, and character a seat on this floor I believe for six years. You have seven cabinet ministers. More than one-fourth of the whole republican population of the United States, if all the colored people are to be counted as republicans, is colored; and yet there is no man among them who is considered worthy by your party to represent that fourth in the cabinet of seven. What high positions have you given them? Occasionally they have had the position of mail-route agent

and occasionally a post-office, but what have you done for them? I think not a very liberal part.

Allow me to say here that in my opinion the democracy have learned some wisdom by experience. I do not adopt the term that I have heard to-day, "Bourbon" democrat; I do not know that I am one; I am on a more liberal line, probably, than some have been. I stand by the execution of the different constitutional amendments, and for carrying out every right of the citizen in the strictest good faith; but I think, as I have already stated, the democrats have learned wisdom by experience, and you need not be astonished when they meet in grand council again as you have neglected to do justice to these people that they should do it. There will be no more trouble about a free ballot and a fair count then. If you will not do right by them we will. That is my opinion; that is my advanced position. I am a democrat on that line.

Mr. HOAR. Will you do it any way?

Mr. DAWES. My colleague wants to know if you are going to do it any way?

Mr. BROWN. I said I would under any circumstances.

Mr. HOAR. You said you would if we would not.

Mr. BROWN. I will not do it simply for a party purpose. I will advocate it because I think it is right to do justice by them. That is not quite all. You have not been very liberal to the republicans of the South without regard to race or color. There was once an eminent man, I believe, in this Capitol who said something about the cohesive power of public plunder. I do not use that phrase, however. But there is a cohesive power about executive patronage that has a good deal to do with keeping a party in power sometimes. Your party, one hundred and fifty-odd thousand in the minority of the popular vote in the United States, has almost the entire hundred thousand Federal appointments, and as you need them North, you do not send many of them South. You complain that you cannot build up the republican party there. No, and as long as you take all the offices for yourselves, and as long as those that you give down there are given to carpet-baggers or to those who have no native influence there, you will not build up one.

I have taken pains to look a little into this question. I do not vouch for the correctness of the figures that I now use, as I did not make them myself, but I use them as such an approximation to accuracy as to illustrate properly the principle I am discussing. I directed one of my secretaries to take up the Official Register, the latest I had, for 1879. You will remember that along down in the columns of that you will see the name of the officer, from what State appointed, and where he was born; and it is a little remarkable to see among those given to Georgia how many there are who were not born there, and how many there are who were never heard of there. I suppose that is upon the principle, however, that Georgia not having much share in the spoils, when an applicant came here and a Senator or Representative found that the places were full from his State and this office-seeker reported from Georgia, he was put down there. At least I cannot, on inquiry, locate a good number of them as having ever been known in Georgia. But taking them all now as Georgians and taking my figures as approximately correct, which I am satisfied they are, you have not been very liberal in bestowing patronage down there. If you want to rally the people and form a party there you ought to deal as justly by them as you do by the republicans elsewhere. I respectfully state that I do not think you have done so. As my secretary has made the list, those employed in the executive department and in the Secretary of State's office, and I suppose connected with the work there, number 98, or did at the time the Official Register was published, and of the 98 there were 2 charged to Georgia, but neither born there.

Mr. DAWES. One was Fitzsimons.

Mr. BROWN. That comes a little lower down. In the Department of State there are 367 appointments; from Georgia 4. In the War Department 1,507; from Georgia 14. In the Navy Department 347; from Georgia 1, and he *was* born in Georgia. In the Post-Office Department 488; from Georgia 9; 6 of them born elsewhere. In the Treasury Department, not counting laborers, 10,099 appointees; from Georgia 157; and 81 of them born elsewhere. I learn that there are about two thousand here in the Treasury Department proper, and therefore that is the better rule to apply. On inquiry I learn that under the statute, if it is construed as we think is the plain meaning of it, Georgia would be entitled to 60; and when I inquired I found she had 31. In the Department of Agriculture there are 73; from Georgia 1, and he was born elsewhere. In the Department of the Interior 3,924; from Georgia 7; born elsewhere 5; 2 natives. In the Department of Justice 321; from Georgia 2; born elsewhere 2. In the Judicial Department 2,008; from Georgia 51; born elsewhere 27. I suppose they locate Fitzsimons there. In the Government Printing Office 1,136 are employed; from Georgia 1, and that one born elsewhere. In the government of the District of Columbia 472; from Georgia none. My own idea of it is that if you did not have these hundred thousand officers you would have a great deal of difficulty in keeping your party together, and certainly a great deal of difficulty in triumphing with that party.

Mr. DAWES. Your colleague says there are not any republicans down there. What could we do?

Mr. BROWN. You have driven them out of the field by your injustice to them. No, gentlemen, you have not done justice to them. If there is anything in your civil-service reform there ought to be a competitive examination and a democrat let in once in a while. I have insisted on that before some of the Departments, but I find the first inquiry to be, "Is he a republican?" After that is ascertained he might have a chance at a competitive examination. It does not seem to apply to a colored man; I notice here, it is generally a white republican, and most of those from Northern States, who gets these benefits. I say you should give some of the offices to the democrats; but if you will not do that, then, as the republicans of my State have no representative on this floor but my colleague and myself, I demand justice for them, and that they receive the proportion of the official patronage that Georgia is justly entitled to. If you will not grant this, complain no more of your inability to maintain the republican party in Georgia.

You gave the colored people the ballot to enhance your power and you have not dealt generously by them since they have had the ballot. I apprehend at the next election you will scarcely count them solid for the republican party. I admit that I will be glad to see the day when race lines shall be no longer drawn, when the people of this country shall divide upon principle, upon finance, upon tariffs, upon banks and currency and other such issues as may come before us; but as long as you attempt in the South to displace the more intelligent, the more moral and upright class of people, the property-holders, and put those who are the more idle, the more illiterate, and the more vicious on top, you will always find a solid South.

I know you build hopes now upon Virginia since the republican Senator from Virginia [Mr. MAHONE] has abandoned the democracy and become a republican. You expect that he will carry with him the readjusters of Virginia. Doubtless many of them will go; but permit me to predict that there is many an honest old democrat in the mountains of Virginia who, when he separated from the regular democratic party upon the debt-paying question, did not feel that he had started over into the republican camp, and when he finds that the Senator from Virginia [Mr. MAHONE] is leading him there and has joined the republicans himself, and that out of from one to two hundred votes that he has cast in this body he has cast every one with you and not one with the democrats, the hard-fisted old democrat there will begin to inquire, "How is this? My leader has abandoned the principles we started in upon, as I understood them; I did not start into the republican camp, and I am not going there." I understand the policy and I have a right to comment upon it, because it has been announced here that you throw this support to the Senator from Virginia and his friends with a view of uniting the elements there that can give the republican party the power, and it has been further very strongly intimated to us that this work was to go on into the other Southern States.

In my State we have had divisions among the democrats. In the seventh and ninth congressional districts, the mountain portion and the stronghold of the democracy, a large wing of the democrats revolted against what they considered corruption or trickery in the party caucuses; independent candidates came out, gentlemen of ability and worth, and led them against the regular nominees. What was the result? The republicans fell in with the independents, as is usual in such a case, and these gentlemen were elected and they have served ably and well here. But permit me to tell you now in behalf of those independent democrats at home they did not start into your camp when they started to follow the independent candidates, and they are not going there. It has been said that the independent leaders from my State have been very kindly received in very high quarters here, and the support of the Government has probably been tendered to them, or at least intimations of that character given, for them to lead down there and overturn the regular democracy. If that has been so, for their benefit you had better keep it a secret, for when it is known by the democrats in the mountains of Georgia that they are in league with the republican party or that there is any purpose to lead them into it, the democrats will drop these independent leaders and they will have no chance for re-election. But I will not do those leaders the injustice to believe that these reports are true or that they would attempt to overturn the democratic party and build up the republican party.

As long as the independents can lead the independent wing of the democracy and you are willing to tie on as the tail to the kite, they can be elected as independents; but when the effort is to carry them over into the republican ranks or to defeat the democratic party, they will not go. Now and then an ambitious man who wants office may go; now and then an aspiring young man may go; but whenever it is understood that your purpose is to reconstruct the South again and to place the lower strata in intelligence of our people above the higher, in other words, to place the ignorance and vice—for there is generally more vice among the ignorant—above the intelligent, the wise, and the property-holders, and when that bugle-note is sounded down there, you will find that the young men will not feel flattered with their associates when they go over into your camp; you will simply drive our people back to solidity again.

My honorable friend from Connecticut [Mr. HAWLEY] turned a fine period or two on that subject the other day, and I should like to refer to it. He speaks of a Senator who said about the commencement of the last presidential campaign, "We come to you with 138

votes, and we ask you to name us a man who can bring us 47 more;" and he adds:

That short paragraph went from hamlet to hamlet and from Maine to California; it was rung nightly, traveling with the curfew bell from Maine to California, and its full meaning was comprehended.

I admit that the very fact that the South was spoken of as solid gave the republicans a rallying cry for a solid North. Suppose, however, a republican had gotten up, as I have no doubt many a one did in the Northern States in the campaign, and said, "Here are fourteen States solid for the republican party, nobody doubts that they will vote republican, to wit, Iowa, Kansas, Massachusetts, Michigan, Nebraska, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, Illinois, Colorado, and Maine; here we present you 149 votes. Name a man who can bring 36 from the doubtful States, and we can elect him." That is simply analogous to the other case.

You have never known a political division yet where there were not certain States that were solid on each side. The South under the old state of things was generally democratic. Who doubted before the war that Massachusetts would vote the whig ticket under the old division? Who questioned that Kentucky would go whig when Henry Clay led it? An intelligent people always know before the campaign is opened that there are certain States that will be solid on each side, and that the contest is to be for the doubtful States.

That is what the solid South means. As long as you have a majority of States North or of States with the help of a few doubtful States that can put you in the majority, and you seek to use that majority to overturn our institutions, and put the ignorance and vice of the South in control over the intelligence and virtue and property of the South, so long as we believe your solid North means that, you drive us to be solid; we cannot disband with self-respect; we cannot do it with safety. Put yourselves in our condition and would you do it? You could not afford to do it. You would not do it in Massachusetts; you would do it in no State in this Union. Whenever you are no longer solid at the North and we hear no more about republicanizing certain States, no matter what the means may be, we shall soon cease to be solid. Present us issues of the character I mentioned awhile ago, tariff, banks, &c., and let those be the only questions, and we will divide as soon as you will, and without regard to color lines. But it seems to be the policy without any regard to what will be the consequences to say that you must republicanize those States, whether they desire to be republican or not, and to do that you must have every ignorant colored man vote that you would not permit to vote in your States; and then if we by kind treatment or any of the appliances that you use at home vote them, and you do not carry the election, there is a great complaint over it.

Let me say another thing in connection with the colored men. You made a mistake, and I apprehend you see it, so far as party power was concerned when you gave them the ballot. Taking the census of 1870 and counting the then ratio of representation, the colored people of the United States represented thirty-six members in Congress and thirty-six members in the electoral college. With that stricken out you would have had an easy triumph. Add that to the power of the South and you do not have an easy one. Count the same vote now; take the census of 1880. We do not yet know what the ratio of representation will be, but count it at three hundred and seven, and then there is within a fraction of forty representatives of the colored race, nearly all from the South. You made a mistake, which I apprehend you would not make again if you could recall it, when you gave us this additional power there; and having made it, possibly you have regretted it; but you cannot retrieve it by attempting to force into power the elements of the character that I have mentioned, which you exclude from the ballot-box at home over the elements in our State such as control matters in yours.

I have already referred to the remarks of the Senator from Connecticut [Mr. HAWLEY] that the solid South pronounced the fifteenth amendment a failure. We do not. Colored suffrage is not only established, but with us it shall remain established. You gave it to us against our will at the time, at a great risk to society, but we have struggled through the embarrassment and reached a point where the two races are acting harmoniously, kindly, and in friendship together. You have given us about forty members of Congress that we would not have had, and about forty members of the electoral college that we would not have had, and you can never take them from us. It takes three-fourths on a constitutional amendment to get rid of that, and there is not a Southern State that will ever agree to it. We have found that we can work in harmony and in fraternal relations with the colored race who were raised with and by us. They have found that we are their best friends. We intend to work in harmony with them, and we intend to hold the power that you in an unfortunate moment for your party gave us, and we will never relinquish it.

A good deal, however, has been said about a fair count as well as a free ballot. I do not deny that you count fair in Massachusetts and elsewhere in New England. I do deny that you have a free ballot there. I have commented on Massachusetts. A word in reference to Connecticut. If the Senator from Rhode Island [Mr. ANTHONY] makes a true statement in reference to it, and I quote from him in regard to Connecticut, a man twenty-one years of age and upward must be able to read and must be of good moral character before he can vote. The Senator from Massachusetts [Mr. DAWES] says that does not exclude anybody. I do not know; I believe the Connecticut people are very good people. I spent some time with them in my college days; I was treated kindly by them; I have no unkind expression to use in reference to them, but I presume it is a misfortune of every community no matter how steady may be the habits of the land to have some immoral people. I have applied at the Census Office. I could not get the illiteracy of Connecticut or of Massachusetts in the case of persons over twenty-one years of age, for it is not yet ready, as the Superintendent tells me, but I take it for granted that there is a considerable number of men in Connecticut who cannot read, and there are at least a few immoral men there. They are excluded by the laws of Connecticut from the ballot. Therefore there is not a free ballot; in other words, there is not universal suffrage in Connecticut; there is not manhood suffrage there. In Rhode Island the same is true, as is admitted by all. There is a property qualification there for naturalized citizens. The Senator from Rhode Island [Mr. ANTHONY] stated that there are two thousand excluded from the polls there. Then it is not a free ballot when even two thousand citizens are driven away from the polls; it it not a free ballot when a hundred thousand, if that be the number in Massachusetts, are driven away from the polls, or eighteeen thousand if that be the number.

In reference to that good old Granite State of New Hampshire the Senator from Rhode Island [Mr. ANTHONY] says that both parties resisted the repeal of the Catholic test there until 1877. No man there until that time could hold the office of governor of the State or member of the Legislature unless he professed the Protestant religion. In other words, a Catholic, no matter how intelligent he might be, could not hold either of those high offices because of his religious faith. We have nothing of that in the South. Therefore, I say we have a freer ballot there than you have in New England, and we have as fair a count there as you have. Though there may have been some trouble about a fair count at an earlier period for the reasons that I have mentioned, it is not so now.

The honorable Senator from Pennsylvania [Mr. CAMERON] said the other day in his speech:

For all true men who uphold the laws the republican party has confidence, respect, and co-operation.

Again he says:

We have no prejudices on account of old conflicts. Whoever is right at the present time is our friend, and we are his.

I say that is a noble sentiment. He does not go back then to the period when there may have been any difficulty about a free ballot or any difficulty about a fair count. He inquires what is it now, and he has to do that to maintain his position in reference to the republican Senator from Virginia. We meet him there, and we have a right to claim his confidence and respect. I claim it for the democracy of Georgia, because we stand right on that platform to-day; I claim it for myself, and I claim the patronage of the Government for my State on that line.

But the honorable Senator from Connecticut [Mr. HAWLEY] used another expression that might possibly exclude me from these benefits. He used this language:

When he—

Speaking of a Southern Senator—

takes his seat *on this side* and tells you that he does not care for your caucus, that what you do in there is a matter of total indifference to him, I shake hands with him, MAHONE or anybody else; and the more of them the more welcome.

The reason why I cannot claim this good promise, then, of the Senator from Pennsylvania is that, while I stand for a free ballot and a fair count and a faithful execution of the reconstruction measures and the constitutional amendments, and will fight with you there to the end of the chapter, I did not comply with the other prerequisite—I did not take my seat on that side. Gentlemen, I was not elected to go on that side; I deceived nobody in my campaign; I took the advanced position on the night before my election, as my colleague has told you; I laid down in the broadest terms that I would stand for a free ballot and a fair count, that I would stand for doing justice to the colored race, that I would recommend some of them for office, and that I was for the faithful execution of the thirteenth, fourteenth, and fifteenth amendments. I am entitled, then, to the promise of the Senator from Pennsylvania if I had not come under the exclusion of the Senator from Connecticut, whose requisition is that the Senator shall take his seat on that side.

But you have not always had a fair count, I think; at least, if you have, the majority has not ruled under that count. In 1876 Mr. Tilden carried a popular vote of over a quarter of a million, and if I know anything I know that he honestly carried the State of Florida, for I was there and saw what was done, and he was elected fairly, but he did not get counted in. I insist that it was not a fair count, and the democrats, a majority of them, did not make it either. No, gentlemen, at your door lies the charge that you do not in your own States maintain a free ballot, and you have not in your practices maintained a fair count.

A word in reference to the strange state of things in Virginia. You have seized, and as a party measure I have nothing to say about it, what you consider the readjuster element there, and you are seeking to blend it with the republican element and carry that State. I am not going to discuss the repudiation question there at all. I believe all admit that there is a difference between the funders and read-

justers, as they are called, as to $12,000,000 of the debt; but I simply want to say this, that you may drive the people of Virginia into what you may call an error that they do not want to commit, and that you would not want to see them commit. You seek to take advantage of the division on the debt question to carry one portion of the democracy into the republican camp. The democracy of Virginia proper, the property-holders, the educated people, the church-going people, a large majority of them—for there are some on all sides I admit, and I do not make any attack on anybody—but what you usually call the intelligent or ruling class of people as you would say in the other States, have stood manfully up for maintaining the credit of the old State; but they will understand you now, whether correctly or not, as tendering this issue to them: You say, "We intend to take hold of this readjuster element and put the negroes and readjusters and the few white republicans who are there in power." They may reach the point where the supremacy of intelligence, education, virtue, and property for the preservation of society may become more important to the democracy of Virginia than the payment of her debt to your northern capitalists; and they may find it necessary to drop their internal strifes and, if you will have it so, turn overboard this $12,000,000 of the public debt and, if necessary to their reunion and the preservation of their society, tumble $12,000,000 more over with it, or let the whole of it go rather than have ruin brought upon the State by putting her under the control of a class of people a large majority of whom are such as you will not admit to the ballot-box in your own States.

I do not know what the proud people of that grand and glorious old Commonwealth will do, that old mother of States and statesmen; I venerate her name and I glory in her history, for my ancestry on both sides lived upon her soil; but I can see that you may drive the virtue and intelligence of that State to the point that they will tumble the whole debt overboard, if necessary, rather than submit to the ruin of society that you purpose to fasten upon them; and when they do it, you cannot reasonably condemn them. They have been able thus far to fight successfully the readjusters; they may not be able to fight successfully the readjusters with the patronage of the Senate of the United States and the patronage of the Federal Government. In other words, they may not be able to fight the readjusters and the Federal Government; when they find they are not, I presume they will take care of their institutions by letting the debt go if it be necessary. Will you condemn them when they do it? Will you cry "repudiation" if you drive them to repudiate to protect their society?

I have already said that the independent democrats of the South will not dare unite with you, their leaders I mean will not dare do it, for their followers, or the mass of them, who are democrats, will not go with them and will not support them. And now let me say a few words more in conclusion, for I have another single point.

At the end of the war, as I have already stated, we were a conquered people; we had to submit to the terms dictated by the conqueror; and we had to take whatever you put upon us; and it was very hard. We have atoned for our treason, as you term it, and we have been admitted back to these Halls by Senators and Representatives, and we have come to stay here and you cannot reconstruct us again. The condition is very different from what it was then. Now prosperity has been restored to the country. Your northern capitalists did not have money investments there in that day; they have poured in there recently by the millions their money. We open a broad field for investment; we have unbounded resources; we have a climate not surpassed on the face of the earth; our cotton crop alone this year, if it reaches 6,000,000 bales, as we suppose it will, will pour into the south $300,000,000 in gold; our mineral wealth is not probably surpassed anywhere on the globe—I do not speak so much of the precious metals as I do of the coal and the iron and the minerals that make a people great—our commercial importance is every day increasing; our cities are growing; our railroads have become organized, they are penetrating every portion of our country. Your northern capital is coming down there and being invested, and whatever may have been our errors in the past on that subject we welcome you now; come among us; we extend to you a cordial greeting; we invite you to our houses, to our parties, to our bosoms where you come intending to make good citizens, and we share with you this splendid domain that is not anywhere surpassed on the face of the globe. The capacities for the productions of the South in future are limitless. Would you believe it that, according to the last census, the whole acreage of the cotton crop in the South for the past year is a little over half and less than two-thirds of the acreage of the State of Georgia? In other words, you might transfer every acre of cotton last year, if you could put it all together, to my own State, and it would cover a little more than one-half her territory. The capacity, then, for the production of this great staple is simply boundless. Why, take Texas alone, an empire of territory, larger than France, larger than the Empire of Germany, larger than the Empire of Austro-Hungary. We have merely skimmed the surface. Texas alone can produce more cotton than the world will need the next fifty years, and as the necessities increase the production can be expanded indefinitely. Not only that, we are waking up a strong rivalry with you in manufacturing there. The number of pounds of cotton manufactured in the Southern States from 1870 to 1880 more than doubled itself. We are constantly putting up new mills and new machinery, and we are going to manufacture large quantities of it, and your northern capital finds it its interest to come there, and we invite you.

Now permit me to tell you frankly that this is not 1867 and 1868, and when you make this issue of radicalizing those States by overturning their great interests you will not find your northern capital flow so freely into your political coffers to carry your elections. They will say to you, "Nay, you must stop this; you cannot disorganize society there; you cannot ruin the interests of that country without ruining our capital;" and they will not go with you; and let me warn you now that if you are not careful you will lose a great many more votes from the republican party in the next election in the Northern States than you will carry of democrats in the Southern States. The war is over; you buried "the bloody shirt" when you made the republican Senator from Virginia your leader, he being a confederate brigadier, and with that set before the people of the United States they will not enter with you again into another crusade to establish a power in the South that you failed to do when you gave suffrage to the negroes. You will have to recognize our prosperity; we have a better country than you have, and though the blight of slavery may have been upon it according to your estimate; though it was our misfortune, which is removed, it will blight there no more; we intend to go forward and develop and grow up; we intend to try to become your equals in wealth, in intelligence, and then you will respect us.

I have thanked you before and I thank you again for the efforts you have made, the liberality you have shown from New England in coming up and agreeing with us to do your part toward the education of a class that, by the act of war, was turned loose upon us and carried to the polls when they were not able to take care of themselves. I say you did well there; we welcomed you. I have given you credit where I thought you deserved it, and I think you do in that regard; but you will find it is a great mistake if you think the democrats in the South who have followed the independents are going to follow them to your camp; and I think you will find yourselves mistaken in the North when you undertake to upheave our society again and subvert it for purposes of political power. I do not believe your people, and especially the large numbers of them who have investments in our section, will sustain you in it.

Mr. HOAR. Mr. President, the honorable Senator from Georgia [Mr. BROWN] made some quite extraordinary mistakes in his statement of the law and the fact bearing upon the right of electors in Massachusetts. I thought, as his speech was to be reported and printed, he would prefer to have the correction made at the time of the misstatement; but for some reason, best known to himself, he did not care to have his speech go into print and in the RECORD with such corrections as I should be able to make; and on the whole I am not certain that I am sorry. I want that speech with its admissions, with its implications, with its threat, to go far and wide among the intelligent freemen of this land.

Mr. BROWN. That is my purpose.

Mr. HOAR. Other men have denied that there have been denials of the right of suffrage at the South; that there have been refusals to execute the constitutional amendments. When year after year the complaint has been made from men at the North whose own rulers were, under the Constitution, in part to be chosen by the people of those States, that the men whose votes were to determine the policies under which they were to live were selected, not according to the Constitution, not according to the lawful right, not according to the honest majority, it was a slander and a falsehood and a campaign device, according to the answers we got from the South. But now here is their representative standing up and saying that when he was elected to the Senate by the combined votes of republicans and a portion of the democrats of his State he took an advanced position upon the subject of obeying the Constitution that every public officer in his own State had taken his oath to support. In advance of what? The claim which the honorable Senator from Georgia makes to our confidence is in itself a confession.

Another thing the honorable Senator from Georgia has said which I wish to have understood by the people of this country and which I desire to emphasize before it passes from the recollection of the Senate. He threatens us that if the republican party persist by sympathy and encouragement (which is all we have in our power in other States) in aiding the assertion of its right to rule Virginia by the majority of Virginia, for that is all, his party there will be driven to ally themselves, he fears, with those persons who desire to repudiate the whole of the debt of that State, if such there be; and he seeks to excite the fear of northern capitalists—a class of persons of whose temper he has, let me tell him, very little understanding—that if they do not in some way put a stop to this attempt to have an honest majority rule in this country hereafter, they are to lose the debts in which their property is invested. This democratic virtue which we have heard of so long proposes at last to take this leprosy to its embrace if we do not stop sympathizing with what we speak of as "the free ballot and fair count." Why, Mr. President, was ever such a threat uttered in the American Senate? All I want is to be sure that the language uttered by the Senator from Georgia goes into the enduring record of the proceedings of this body unchanged, as it of course will, because the Senator will stand by what he has said.

Mr. BROWN. That is my habit, sir.

Mr. HOAR. That is the Senator's habit, I have no doubt. I rose

merely to say in one or two sentences what I have said; but another thing I wish to add. The Senator from Georgia speaks of a process which he thinks somebody somewhere is attempting, which he calls radicalizing the South, putting what he calls its great ignorant classes or strata above its intelligence and its virtue and its property. Mr. President, every class of persons who desire to govern other people unjustly and not of right, arrogates to itself that it is the virtue and the intelligence, from the Czar on his throne ruling alone to the old slave-holding oligarchy ruling by methods as unjust and as tyrannical as ever a single despot used in crushing out the liberties of his subjects. This country is not governed by minorities pretending to be the virtue and the education and the property, except so far as those things have their just and legitimate influence in persuading the majority, counted by the head of the lawful voting classes in the country whose right to vote is determined by the constitution and laws of the nation and of the State. Education, property, virtue, have a wider and more legitimate influence when they appeal to the majority of men voting freely and according to law, than they have under any oligarchy; and that is the doctrine which Jefferson and his great companions, when they performed the one foremost act of human history embodied forever as the rock on which the institutions of this country are built. Education, property, virtue govern in their natural realm, the conscience and the understanding of the common American, and their influence is most exactly measured and is most complete when the votes of free men are honestly counted, man by man.

Mr. President, the Senator speaks of what he calls radicalizing the Southern States, and he says at the close of his speech that northern capital is going down there, is building their railroads, that we of New England have offered to give them the public lands and the patent fees, which we almost wholly pay, to establish their schools, and that our men are coming in there to settle, and he thanks us for all that. Has not the Senator found out that that is exactly what we mean by radicalizing? All we want of the State of Georgia is that she will let us come down there and build her railroads and build her schools, and help till with our surplus population those untilled cotton-fields which he has described, and dig out with our right arms the iron and the coal and the gold and the silver. That is all we ask; but when we come there we want to be permitted, and our sons want to be permitted, to cast a free vote and to utter a free voice. If we happen or they happen to express our opinions on political questions in a way you do not like, all we ask is that you shall answer us by reason and by fair argument and not by shot. If it should occur to son or brother of mine to settle in the State of Georgia and to say of the Senator's colleague such things as he says here in debate of me, we do not want and he does not want that he shall be suddenly informed that he remains only on the condition that he shall behave himself, as the honorable Senator said shall be a useful member of society. We want that judgment how he shall cast his vote and how he shall defend his vote in debate, conforming of course to the law, shall be his judgment, and not the judgment of the leaders of the democratic party.

The Senator talks of our upheaving the society of the old State of Virginia. Does he suppose that a Sergeant-at-Arms wandering about this Senate, or a couple of subordinates, if that should be the number assigned to the State of Virginia under the usages of the Senate, are going suddenly to drive that people or to have any effect upon their political action? All the overturning that is to be done in Virginia is to be done by submitting to the majority of her people arguments which they are to consider fairly before they act upon questions which concern them and especially before they act upon questions which concern them and us alike; and there is no other process of radicalizing. We can give to Virginia nothing but our sympathy in this effort she is making to shake off a dominion as arrogant, as tyrannical, as domineering, as wicked as ever ground to the dust the free instincts of a free people. That is all.

Mr. BROWN. Mr. President, a few words only in reply to my honorable friend from Massachusetts. He refers to the fact that I complained of the effort to have a majority of the people of Virginia control in the coming elections and in the government of the State. A majority of the people of Virginia and a majority of the people of Massachusetts seem to be two very different sorts of things. He knows just as well as I do that he dare not permit a majority of the people of Massachusetts to rule there; he knows just as well as the world knows that he would not feel that their property was safe there; that their institutions were safe there; that they could live safely there if they permitted the very class of people in Massachusetts to take control that they are trying to give the control to in Virginia, and as I stated in my speech——

Mr. HOAR. Will the Senator tell me what he means by "take control?"

Mr. BROWN. I mean come to the ballot-box and cast a free ballot and have it fairly counted; that is what I mean by control, the very thing you will not let them do in Massachusetts, General Butler says to the extent of 138,000; and you will not probably fly in his teeth when he lays down a proposition of that sort. As I understand it, he says that Massachusetts is democratic to-day if you would let all your people vote. You want to radicalize Virginia by bringing all the ignorance to the polls there that you will not let vote in Massachusetts, and you know you dare not let it vote there, for if you could safely do it you would let it go the polls. But, as I have already said, you fence them out; you put an inclosure around your ballot-box that they cannot pass. You say to this lower or more ignorant class of people—and they may be as good as any of us, and doubtless would be if they had the same opportunities—"You cannot take part in the government of this State; we have State rights here; we have a right to regulate our own affairs in our own way; we will permit no dictation from Virginia or anywhere else, and we will not let you vote; we intend that Massachusetts shall be a republican State; we do not intend that this great class shall go to the polls and give it to the democrats, where it belongs." No, you know you dare not let them go to the polls. If you dared do it you would not have the position you now have; or if I am wrong in that, if they can safely go, you do them great injustice when you bar them from the polls for party ends, and I suppose that is one of the great points.

In the first place, you feel that your property is safer by not permitting them to go there, and you know your political position is safer. Just make the law of Massachusetts what the law of Georgia is on the subject of suffrage and give "a free ballot and a fair count" in Massachusetts as Georgia gives, and much as I like you I do not believe you would come back here again. [Laughter.] We should be deprived of the benefit of your wise counsels, my friend; we should be deprived of the chapters of advice that we get from you from day to day here; we should be deprived of the lectures that we get over and again, because if the mass of the people of Massachusetts could go to the polls as they do in Georgia, and you would give them manhood suffrage, while I would wish you well personally, I should think you had a very bad chance to get back here. No, you know you dare not do it. While you lecture everybody else on the subject of suffrage and the right to vote, you do not practice it.

You quoted the other day, "Beware of the leaven of the Pharisees, which is hypocrisy." A Pharisee, I believe, was a man who preached one thing and practiced another, who thanked God that he was not as other men, always feeling that he was better than other people, that he had rights which did not belong to other people. Now, to that remark made by the Senator from Massachusetts I will add one from the same Divine Author for his consideration: "Woe unto you * * * Pharisees, hypocrites!" Apply the same rule—and I speak in all kindness to my friend, for I am his personal friend—apply the rule in Massachusetts that you want to apply in Virginia, and you will have trouble; give Virginia the rule that you apply in Massachusetts, and she will have no trouble.

But the Senator reads me a little lecture in reference to my allusion to the fact that Virginia might be driven to tumble her whole debt overboard to protect her society. I say you may drive her to it. I did not make the remark with any view of alarming or intimidating your northern capitalists; they are in a very good condition to take care of themselves. I admit that; but I spoke the words of truth in soberness when I told you that if there is anything in human nature you may goad them to that point.

Again the Senator refers to the fact that I mentioned that northern capital had been flowing into Southern States largely of late. He speaks of republicanizing them doing no harm. It flows in, my friend, under democratic administration. We have reached the point where the democrats have had power long enough to regulate society there, establish justice, and see that the laws are fairly executed. Your people at the North see that, and timid as northern capital and capital anywhere else is, it is coming there abundantly now, and we invite it.

But my friend says, Oh, yes; we invite you to come down there if you will be good citizens, but you must be good citizens according to the democratic idea. Not so, my friend; all you have to do there is to be law-abiding, as you are in Massachusetts, and demean yourself as a good citizen, and you will be treated just as well as you are at home, or anywhere else. Why, my friend, you can come to Georgia in any political campaign we have; go to any county in the State, and with all your bitterness, of which I do not think you are conscious, displayed on the stump, I vouch for you and for our people you will never be insulted. You can do it as freely, as independently, as you can do it in Boston, Massachusetts; there is no trouble on that score. The war is over; the time of violence is over; there is democratic rule there; society is re-established; fraternity exists between the races, and we welcome all good citizens the world over to come there and share with us that beautiful country, and there you can exercise your political privileges just as independently as I can, and the democracy of Georgia stands pledged for your protection.

One word more about an incident of yesterday morning and I have done. The honorable Senator from Ohio [Mr. PENDLETON] in his speech referred to the fact of a lecture that my friend from Massachusetts had read us some time since on the subject of treason. The Senator from Massachusetts got up and made a reply, in which I see this appears:

> It was an original qualification. However, if the Senator will permit me, I wish to say that the statements which have been made upon this floor and the conduct of the gentlemen on that side warrant me now in imputing what I then declined to impute, and I do now so impute it. I propose to take a coming time to state the reasons of that imputation.

Now, Mr. President, I did not make any reply to that because the Senator has not yet taken the "coming time" to state the reasons. Before I sit down I desire to say that when that "coming time"

arrives and he states the reasons, I shall have a few words to say on that point, and I presume it will become my duty upon his own position to prove him a traitor again.

Mr. HOAR. Mr. President, the Senators from Georgia, especially the Senator who has last spoken, seem to have been very much disturbed by a reference which I made to the Scriptures some fortnight ago, which I should be almost inclined to think from the effect it has had on their minds is the first time they ever heard of that publication, [laughter;] but I will not impute that of course to so grave a person as my friend from Georgia who last spoke.

I wish, however, to say in seriousness that this repetition again and again of the suggestion that 139,000 persons, which would be about half the entire registered vote of Massachusetts as cast, are disfranchised or excluded from voting by the provisions of our constitution, is one of the most ridiculous absurdities ever uttered. I undertake to say that if the gentlemen who have alluded to that on this floor, the Senator from Florida [Mr. CALL] or the Senator from Georgia who last addressed the Senate, instead of taking a brief which somebody got up to make the best he could of a bad cause in which such a result was undertaken to be reached, would look into the facts, would take the census of illiteracy, determine the number of illiterates in 1870 and subtract from that number the proportion which belongs to the foreigners who are not citizens, they would at once reject as absolutely unworthy a man of character an allusion to that matter. That statement was put into a brief used in the other House in the argument of an election case. Gentlemen on the other side have attributed that brief to a well-known citizen of Massachusetts. I know nothing about that; but I do know that the democratic members of the committee of the House to whom that argument was addressed joined with the republican members in rejecting its conclusion. There was, I think, one single member of the entire committee, who was a greenbacker, who did concur with it.

Mr. CALL. Will the Senator allow me?

Mr. HOAR. Certainly.

Mr. CALL. I will ask the honorable Senator if he will state what the figures are, as he understands them?

Mr. HOAR. Why, Mr. President, if the Senator means by that that I shall state from memory exactly all these census figures, I say very frankly that I am unable to do so. I stated them on the floor of the Senate once.

Mr. CALL. Approximately, about, anywhere near?

Mr. HOAR. The Senator will have my answer. If the Senator means to ask me what I understand to be the number in Massachusetts of citizens who are unable to vote by reason of the reading and writing clause and the other clauses in our State constitution, I reply that I understand the number to be eighteen thousand and some odd hundreds, the number which the Senator from Georgia took in one of his alternatives. Of that number nearly all were born out of the State except perhaps a thousand or two; I do not recollect the exact number, though I have known it recently. They are usually persons born of foreign parents. I do not say that the one or two thousand are natives of the State, but natives of this country, who are unable to read and write. I never knew in my life a native of Massachusetts, not an idiot, not deprived of the ordinary intelligence of man by some malformation of his body, who was not able to read and write. I never met such a person. No doubt there are such persons, but they are not within my knowledge.

We accompany, as I said before, the provision that men shall be compelled to read the constitution in the English language and to write the name of the voter with a provision at the public charge, unequaled in liberality by any other community in the world, of the instrumentalities for giving them that instruction. The native of Massachusetts has the opportunity during all his years of childhood, the foreigner during the years which after he has moved into the State he is required to reside there before he becomes a voter. Now, how do Senators, with the evidence of the crime upon the suffrage, half admitted and half denied, known to this country and as familiar as any part of its history, undertake to meet that charge? The charge is that men who by law have the right to vote are not permitted to exercise it; the charge is in the language into which the honorable Senator from Georgia himself was inadvertently betrayed when he said, "When the property of Georgia undertakes to vote, the colored people vote," speaking, I think, of what constitutes a numerical majority or nearly so of the people of that State—the class of people whose ballot is to be voted by somebody else! When we are dealing with such things as that, to undertake to repeat again and again this, I will not say twaddle, but such statements as we hear day after day about the disqualifications of persons who cannot read and write in Massachusetts, is a practical confession of the community under consideration that nothing can be said in reply to it.

Mr. BROWN. Mr. President, I only have a few words to say in reply to my honorable friend. As we understand it the vote of Massachusetts is a little over 400,000 as the table represents it. General Butler claims that about 130,000——

Mr. HOAR. The population of the State is only about 1,700,000 by the last census.

Mr. BROWN. The Senator from South Carolina gave me what he understood to be the facts.

Mr. BUTLER. My friend will pardon me one moment. I stated what I saw in this table which I have, and which I will indulge the Senator from Massachusetts with reading if he desires.

Mr. HOAR. I say this, if the Senators will pardon me. Let the Senators really look into that question and not take General Butler's brief. If the Senator from South Carolina or the Senator from Georgia or the Senator from Florida will take up that question as they would take up any other, for instance as I have taken the matter of the South Carolina census, which six months ago I had a belief about, which the Senator has heard of before, I will submit it to them. I have studied that matter carefully, and I trust in regard to it the distinguished and accomplished gentleman at the head of the Census Office. I believe his conclusion, and I expect to say so. Now if the Senator will look at this question, if he will think it important enough—I mean the question of how many men are disfranchised in this manner in the State of Massachusetts—I am sure he will agree that it is not a thing that any intelligent man can doubt about if he will look at it. If a gentleman gets up and says "I quote General Butler's brief," and you ask to interrupt him, and he says he will not yield——

Mr. BROWN. I did not give way for the Senator to make a speech.

Mr. HOAR. Merely a word. And if then when the facts are brought out he comes back three days after and flaunts that old brief again, that is a very easy thing to do. I tell those gentlemen there is not a word of truth in that statement, and I know it.

Mr. BUTLER. Then General Butler must be mistaken.

Mr. HOAR. I do not make any logical deduction about anybody; but I say there is not a word of truth in that statement, and I say it is a matter of such absolute demonstration that if the Senator from South Carolina, who, whatever other faults he may have, is not a man who I think would come here with an untrue statement in his mouth and reiterate it, and I do not think any other Senator is, will look at that thing, I will accept his conclusion and forever hold my peace on that subject. There is no doubt about it. You might as well say General Butler said the population of Washington was a million some time. Suppose he had said so; there is not any truth in it.

Mr. BROWN. Will the Senator from Massachusetts excuse me for asking him what is the registered vote of his State?

Mr. HOAR. I do not remember at this moment. I desire to be——

Mr. BROWN. You denied the figure I mentioned. What is it?

Mr. HOAR. It is somewhere in the neighborhood of 300,000, undoubtedly.

Mr. BROWN. I take 300,000, then.

Mr. HOAR. I take a fifth of the population.

Mr. BROWN. What is your republican majority in Massachusetts?

Mr. HOAR. The republican majority when General Grant was last voted for——

Mr. BROWN. Take it at the last election.

Mr. HOAR. I am going to give it to you at three elections. When General Grant was last voted for it was a little over 75,000. It would have been 100,000 if it had not been for the horse distemper. [Laughter.] In 1876 it was, if I recollect right, about 30,000. This last time, in 1880, it was about 53,000.

Mr. BROWN. Well, now, but for the horse distemper it would have been 100,000 the first time.

Mr. HOAR. Seventy-five thousand it was.

Mr. BROWN. Then 30,000; then 50,000. Now, suppose we say 40,000.

Mr. HOAR. Why does the Senator say it was 40,000 when it was fifty-two thousand and some odd hundreds?

Mr. BROWN. Well, suppose it was 50,000. Then if General Butler be right and the number that he mentioned as disfranchised should come in and vote, you are badly beaten, you see.

Mr. HOAR. How so?

Mr. BROWN. One hundred and thirty thousand added to the democracy would beat you very badly, and I believe that would be the result.

Mr. HOAR. Does the Senator——

Mr. BROWN. I have the floor now.

Mr. HOAR. Before the Senator passes from that point——

Mr. BROWN. No; I have the floor——

Mr. HOAR. The Senator asked me a question.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin in the chair.) The Senator from Georgia declines to yield.

Mr. BROWN. The Senator will make speeches every few minutes if permitted.

Mr. HOAR. I was merely going to ask you if all those 130,000 ignorant people would vote the democratic ticket, in your judgment? That was all.

Mr. BROWN. I suppose you think they would, because your idea seems to be that there is more ignorance in the democracy, and, if so, we might pretty reasonably claim the one hundred and thirty-odd thousand, or whatever the number is. But the Senator says that it is an old story; that it is all bosh; that there is nothing in it; and yet he admits that there is a good deal in it. It comes from a high source. The Senator says himself in speaking of General Butler that he will not draw any logical deductions when the Senator from South Carolina says if it is not true General Butler has made a mistake. It is at least better authority than most of your southern outrages are predicated upon.

I have admitted that there have been southern outrages, but you have grossly misrepresented, you have grossly exaggerated them, and you did not have such men as General Butler as the authority for them. Now, I give you the 138,000 disfranchised in Massachu-

setts on Butler's brief as a set-off against the very large number of outrages that you have been quoting at the South all the time, and I say I have better authority for the one than you have for the other. But now you admit, recollect, that there are 18,000 disfranchised there for illiteracy. You have not told us how many are disfranchised for not paying taxes; you have not told us how many are disfranchised for whom guardians have been appointed; you have not told us how many paupers have been disfranchised, nor how many for debauchery or for gambling or for drinking to excess, as the statute lays it down, spendthrifts and so on. You have not told us, and I presume you cannot tell us how many. If there are 18,000 excluded for illiteracy, taking all the other heads it is reasonable to suppose that there is a very large number; but if it is only 18,000 and no more, then I say you admit there what does not exist in Georgia and elsewhere, that you do not give "a free ballot" when you exclude 18,000 who are of age there and ought to vote from the privilege of voting.

Now, apply the rule of the honorable Senator from Connecticut [Mr. HAWLEY] of universal suffrage, and you violate it in Massachusetts. Therefore you ought not to be always preaching universal suffrage to us until you get ready to practice it.

You have claimed all the time, I believe, that the negroes vote with you because we went for disfranchising them. We did not accept promptly the reconstruction acts as we might have done in the South but held that the negroes ought not to vote and they went with you because of that. Now, apply that rule to Massachusetts. If you let those whom you have disfranchised vote, it is reasonable to suppose they will all vote with us because you have disfranchised them. If you do that then we have Massachusetts a democratic State by a large majority, if General Butler is anywhere in the neighborhood of correct.

Mr. HOAR. I am glad to find that the well-known citizen of Massachusetts whom the Senator speaks of has become such high democratic authority, and I will say to my honorable friend from Georgia that if he will admit to be true all the outrages in the South for which we have General Butler's authority we will throw in the balance and say nothing more about them.

Mr. BROWN. I take that——

Mr. HOAR. I do not yield to the Senator. I have the floor.

Mr. BROWN. I will make the contract as soon as I can.

Mr. HOAR. I have the floor. The point between us is this, and nothing else will get it out of sight: The Senator on the other side undertakes to defend these outrages, which he says he admits, which consist in the prevention of voting by men who have the right to vote simply because they are republicans, because of their political opinions, by undertaking to draw a parallel between that crime and the constitutional restrictions or qualifications of suffrage set forth in a State constitution. Does the Senator think that a dozen repetitions of this thing, multiplying it by twenty or by eight or ten, as he does every time he is attacked, is going to divert the attention of the American people? I should like to ask the Senator a question, whether, when he had what was called republican inclinations or affiliations, he was not guarded in some parts of his own State from the violence of his political opponents?

Mr. BROWN. I will answer when you give me the floor.

Mr. HOAR. I will give you the floor now.

Mr. BROWN. I will answer the Senator very frankly on two or three points. He says that I admit that there have been outrages South, and then he goes on to deliver the usual lecture about not letting a republican vote *now*. I said distinctly that a republican could vote now as well as a democrat, that nobody was debarred from the polls. I admitted that there had been some outrages there soon after the war. I admit it now; and now you say if I would admit the outrages South that General Butler had charged there you would admit his statement in the other case.

Mr. HOAR. No, I did not.

Mr. BROWN. Now I will do it.

Mr. HOAR. I did not say so.

Mr. BROWN. I have the floor, my friend.

Mr. HOAR. My friend will permit me to state the difference——

Mr. BROWN. You can be heard after I have yielded the floor. I admit all the outrages that did occur at the end of the war that General Butler recorded, for the sake of this controversy; and then you have agreed to admit that there are 138,000 of your people disfranchised. Then I prove in that way that there is that number there who certainly would not like to go with the party that disfranchised them, and therefore we have 138,000 democratic voters there who are not permitted to vote, and that puts your State largely democratic.

Now, in regard to the time when I had republican proclivities, I will answer the gentleman there, too. I stated very distinctly that there were times there, just at the end of the war and its attending excitements when I took a position for reconstruction, when I did not think my life was safe. I have no hesitation in saying that; but the period was a short one, soon after I had taken my position for reconstruction. There were times in battle when the two armies were meeting each other and firing on each other when no man's life was safe. War was flagrant, and nobody knew that his life was safe a moment.

Just after the war, at the period the Senator speaks of, there was a very high state of excitement. The war was scarcely over, the excitement was very high, people were not then in a condition to do justice, and I admit I did go through a period of danger when I took that position; but all danger of that kind ceased more than two years before I reunited with the democracy. That day has long been passed, and as an evidence of it the very people who would have taken my life then because they thought I was not true to them have since that taken me up, and by a majority of nearly seventy-five thousand of the popular vote in the election of members to the Legislature, and over two-thirds of the Legislature, have sent me here to repel the unfounded charges made against my people by the Senator from Massachusetts.

Mr. HOAR. Mr. President, what I said to the Senator was that if he would admit the truth of all the charges of southern outrages made by General Butler, we would not say anything more about the other southern outrages. I did not say I would admit what he said about disfranchisement in Massachusetts.

Mr. BROWN. Do not back out, now.

Mr. HOAR. Does the Senator mean to imply that I do not say what is true when I tell him what I said?

Mr. BROWN. Not by any means.

Mr. HOAR. When the Senator has made his statement——

Mr. BROWN. I simply thought the Senator was playing with words.

Mr. HOAR. When the Senator first undertook to repeat what I said, I called his attention to the fact that he misunderstood it. Let him go and ask the Reporter; he has it down.

Mr. BROWN. I was stating it only as I understood it. I think the Senator knows my feeling toward him well enough——

Mr. HOAR. I know what I said on that subject.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. HOAR. The Senator spoke of a certain citizen of Massachusetts as his authority, to which I replied that if the Senator would admit all the southern outrages which that person had charged upon the South, I should not find it necessary to say anything about any more. He undoubtedly, and perhaps those about him, understood me to say that I would admit what he said about Massachusetts. In that he was mistaken. If he will look at the Reporter's notes he will find——

Mr. BROWN. I certainly did not intend to misrepresent the Senator, but I so understood him.

Mr. BECK. Let us adjourn. I wish to move an adjournment.

Mr. HAWLEY. I wish to say a word.

Mr. BECK. I rose to move an adjournment.

Mr. HAWLEY. I will agree to it after I have said a very few words.

Mr. BECK. I am afraid we shall lose both the Senators from Georgia; I am afraid they are both going to be killed unless this thing is stopped. [Laughter.] I withdraw the motion.

Mr. HAWLEY. Mr. President, there have been various references to Connecticut within a week or two past that have not disturbed me at all; but I cannot refrain from calling the attention of the Senator from Georgia [Mr. BROWN] to an oversight upon his part in the way he criticises me for using the phrase "universal suffrage." He must have seen that I used that term in the general sense of conversation and the newspapers, for there is no such thing as universal suffrage, strictly speaking, nor, if he is going to be critical with me, is there even any such thing anywhere as manhood suffrage. There must be regulations of some description, regulations to apply to the term of residence, regulations to apply to the oath to be taken, to the manner of challenging, to the boxes into which the man shall put his ballot, and in other respects, so that there is no such thing as saying that on a certain day every man twenty-one years of age may drop his ballot in the street wherever he may happen to be and have it counted. There are regulations that inevitably tend to exclusion. This is the Senator's oversight. These regulations exclude no man by reason of any of the accidents of humanity, the things for which he is not responsible, the things which the Almighty placed in him or upon him; nor are these regulations with us such that any man of ordinary intelligence may not overcome them. No man in the State of Connecticut is excluded because he was born in a foreign land; no man is excluded because he is black or yellow or red; if only he has the soul of a man he may vote. There is no disability imposed upon him from which he may not recover by his own efforts; and is not that a genuine democracy? By his own will and efforts he may recover from all of them. We have no property qualification. I dislike that exceedingly. We used to have it in the olden time, but we have none now; even the paupers with us may vote. But our regulations are based upon intelligence and good character, "good moral character," the ancient regulation that has come down to us from colonial days. It has its legal interpretation; it bars out only those who may have been convicted by due legal proceeding of some immoral and infamous crime. That is the man's fault; he excludes himself then. There is also this requisition, that a man should be able to read any clause of the constitution to which his attention may be called. That exclusion, if he be an ignorant man, he may recover from, unless he be a man of extraordinary dullness. During the five years probation that the foreigner is compelled to undergo he may learn to read; during the one year's residence which the citizen coming in from another State is required to live among us he may learn to read; he may qualify himself. That is to say, we have no disqualification from which a man of ordinary intelligence and humanity cannot escape of his own will. He is not excluded.

Then comes another difference that we claim to be very material between us and the people of some of the Southern States during these great periods of disturbance. I have never seen or heard of a

man excluded from the ballot-box in Connecticut by reason of violence at the polls of any description, nor have I reason to believe that a man has ever been compelled to vote in any other way than his own conscience dictated anywhere in my State, and I have never seen except in three cases, where we hounded it out and where it was committed by democrats, anything like an unfair count, and in two of those cases out of the three the unfair count was upset. The fundamental difference between us and them is that we have no disqualification from which a man cannot escape.

Mr. DAWES. Mr. President——

Mr. BROWN. I beg the Senator from Massachusetts to allow me a word.

Mr. DAWES. If the Senator desires to speak, I will give way.

Mr. BROWN. I did not misrepresent the language of the honorable Senator from Connecticut. He used the term "universal suffrage." Of course he has a right to construe it as he chooses, and I have no right to deny that he has made an entirely correct statement in reference to the state of things in his own State. He says that no one is put under a disability there who cannot work out of it if he chooses to do so, if I understand him. It occurs, I presume, in every community, however good the educational system may be, that there are some very poor persons who have to have their children at home to work who cannot educate them. Some are raised up, therefore, in ignorance, without fault on their part. There may be but few who are not permitted to go to the ballot-box. That there are some persons there who are of bad character I have no doubt, but I presume as few in Connecticut, probably, as in any other State. If there are only a few of each class, no matter how few, it serves the purpose of my argument and proves that you have not universal suffrage there, that you have not a free ballot for everybody alike. That was all I intended to say.

Mr. HAWLEY. I am quite content if it is well understood that is all the Senator means.

Mr. BROWN. And one word more on the other point, if you please. While I admit the disturbance there was at the South as a result of the war and during the angry passions created by it, I say that an election there to-day is conducted as fairly, as freely, and as properly as it is in Connecticut or any other State.

Mr. HAWLEY. I ought to have added that we require the qualification of education because for two hundred and forty years we have made schools compulsory. They have been established from the very foundation of the colony in every town and an academy required in each county, and our common schools are open and free to every child in the State, and the law says every child in the State shall go. The policeman or constable who finds a child wandering about of school age, during school hours, is bound to arrest him.

Mr. BROWN. I think your educational system an admirable one, and it does great credit to your people. I have always thought so.

Mr. DAWES. Mr. President, before moving an adjournment I want to congratulate the Senator from Georgia upon the personal safety which he has established for himself in his own State. He says there was a time when he had republican proclivities and his life was in danger. He says he has changed his politics in that respect, and now he is safe. [Laughter.] I move that the Senate do now adjourn until Monday next at twelve o'clock.

Mr. PENDLETON. I hope that motion will not be carried, and upon it I ask for the yeas and nays.

Mr. HARRIS. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate do now adjourn. That motion has precedence of the motion made by the Senator from Massachusetts. The question is on the motion of the Senator from Tennessee, that the Senate do now adjourn. [Putting the question.] The Chair is in doubt.

Mr. HARRIS called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired upon all questions with the Senator from Maine, [Mr. HALE.] Therefore I decline to vote.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from New Hampshire, [Mr. BLAIR.]

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.]

Mr. GORMAN, (when Mr. GROOME'S name was called.) My colleague [Mr. GROOME] is paired with the Senator from Illinois, [Mr. LOGAN.]

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. JOHNSTON, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. JONES, of Nevada, (when his name was called.) I am paired with my colleague, [Mr. FAIR.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] on this question. I will announce also that the Senator from Illinois [Mr. LOGAN] is paired with the Senator from Maryland, [Mr. GROOME.]

Mr. MCPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Ohio, [Mr. SHERMAN.]

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The roll-call was concluded.

Mr. SLATER. My colleague [Mr. GROVER] is paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. VANCE. The Senator from Mississippi [Mr. LAMAR] is paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. KELLOGG. I vote "nay" to help make a quorum.

Mr. SAUNDERS. I vote because my vote is needed to make a quorum.

Mr. HARRIS. It does not require a quorum to adjourn the Senate.

Mr. BURNSIDE. The motion is defeated, I believe.

Mr. HARRIS. I do not know; we have had no information on that point. A quorum is not necessary on this motion.

The result was announced—yeas 17, nays 20; as follows:

YEAS—17.

Bayard,	Cockrell,	Jackson,	Slater,
Brown,	Coke,	Morgan,	Vance.
Butler,	Gorman,	Pendleton,	
Call,	Hampton,	Pugh,	
Camden,	Harris,	Ransom,	

NAYS—20.

Burnside,	Ferry,	Ingalls,	Miller,
Cameron of Pa.,	Frye,	Kellogg,	Mitchell,
Conger,	Harrison,	McDill,	Platt of Conn.,
Conkling,	Hawley,	McMillan,	Saunders,
Dawes,	Hoar,	Mahone,	Sawyer.

ABSENT—39.

Allison,	Farley,	Jones of Florida,	Saulsbury,
Anthony,	Garland,	Jones of Nevada,	Sewell,
Beck,	George,	Lamar,	Sherman,
Blair,	Groome,	Logan,	Teller,
Cameron of Wis.,	Grover,	McPherson,	Van Wyck,
Davis of Illinois,	Hale,	Maxey,	Vest,
Davis of W. Va.,	Hill of Colorado,	Morrill,	Voorhees,
Edgerton,	Hill of Georgia,	Platt of N. Y.,	Walker,
Edmunds,	Johnston,	Plumb,	Williams.
Fair,	Jonas,	Rollins,	

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Massachusetts, [Mr. DAWES.]

Mr. HARRIS. There was no quorum on the last vote, I believe; 20 to 17 was the vote.

The PRESIDING OFFICER. The Senator is right; there was not a quorum voting.

Mr. HARRIS. Then, I suppose, the regular order is to adjourn or have a call of the Senate. I do not know anything the Senate can do in that condition but adjourn.

Mr. DAWES. The Senator from Tennessee must be happy.

The PRESIDING OFFICER. The Secretary will proceed to call the roll of the Senate.

The Secretary proceeded to call the roll, and forty-six Senators answered to their names.

The PRESIDING OFFICER. There is a quorum present, and the question recurs on the motion of the Senator from Massachusetts, [Mr. DAWES,] that the Senate do now adjourn until Monday next at twelve o'clock. [Putting the question.] The ayes appear to have it.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE,] but I have a right to vote if it should be necessary to make a quorum. I will not vote at present.

Mr. DAVIS, of West Virginia. I fear there is some mistake about pairs. The Senator from New Hampshire [Mr. BLAIR] asked me to pair with him to-day. The Senator from Iowa [Mr. ALLISON] whom I was paired with, and who expects me to pair with him, is not in his seat. So it appears I have two pairs now on hand. Therefore I must ask some democrat who is not paired under the circumstances to help me with one of the pairs.

Mr. HARRIS. The Senator from Indiana [Mr. VOORHEES] is absent. I do not know that he is paired with any one. I have been pairing him with the Senator from New York [Mr. CONKLING] heretofore, and I suggest to the Senator from West Virginia that he transfer one of his pairs to the Senator from Indiana.

Mr. INGALLS. I understand the Senator from Iowa [Mr. ALLISON] is paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. DAVIS, of West Virginia. That relieves me.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.]

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. JOHNSTON, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. MCPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.]

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Missouri, [Mr. VEST.]

The roll-call was concluded.

Mr. KELLOGG. I vote "yea."

Mr. CAMERON, of Wisconsin. I vote "yea."

Mr. SAUNDERS. I vote "yea."

Mr. PLUMB. According to my pair with the Senator from Missouri [Mr. VEST] I was authorized to vote if it was necessary to make a quorum. Understanding that to be the case, I vote "yea."

The result was announced—yeas 22, nays 17; as follows:

YEAS—22.

Burnside,	Ferry,	Kellogg,	Platt of Conn.,
Cameron of Pa.,	Frye,	McDill,	Plumb,
Cameron of Wis.,	Harrison,	McMillan,	Saulsbury,
Conger,	Hawley,	Mahone,	Sawyer.
Conkling,	Hoar.	Miller,	
Dawes,	Ingalls,	Mitchell,	

NAYS—17.

Bayard,	Cockrell,	Jackson,	Slater,
Brown,	Coke,	Morgan,	Vance.
Butler,	Gorman,	Pendleton,	
Call,	Hampton,	Pugh,	
Camden,	Harris,	Ransom,	

ABSENT—37.

Allison,	Garland,	Jones of Nevada,	Sherman,
Anthony,	George,	Lamar,	Teller,
Beck,	Groome,	Logan,	Van Wyck,
Blair,	Grover,	McPherson,	Vest,
Davis of Illinois,	Hale,	Maxey,	Voorhees,
Davis of W. Va.,	Hill of Colorado,	Morrill,	Walker,
Edgerton,	Hill of Georgia,	Platt of N. Y.,	Williams.
Edmunds,	Johnston,	Rollins,	
Fair,	Jonas,	Saunders,	
Farley,	Jones of Florida,	Sewell,	

So the motion was agreed to; and (at six o'clock and eighteen minutes p. m.) the Senate adjourned until Monday next at twelve o'clock, noon.

MONDAY, *April* 18, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

TESTS OF IRON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, inclosing a letter from the Chief of Ordnance dated the 11th instant, transmitting, in compliance with the resolution of the Senate of the 1st instant, a report of the officer in charge of the United States testing-machine upon the resistance to internal pressures of thick hollow cylinders of American cast-iron and of similar cylinders when lined with coiled wrought-iron and bronze tubes; which was ordered to lie on the table.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

Mr. JOHNSTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to furnish the Senate with copies of any papers or documents received from W. S. Lurty, United States district attorney for the western district of Virginia, in relation to the late report of C. C. Lancaster, special agent of the Treasury Department, touching the western judicial district of Virginia.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of the last day's session of the Senate, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. HARRIS. Some days since the junior Senator from Virginia [Mr. MAHONE] sent to the Clerk's desk and had read an extract from a communication to the International Review representing the condition and the amounts scaled down or repudiated of the debt of a number of the Southern States, thirteen in number, I believe. In that statement I find the debt of the State of Tennessee stated, to have been in 1842 $3,198,166; in 1852, $3,776,856; in 1860, $20,896,606; in 1870, $38,539,802; date after the war when debt reached the highest point it is stated at $41,863,406. Then in another column, "amount of debt repudiated and scaled down between period when it was highest and June, 1880," $16,177,584 is stated as the amount repudiated or scaled down by the State of Tennessee.

Regarding the statement at the time as coming from an irresponsible newspaper, while I knew it was wholly untrue in respect of Tennessee, I did not deem it necessary to notice the error of statement. But subsequent to that time the junior Senator from Massachusetts [Mr. HOAR] and the junior Senator from Ohio [Mr. SHERMAN] have both referred to the statement as one prepared by Mr. Porter, of the Census Bureau, thus giving it a semi-official character, and therefore a degree of authenticity that it could never have had as a mere newspaper article. I see the public press is commenting upon it as a fact that Tennessee had repudiated at least to that extent of her debt. I desire to say that there is no truth in the statement so far as applied to Tennessee; that she has at no time repudiated a single penny of her debt.

I hold in my hand, which I propose to have read by the Secretary, a communication from Mr. Porter, of the Census Bureau, correcting the error of the Review article which Mr. Porter as a newspaper correspondent prepared and sent to the paper. This is the official statement of Mr. Porter, from the Census Bureau, and I ask that the Clerk shall read it in order that Tennessee may stand vindicated from the wrong that has been done her by the statement in the Review article and the semi-official character sought to be given to it by the statement of the junior Senators from Massachusetts and Ohio.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., April 18, 1881.

SIR: In reply to your request of the 15th instant, I have the honor to say that the article "State debts and repudiation," published in The International Review, of November, 1880, was written by me at the especial request of John T. Morse, jr., of Boston, editor of the Review, and cannot be considered in any sense official. The article was a very difficult one to write and in its compilation some three hundred references were consulted. Over eighty of these references are given in the foot-notes and can be consulted and the accuracy of the figures ascertained beyond question. The data used were collected by me as a private individual before the investigation into the financial condition of States and repudiation of debts, which I am now conducting, was begun.

I exceedingly regret that the omission of a foot-note in one of the tables should have done your State an injustice. This foot-note explained that through the inability or neglect of some of the railroads of Tennessee, which corporations had actually been warmed into existence by the State, the creditors of the State had lost a good deal in the depreciation of the bonds and in interest, but that the State had not, up to that date, (November, 1880,) repudiated one dollar, unless the refusal to acknowledge the Mineral Home bonds may be considered repudiation. As none of these bonds, however, were sold, being held by the financial agent of the railroad company at the time the State refused to recognize them, even this, by no method of reasoning, can be construed into repudiation. In the letter-press of the International Review article, (page 584,) I explained the fact that the State had in part liquidated the debt by the sale of railroads; and took the ground that Tennessee would settle her debt upon such terms as would be honorable to the credit of the State and satisfactory to the bondholders. It is gratifying to know that all this has come about, and I firmly believe that with this adjustment will begin an era of renewed prosperity for the State.

According to the somewhat imperfect data in this office at the present time, the history of the State debt of Tennessee may be briefly stated as follows:

At the close of the war of the rebellion the State of Tennessee found itself greatly reduced in wealth, its industries and commerce impaired, many of its railroads destroyed, and its citizens in no condition to meet the demands of a heavy tax. Its Legislature had always been foremost in encouraging commerce, aiding the construction of turnpikes, and fostering legitimate railroad enterprises which were to open up the vast resources of the State. The first bonds were issued as far back as 1833 to the Union Bank of Tennessee, and amounted to $500,000. Five years later, the State issued $2,500,000 of bonds to the Bank of Tennessee. In 1836 the first bonds were issued to a turnpike company, and since then no less than thirty-three turnpike companies have been aided by the credit of the State. As far back as 1838 the first railroad in Tennessee received State encouragement, and from that time until the war broke out the State repeatedly loaned bonds to railroad companies. The bonds were sold and the proceeds used in building the roads. To give some idea of the useful purposes for which the entire debt of Tennessee was created, I respectfully call attention to the following table, in which are grouped the amounts issued according to the purposes of issuance:

Banks	$3,000,000 00
Railroads	29,251,250 00
Turnpikes	1,499,066 66
Capitol	866,000 00
Agriculture Bureau	30,000 00
Hermitage	48,000 00
Renewals	697,000 00
Funding bonds (1866)	4,941,000 00
Funding bonds (1868)	2,200,000 00
New series (1873)	6,641,000 00
	49,173,316 66

During the war the interest on the State bonds issued between 1833 and 1861 went in default, and on the 1st day of January, 1866, I find the debt of Tennessee was as follows:

	Original.	Interest.	Total.
State debt proper	$3,894,607	$849,553	$4,744,160
State bonds loaned	14,006,000	3,769,507	17,775,507
State bonds indorsed	2,207,000	550,680	2,759,680
Aggregate debt and liabilities	20,107,607	5,169,740	25,279,347

The bonds, which amounted, with accrued interest, to $17,775,507, had been issued to the following railroad companies:

Companies to which issued.	Original debt.	Interest to January, 1866.	Total debt.
East Tennessee and Virginia	$1,599,000	$444,700	$2,043,700
East Tennessee and Georgia	1,160,000	272,880	1,432,880
Memphis and Charleston	1,081,000	262,980	1,343,980
Memphis and Ohio	1,493,000	403,110	1,896,110
McMinnville and Manchester	364,000	87,360	451,360
Tennessee and Alabama	853,000	231,581	1,084,581
Mississippi Central and Tennessee	574,000	154,980	728,980
Mobile and Ohio	1,296,000	349,920	1,645,920
Edgefield and Kentucky and Louisville and Nashville	211,000	63,300	274,300
Clarksville, Memphis and Louisville	1,042,000	312,600	1,354,600
Winchester and Alabama	433,000	143,259	576,259
Louisville and Nashville	455,000	126,015	581,015
Nashville and Northwestern	1,455,000	392,400	1,847,400
Edgefield and Kentucky	645,000	200,162	845,162
Central Southern	534,000	128,160	662,160
Rogersville and Jefferson	159,000	38,160	197,160
Mississippi and Tennessee	95,000	22,800	117,800
Nashville and Chattanooga	150,000	36,000	186,000
Cincinnati, Cumberland Gap and Charleston	132,000	31,680	163,680
Knoxville and Kentucky	180,000	43,200	223,200
Bonds issued to turnpike companies	65,000	17,060	82,060
Bonds issued to agricultural bureau	30,000	7,200	37,200
Total State bonds loaned	14,006,000	3,769,507	17,775,507

In addition to this, the State had, as above shown, indorsed $2,207,000 bonds, analysis of which is presented:

Railroad companies.	Original bonds.	Interest to Jan., 1866.	Total liabilities.
Nashville and Chattanooga	$1,546,000	$371,040	$1,917,040
East Tennessee and Virginia	185,000	44,400	229,400
East Tennessee and Georgia	126,000	30,240	156,240
Memphis and Little Rock	350,000	105,000	455,000
Total	2,207,000	550,680	2,757,680

The above debt was partially refunded, and March 12, 1866, the governor issued an official notice to the bondholders of the State that he was prepared to issue to persons holding bonds or coupons, or entitled to interest past due, new bonds in lieu thereof, January, 1866, and payable January, 1892. A large portion of the bonds had been issued to railroad companies that were, for a long time, unable to pay the interest. In 1869, talks of repudiation were heard, on the ground that the internal-improvement act of 1852 forbade the sale of the bonds of the State at less than par, while a portion had been sold less than par by the railroad companies in order to raise money.

In October, 1869, the State comptroller reported that some of the railroad companies to whom the State had loaned bonds, which had been sold and the proceeds used in building the roads—dead to any feeling of gratitude to the State—were intending to swindle the State by refusing to pay interest on the bonds. Having thus depreciated the State securities in the market, it was their purpose to buy the State coupons at a low figure and present them as payment for the interest they owed the State. In order to stop this, the comptroller refused to accept the coupons and suggested the propriety of selling a sufficient number of the State railroads for the bonds of the State, thus lessening the liabilities some eight or ten millions of dollars. November 3 the delinquent roads were offered for public sale, but as there was no bidder they were not sold. The following roads were finally sold, at the dates given and the prices named:

Railroads.	When sold.	Amount sold for.
Edgefield and Kentucky	Aug., 1871	$900,000
Cincinnati, Cumberland Gap and Charleston	Oct., 1871	300,000
Knoxville and Kentucky	Oct., 1871	350,000
McMinnville and Manchester	Aug., 1871	300,000
Winchester and Alabama	Sept., 1871	300,000
Rogersville and Jefferson	March, 1872	33,000
Nashville and Northwestern	Oct., 1871	2,400,000
Knoxville and Charleston	March, 1872	105,000
East Tennessee and Western North Carolina	Nov., 1871	20,000
Memphis, Clarksville and Louisville	Sept., 1871	1,700,000
Tennessee and Pacific		300,000
		6,698,000

Below I have prepared a list of railroads which retired their debts to the State:

Railroads.	Date of retiring.	Amount of debt.
East Tennessee, Virginia and Georgia	Aug., 1870	$4,117,000
Nashville and Decatur	March, 1871	2,700,000
Memphis and Charleston	July, 1877	1,875,000
Memphis and Ohio	May, 1871	2,396,000
Mississippi and Tennessee	Jan., 1878	420,800
Mobile and Ohio	Jan., 1872	1,684,800
Mississippi Central	Dec., 1877	1,199,000
Nashville and Chattanooga	Jan., 1874	395,000
Total		14,787,600

In this way the debt was reduced as follows:

1870	$43,052,625 25
1871	33,539,802 25
1872	33,190,938 37
1873	30,632,200 76
1874	27,920,386 45

There were due the State in 1874, from solvent railroads, $3,461,871.75; from indorsed bonds, for which the State was secondarily liable, $2,152,400; from purchases of delinquent roads, $823,217; total amount due State, $6,437,548.75; making the debt, with these credits deducted $21,482,837 70
Amount in treasury at this time was 501,986 45

Leaving the net debt 20,980,851 25

Thus in July, 1874, the debt of Tennessee, after deducting available assets, was less than $21,000,000. The total amount of State debt canceled between August, 1870, and December, 1877, was $21,845,600.

In January, 1877, the commission of the Legislature of Tennessee appointed to confer with the committee of gentlemen who held a conference in New York City on the subject of Southern State debts came to the deliberate conclusion that after adding all the arrears of interest and the interest to accrue to July, 1877, the aggregate amount of State debt should be readjusted by the issue of new bonds at the rate of 60 per cent. of the total—*i. e.*, for every $1,000 the amount of $600 in new bonds should be paid, the new bonds to bear 6 per cent. interest from July, 1877. But this proposition and several others looking to a cutting down of the principal of the debt were rejected by the Legislature, and a bill was passed a few weeks ago providing for the settlement, dollar for dollar, of the bonds and unpaid interest in new three percents, with tax-receivable coupons, redeemable after five years and payable in 1899.

Trusting these rather hurriedly gathered facts may be of some service to you, and believing you will find them reliable, I have the honor to be, sir, with great respect, your most obedient servant,

ROBERT P. PORTER,
Special Agent on Wealth, Debt, and Taxation.

Hon. ISHAM G. HARRIS,
United States Senate, Washington, D. C.

Mr. HARRIS. I simply desired to have the paper read in order that Tennessee might be vindicated against the false statement contained in the newspaper article that has been submitted and so frequently commented on.

In respect to the Mineral Home bonds referred to there, I desire to say that they amounted to $160,000, were issued without authority of law, and while yet in the hands of the railroad company to which they were issued they were recalled. This action, as stated in the paper just read, by any possible rule of construction cannot be regarded as repudiation.

The whole statement so far as it attributes to Tennessee the repudiating any part of her debt is wholly untrue. I do not care to say more. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. SAULSBURY called for the yeas and nays, and they were ordered.

Mr. DAWES. What is the motion?

The VICE-PRESIDENT. That the Senate proceed to the consideration of executive business.

Mr. DAWES. Before we pass upon the pending resolution?

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. BECK, (when his name was called.) I do not see the Senator from Maine [Mr. HALE] in his seat. I am paired with him.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the junior Senator from Massachusetts [Mr. HOAR] on this and all other questions.

Mr. GROOME, (when his name was called.) I am paired temporarily with the Senator from Vermont, [Mr. MORRILL.]

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] I make this announcement for the day.

Mr. BROWN, (when the name of Mr. HILL, of Georgia, was called.) My colleague [Mr. HILL] is absent for a few days and is paired with the Senator from Rhode Island, [Mr. ANTHONY.] I announce the pair for the day.

Mr. KELLOGG, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. DAVIS.]

Mr. COKE, (when Mr. MAXEY's name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] I make the announcement for the day.

Mr. MILLER, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. PLATT, of New York, (when his name was called.) I am paired with the Senator from California, [Mr. FARLEY.] If he were here, I should vote "nay."

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.] I announce the pair for the day.

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.] The pair will continue until his return to the Senate.

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.] Were he present, he would vote "yea" and I would vote "nay." I announce the pair for the day.

Mr. CAMERON, of Wisconsin. My colleague [Mr. SAWYER] is paired for the day with the Senator from West Virginia, [Mr. CAMDEN.]

Mr. BLAIR. I wish to announce that my colleague [Mr. ROLLINS] is paired with the Senator from Florida, [Mr. JONES.]

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bayard,	George,	Johnston,	Pendleton,
Brown,	Gorman,	Jonas,	Pugh,
Call,	Hampton,	Lamar,	Ransom,
Cockrell,	Harris,	McPherson,	Saulsbury,
Coke,	Jackson,	Morgan,	Slater.

NAYS—21.

Allison,	Dawes,	Ingalls,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Sewell,
Burnside,	Ferry,	McDill,	Sherman.
Cameron of Wis.,	Frye,	McMillan,	
Conger,	Harrison,	Mahone,	
Conkling,	Hawley,	Mitchell,	

ABSENT—35.

Anthony,	Farley,	Jones of Nevada,	Sawyer,
Beck,	Garland,	Kellogg,	Teller,
Butler,	Groome,	Maxey,	Vance,
Camden,	Grover,	Miller,	Van Wyck,
Cameron of Pa.,	Hale,	Morrill,	Vest,
Davis of Illinois,	Hill of Colorado,	Platt of N. Y.,	Voorhees,
Davis of W. Va.,	Hill of Georgia,	Plumb,	Walker,
Edmunds,	Hoar,	Rollins,	Williams.
Fair,	Jones of Florida,	Saunders,	

So the Senate refused to proceed to the consideration of executive business.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the pending resolution indefinitely.

Mr. SAULSBURY. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware, [Mr. SAULSBURY,] that the Senate adjourn. [Putting the question.] The noes seem to have it.

Mr. SAULSBURY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GROOME, (when his name was called.) I am paired temporarily with the Senator from Vermont, [Mr. MORRILL.]

Mr. MILLER, (when his name was called.) I will announce for the day that I am paired with the Senator from North Carolina, [Mr. VANCE.]

The roll-call was concluded.

Mr. KELLOGG. I have voted on this motion, and I wish to state that I did it in compliance with an understanding with the Senator from Illinois [Mr. DAVIS] that on all questions except motions to go into executive session I was at liberty to vote, but that on motions to go into executive session I am paired with him.

Mr. RANSOM. I believe it has been stated that my colleague [Mr. VANCE] is paired with the Senator from California, [Mr. MILLER.]

Mr. MILLER. I have announced the pair.

The result was announced—yeas 20, nays 22; as follows:

YEAS—20.

Bayard,	Gorman,	Jonas,	Pugh,
Brown,	Hampton,	Lamar,	Ransom,
Call,	Harris,	McPherson,	Saulsbury,
Cockrell,	Jackson,	Morgan,	Slater,
Coke,	Johnston,	Pendleton,	Voorhees.

NAYS—22.

Allison,	Dawes,	Ingalls,	Mitchell,
Blair,	Edgerton,	Kellogg,	Platt of Conn.,
Burnside,	Ferry,	Logan,	Sewell,
Cameron of Wis.,	Frye,	McDill,	Sherman.
Conger,	Harrison,	McMillan,	
Conkling,	Hawley,	Mahone,	

ABSENT—34.

Anthony,	Farley,	Jones of Florida,	Sawyer,
Beck,	Garland,	Jones of Nevada,	Teller,
Butler,	George,	Maxey,	Vance,
Camden,	Groome,	Miller,	Van Wyck,
Cameron of Pa.,	Grover,	Morrill,	Vest,
Davis of Illinois,	Hale,	Platt of N. Y.,	Walker,
Davis of W. Va.,	Hill of Colorado,	Plumb,	Williams.
Edmunds,	Hill of Georgia,	Rollins,	
Fair,	Hoar,	Saunders,	

So the Senate refused to adjourn.

Mr. DAWES. The Senate having decided that they would not proceed to consider executive business and that they would not adjourn, it seems to me that it is hardly necessary to appeal to the Senate that they now proceed without further delay to the consideration of the pending resolution. I hope we shall now take a vote upon it.

Mr. PENDLETON. I move to lay the resolution on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to lay the pending resolution on the table. [Putting the question.] The Chair is in doubt as to the result.

Mr. SAULSBURY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Pending that motion, I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. Why, Mr. President, we have just decided that we would not do that.

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS, of West Virginia, (when Mr. CAMDEN'S name was called.) My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin [Mr. SAWYER] for the day.

Mr. GROOME, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

The roll-call having been concluded, the result was announced—yeas 19, nays 21; as follows:

YEAS—19.

Bayard,	Gorman,	Jonas,	Ransom,
Brown,	Hampton,	Lamar,	Saulsbury,
Call,	Harris,	McPherson,	Slater,
Cockrell,	Jackson,	Pendleton,	Voorhees.
Coke,	Johnston,	Pugh,	

NAYS—21.

Allison,	Dawes,	Ingalls,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Sewell,
Burnside,	Ferry,	McDill,	Sherman.
Cameron of Wis.,	Frye,	McMillan,	
Conger,	Harrison,	Mahone,	
Conkling,	Hawley,	Mitchell,	

ABSENT—36.

Anthony,	Farley,	Jones of Florida,	Rollins,
Beck,	Garland,	Jones of Nevada,	Saunders,
Butler,	George,	Kellogg,	Sawyer,
Camden,	Groome,	Maxey,	Teller,
Cameron of Pa.,	Grover,	Miller,	Vance,
Davis of Illinois,	Hale,	Morgan,	Van Wyck,
Davis of W. Va.,	Hill of Colorado,	Morrill,	Vest,
Edmunds,	Hill of Georgia,	Platt of N. Y.,	Walker,
Fair,	Hoar,	Plumb,	Williams.

So the Senate refused to proceed to the consideration of executive business.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio to lay the pending resolution on the table, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired with the Senator from Georgia [Mr. HILL] on this question.

Mr. BUTLER, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. GROOME, (when his name was called.) I again announce the fact that I am paired with the Senator from Vermont [Mr. MORRILL] until he returns to the Chamber.

The roll-call having been concluded, the result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bayard,	Gorman,	Jonas,	Pugh,
Brown,	Hampton,	Lamar,	Ransom,
Call,	Harris,	McPherson,	Saulsbury,
Cockrell,	Jackson,	Morgan,	Slater,
Coke,	Johnston,	Pendleton,	Voorhees.

NAYS—21.

Allison,	Dawes,	Ingalls,	Platt of Conn.,
Blair,	Edgerton,	Logan,	Sewell,
Burnside,	Ferry,	McDill,	Sherman.
Cameron of Wis.,	Frye,	McMillan,	
Conger,	Harrison,	Mahone,	
Conkling,	Hawley,	Mitchell,	

ABSENT—35.

Anthony,	Farley,	Jones of Florida,	Saunders,
Beck,	Garland,	Jones of Nevada,	Sawyer,
Butler,	George,	Kellogg,	Teller,
Camden,	Groome,	Maxey,	Vance,
Cameron of Pa.,	Grover,	Miller,	Van Wyck,
Davis of Illinois,	Hale,	Morrill,	Vest,
Davis of W. Va.,	Hill of Colorado,	Platt of N. Y.,	Walker,
Edmunds,	Hill of Georgia,	Plumb,	Williams.
Fair,	Hoar,	Rollins,	

So the Senate refused to lay the resolution on the table.

Mr. DAWES. I wish to announce that my colleague [Mr. HOAR] is paired for the day with the Senator from West Virginia, [Mr. DAVIS.] I wish to say further that over the resolution I have offered there has been all the consumption of the time of the Senate. The minority of the Senate have resorted to every motion known to parliamentary law to defeat it except one. All of these motions a majority of the Senate have voted down.

Mr. SAULSBURY. I inquire whether the motion to lay on the table is debatable?

Mr. DAWES. The motion to lay on the table has just been decided in the negative.

The VICE-PRESIDENT. The motion to lay on the table has been decided in the negative. The question now is on the motion of the Senator from Ohio to postpone the resolution indefinitely.

Mr. DAWES. And upon that I have the floor.

The VICE-PRESIDENT. The Senator from Massachusetts is in order.

Mr. DAWES. I was saying that I was sorry that I had so disturbed my friends on the other side. I have said that the minority of the Senate had resorted to every motion except one to defeat this resolution, and they have therefore been the cause themselves of all this delay in the business of the country. Upon each trial of these motions the majority of the Senate have decided them in the negative. They have been unwilling to resort to the one only motion left, and that is to vote on the passage of the resolution itself. I have only to say that if they will vote upon the passage of the resolution, and if the majority of the Senate shall express the opinion that this resolution should not pass, those who shall happen on that vote to be in the minority will forever hold their peace. This is a struggle to ascertain whether it is the Senate or a minority in this Senate that is to control public business. I therefore appeal to this minority that for once they will try and vote upon the legitimate question whether this resolution shall pass or not; and if the majority of the Senate shall say now that it should not pass we will proceed at once to the public business that the pending question on the resolution has obstructed these many days. It is because some persons in this Senate, not constituting the Senate itself, are unwilling to submit to what a majority of the Senate shall say upon the passage of this resolution, that all the delay in the public business has been caused.

It is not the question whether one man or another may occupy for the summer, or even for a longer period, any particular office about the Senate. That is not of the slightest consequence. So far as I am concerned and so far as I desire to see action upon this resolution, I do not care one copper whether it be that this man or that man shall occupy this office or that office, but I do desire to have it settled whether the Senate shall rule itself or not. I do desire to have it

settled before the country whether this is a government of majorities or not; and when that shall be determined, whether it shall be that the present officers remain in their places or that others shall take them, it matters not with me, provided that principle which has been assaulted in the opposition to this resolution (unconsciously in the outset, I am quite certain, by those enlisted in opposition to it) is recognized and acted upon. Certainly those gentlemen cannot fail to see clearly now that the opposition to a vote on this resolution has come to be an announcement to the country that no longer shall the Senate rule itself and no longer shall this Government be administered by its majority, but that those instrumentalities established for the protection of minorities, not for the destruction of the will of the majority, they will lay hold of for the purpose of overturning the very institutions of this Government under which we live.

That is why I am here constantly pressing upon an unwilling Senate the consideration of a resolution which in and of itself, beginning and ending with it, is of very little consequence to me or to any one that I may have represented in pressing the resolution; but beyond, far-reaching beyond it, which no man can control in the future if we let go now, is the question whether it be legitimate in this Government whenever a measure does not meet the views of a minority—and all measures to that extent are alike—whether the people will sanction and uphold the doctrine that a minority in opposition to that measure shall resort to methods within their reach not only to convince the judgment and the understanding of the majority, (always open to them and always proper and praiseworthy and commendable in this government of thinking men,) but also to methods that do not appeal to the understanding and judgment and conscience of a majority but defy the will of that majority.

Mr. DAVIS, of West Virginia. I should like to ask the Senator whether or not, previous to the close of the last session, he did not sit in his seat day after day to prevent the majority from carrying out their wishes to go into executive session for the purpose of confirming a hundred and more appointments that were then upon the table? Did not he and every Senator on that side of the House sit in their seats and refuse to vote? I should like a direct answer to that.

Mr. DAWES. Has the Senator got done?

Mr. DAVIS, of West Virginia. One other question after that is answered.

Mr. DAWES. The Senator still retained the floor; I did not know whether he was through or not.

Mr. DAVIS, of West Virginia. The Senator understands.

Mr. DAWES. That is not a new question, Mr. President. The ability to put that question on the other side of the Chamber seems to constitute the entire staple upon which justification of the present attitude of that side of the House is sought. Can the Senator find no other justification for his own act than what he himself considers a bad example on this side? Has the Senator no other reason to go before the American people in justification of what he is now doing than his ability in his own judgment to say "you're another?" If the Senator's statesmanship rises no higher, if the Senator can build up a democratic platform on which to rise (if the Senator from Ohio will allow me) to that upper sky in which the democracy are in the distant future to dwell, then the bad——

Mr. DAVIS, of West Virginia, rose.

Mr. DAWES. The Senator may be impatient, but I have not forgotten his question.

Mr. DAVIS, of West Virginia. I take it the Senator will not answer it whether he has forgotten it or not. He knows he did it and I do not believe he intends to answer directly, though I hope he will.

Mr. DAWES. Well, the Senator ought to be told that he who doubts is in trouble.

Mr. DAVIS, of West Virginia. I did not catch what the Senator said.

Mr. DAWES. I desired to suggest, before I answered the Senator's question, to him that that was an old, worn-out interrogatory.

Mr. DAVIS, of West Virginia. Then why does the Senator continually repeat over and over again the charge——

Mr. DAWES. If my friend will try to compose himself in his seat I will answer.

Mr. DAVIS, of West Virginia. We have never been able to get an answer from the Senator from Massachusetts; no matter if the question is worn out, he has always avoided an answer in some way.

Mr. DAWES. Now, if my friend has really and in fact resumed his seat, I will go on and say that I was trying to impress upon him—I do not think I am encouraged by the result, but I will suggest it to the other Senators on the other side—that it is not much of an interrogatory after all. It has been tried over and over again, and I say to the other side that if they have no further justification for the proceedings of the last six weeks, more or less, than what is suggested by the interrogatory of the Senator from West Virginia, they are in a position most miserable.

Suppose they can say that this side of the Senate in the last session did do that which they did not approve of themselves and which they condemned themselves, does that justify a proceeding of this kind with the avowed purpose which is here patent? Now I want the Senator from West Virginia, who comprehends so clearly always everything that is said here in the Senate, to see this difference. The proceedings on the other side are with the avowed purpose—the Senator understands what "avowed" means—of defying and thwarting the will of the Senate itself. This is declared. It is declared by the distinguished Senator now in his seat that before this Senate should say for itself whether it would vote on this resolution, the humble individual who presented it should be grayer than he is now, and that it should not be done till December. That is the avowal of the distinguished Senator and his associates on that side. They have resorted to these dilatory motions, not for time, not that the Senate may be full and a fair vote had. There was none of this dilatory spirit on the other side when there happened accidentally to be four seats empty on this side; there was what they have seen fit to call on this side "an indecent haste" at that moment; but the moment——

Mr. DAVIS, of West Virginia. I fear my friend from Massachusetts has mistaken the question. He appears to be answering now for this session. I asked as to the last session, and we have not got the answer yet.

Mr. DAWES. Mr. President, "an indecent haste" when four seats were empty; but when they were full the haste had disappeared. That is the distinction which I know I have but to state and the distinguished Senator from West Virginia, quicker than any associate of his on that side, will see and feel and be the quickest to recognize it.

Now he asks me what I did in the last session. I will tell him what according to my recollection I did not do. I never voted (or refrained from voting) to keep the Senate out of executive session in the last session of the last Congress at any time. There was never a moment, according to my recollection, when any Senator moved to proceed to the consideration of executive business that I was ever found either withholding my vote or voting against the motion. If the majority of ten on that side did not go into executive session they need not undertake to lay it to the door of this side of the Senate. No filibustering, that occurs to me now, on this side prevented the other side from putting to a vote of the Senate the question of going into executive session whenever they pleased.

Now, sir, I trust I have answered the Senator. I have suggested to the Senator to look about him for some new interrogatory that has a broader and a wider scope and application than this; but as the Senator is wedded to the old ways he can find nothing but to repeat that interrogatory; and I say to him that in my judgment it is not a satisfactory answer to the American people for the democratic side of this Senate to say "We will thwart the majority of the Senate of the United States; we will defy it and prescribe ourselves," as the distinguished Senator from Ohio did with a care which almost indicated that he spoke the result of a caucus, "This we will permit you to do; that you may do; the other thing you may do; but this thing you shall not do." That in substance was what was announced to us as the result of the last apparent conference of the other side, that a minority shall put upon paper and submit a cartel to the Senate of the United States, saying to that Senate of the United States, constituted by the Constitution, whose will is spoken by a majority, which we all swear to submit to, "A few specified things we will permit the Senate of the United States to do, but this thing does not meet the approval of a minority of the Senate, and that minority serves notice on the Senate itself that the Senate shall not do it."

With these remarks, sir, designed solely——

Mr. DAVIS, of West Virginia. I hope the Senator will not take his seat until he answers my question.

Mr. DAWES. I will finish this remark, however, and hold myself on the witness stand.

Mr. DAVIS, of West Virginia. I have waited very patiently.

Mr. DAWES. Mr. President, I thought I would make one last appeal to the judgment and to the patriotism of the other side of this Chamber and see whether they were determined to carry on this work of attempting to overthrow the fundamental principles of this Government fighting over a matter of no more importance than the selection of a couple of officers to stand at this door or in the Secretary's office——

Mr. SAULSBURY. I hope the Senator——

Mr. DAVIS, of West Virginia. I trust the Senator from Massachusetts will be allowed to answer me first.

Mr. DAWES. I yield to the Senator from West Virginia.

Mr. SAULSBURY. I hope the Senator from Massachusetts will withdraw his remark about the "last appeal." We have heard that appeal so often that we are delighted with it. I hope he will not announce that this is the "last appeal." We want to hear it again. [Laughter.]

Mr. DAWES. I was really in the hope that I should not be called upon to trouble the Senate with another remark.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. DAWES. I cannot yield to the Senator from West Virginia just now. I must satisfy my friend from Delaware. I was, when I got up, of the opinion that our friends on the other side could not have realized what they were doing, and that coming to look at it like statesmen they would see that this was not only a wrong cause in which they were engaged, but that sooner or later they must give over any such contest as this with everything in this country at stake upon it; but the Senator from Delaware indicates by his remark that there is no such thing as giving us a reasonable ground to hope that the scales will fall from their eyes and that they will see things as they are. I express my sincere regret at the remark of the Senator from Delaware. I will now hear the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I understand the Senator from Massachusetts to say that at no time during the closing weeks of the last session, within six weeks I think he said, did he refuse to vote to go into executive session. Did I understand him aright?

Mr. DAWES. I meant to say that so far as I recollected I never then voted against going into executive session; but the Senator's memory and his solicitude in reference to my vote will make him more reliable than myself in that respect, and he may be right. I would not contradict him.

Mr. DAVIS, of West Virginia. I think the RECORD will show that not only the Senator from Massachusetts but every Senator who sits on that side of the House refused to vote more than once, perhaps a dozen times, on a motion to go into executive session. The Senator either sat in his seat and refused to vote, or went into the cloak-room when the roll was called on such motions. I think the RECORD will show that.

Mr. CONKLING. When was that?

Mr. DAVIS, of West Virginia. The latter part of last session. The Senator from New York well recollects it.

Mr. CONKLING. Does the Senator recollect the particular occasion?

Mr. DAVIS, of West Virginia. I think there were half a dozen occasions. I think the Senator from Massachusetts, upon reflection, probably will withdraw his remark that he never refused during the last session, say the last two weeks of that session, to vote to go into executive session. I am not sure about his record, as I have not looked into it, but I am sure there was not a Senator on that side of the House who did not refuse to vote more than once, and perhaps half a dozen times.

Mr. DAWES. Mr. President——

Mr. BECK. Will the Senator from Massachusetts allow me to make one suggestion?

Mr. DAWES. As soon as the Senator from West Virginia is through I will.

The VICE-PRESIDENT. The Senator from West Virginia has the floor.

Mr. DAVIS, of West Virginia. I yield.

Mr. DAWES. I yield to the Senator from Kentucky.

Mr. BECK. While the colloquy has been going on, I have taken occasion to look at the proceedings of the last night of the late session. Without going back to the former votes, this I find: On a motion to proceed to the consideration of executive business the yeas were 36 and the nays none; three gentlemen on the other side of the Chamber voting with the democrats, the Senator from Michigan, [Mr. FERRY,] the Senator from Massachusetts, [Mr. HOAR,] and the Senator from Vermont, [Mr. MORRILL.] In a few moments after the refusal of the other side to vote, except those three Senators, the yeas and nays were called on another question, and twenty-two republican Senators voted, to wit, Messrs. ANTHONY, BALDWIN, BLAIR, BURNSIDE, CAMERON of Pennsylvania, CONKLING, FERRY, HILL of Colorado, INGALLS, JONES of Nevada, KELLOGG, Kirkwood, LOGAN, MCMILLAN, MORRILL, Paddock, PLATT, PLUMB, ROLLINS, SAUNDERS, TELLER, and Windom, and in a very few moments again a motion was made to go into executive session by Mr. RANSOM, of North Carolina, and there were 33 votes in the affirmative and none in the negative. We lost all our republican allies that time except Mr. FERRY.

Mr. BURNSIDE. How many democratic allies did you lose?

Mr. BECK. Another motion was made in a few moments, and the yeas and nays being taken, there were 33 yeas and 1 nay, the Senator from New York [Mr. CONKLING] voting "nay" that time.

Mr. CONKLING. What was that vote on which the Senator says I voted?

Mr. BECK. A motion to proceed to the consideration of executive business. Twice there were no votes in the negative, and the third time one.

Mr. DAWES. While the Senator is going along will he not, as he has the RECORD there, tell us where the ten majority were?

Mr. BECK. They were paired, a good many of them, with gentlemen on the other side who were not here. You say you now have a "constitutional majority" consisting of thirty-eight Senators, and yet your vote is only twenty-one this morning. Suppose we had done as you did then and gone into our cloak-rooms and not voted this morning, where would your "constitutional majority" have been? They would have been absent, a good many of them. Twenty-one is as many as the Senator has been able to vote this morning. We were not able to vote thirty-nine on the occasion referred to, and therefore we could not proceed. To-day you can vote only twenty-one, and therefore you cannot proceed if we were to be as ill-natured—but that is not a good word—as independent as you were then. The Senator from Massachusetts——

Mr. CONKLING. What day of the month was this?

Mr. BECK. The 3d day of March.

Mr. CONKLING. At what time in the day?

Mr. BECK. Late at night.

Mr. CONKLING. What does the Senator mean by "late at night?"

Mr. BECK. The RECORD does not show the exact hour.

Mr. CONKLING. The RECORD does show.

Mr. DAWES. The record of a motion to adjourn near there will give the time.

Mr. BECK. It was the last night of the session.

Mr. CONKLING. The RECORD shows the hour.

Mr. DAWES. I desire to set my friend right.

Mr. BECK. In looking over it I notice that the Senator from Massachusetts seems to have been absent all the time. On the next morning, however, at half-past nine o'clock, when the yeas and nays were called, the Senator from Massachusetts is found voting on the yeas and nays. I expect, from the look of the RECORD, that he was not present in the evening, because he did not vote on either side even when gentlemen on the other side were voting. I merely rose to say that I happened to pick up the RECORD while he was speaking and I saw the facts about it.

Mr. DAWES. I made the remark to the Senator from West Virginia precisely as I understood the facts. I have no recollection now of any desire on my part during the last session to keep the Senate out of executive session at any time. There have been times when at the last hours of the session I thought it was more desirable to proceed with the legislative business than to go into executive session then, when we could not accomplish anything in executive session; but on the particular occasion to which the Senator has called the attention of the Senate I unfortunately accommodated a Senator on the other side, according to my recollection now, and paired and went home. I was not present until about nine o'clock in the morning, and then I resumed my place and voted. But so far as the Senator from West Virginia or any Senator on that side has supposed that there was any parallel between my action in the last days of the session and the avowed and determined purpose of the Senators on the other side, not to substitute the legitimate business of one kind for the legitimate business of another kind, not for the purpose of getting an opportunity to have a full vote, not for the purpose of getting a fuller discussion, but for the avowed purpose that the will of the majority, whatever it may be, shall not be expressed in this Senate. That is the avowed purpose. It is to that I have addressed my remarks this morning.

I do not so far as I am concerned care at all, it is not so far as I am concerned the weight of a feather whether this resolution be voted up or voted down; but what concerns me is the great question beyond that, swallowing up everything else, vital in the struggle to maintain the integrity and power and will of this Government that has been going on among the American people for twenty years against that fatal error, assuming all phases and adopting all devices and resorting to all methods if thereby the will of the majority as it speaks through the Constitution and the laws of this land may be perverted and defied and trampled down. It is that great question which concerns me, and it is not the little petty consideration of whether this or that gentleman shall occupy this or that petty office about this Senate Chamber. And it is a question that did not originate with the session of the Senate; it lays further back. The American people did hope they had settled it when it took the form of violent opposition; but by degrees it has been forced upon the American people in many ways and by many means and methods, until here in this Chamber it is openly avowed and the democratic organization through its leader upon this floor openly prescribes upon paper what the will of the majority shall be permitted to carry out and what that majority shall not. When such a statement is made to the American people they will not stop to inquire much into the merits of the one or the other, but they will inquire, and they will not give over the inquiry until the people themselves will so answer it that it will not be resorted to again—they will inquire whether it be true or not that this is a Government of majorities. Whether the majority be one or one hundred thousand matters not; it is the decree of this Government that that majority is omnipotent under it, and he who refuses to obey that will sets himself up against his Government in a vain—I believe a vain, certainly an unholy—attempt to overthrow it.

I hope, sir, we may have a vote upon this resolution and let the majority determine whether it shall be adopted or not.

Mr. DAVIS, of West Virginia. Mr. President, the Senator from Massachusetts has said over and over again that this question was not who should occupy the offices; I understood him to say that two or three times. Is not that the question pending, who shall occupy these offices? I ask the Senator, if that is not the question, what other question is pending? From the day he introduced his resolution down to the present time it has been a contest for who shall occupy the offices. I ask the Senator if that is not the case?

Mr. DAWES. No, sir. I most respectfully say to my distinguished friend from West Virginia, no, sir.

Mr. DAVIS, of West Virginia. Then, what is the question?

Mr. DAWES. From the day the resolution was taken up for consideration until this hour it has been nothing more nor less than whether the Senate shall rule itself or not.

Mr. DAVIS, of West Virginia. The Senator himself introduced three or four resolutions naming three or four different men who should occupy these offices, and he is only trying to get out of the way that which is in it to come to a vote on those particular persons. And now I should like to ask the Senator this question: Suppose that we should ever reach—which I do not know that we shall very soon—the main resolution, which is to turn out the present officers of the Senate and proceed to elect new ones, what then? He says he does not care a fig who occupy the offices; that is not the question here; but I ask him directly, would he vote for any republican except those who are named in the resolutions? Would he vote for any man in

the United States except those he has already named? Yet he says he does not care who occupy the offices. I take it there is not a Senator on that side of the Chamber who will vote for any persons except the particular men named; and one of them would not even vote for the man proposed to be expelled from the Virginia Legislature because he was a debt-payer.

Mr. DAWES. How completely the Senator from West Virginia meets what I have said! How his side of the Chamber and the waiting democracy of this country must rest satisfied that an answer, which can be met nowhere, as a justification for resisting the majority of the Senate, has at last been discovered, and it lies in the fact that the Senator wants to know whether I would vote for any other republican or not! That is the answer to a grave allegation laid directly at the door of the Senator from West Virginia that he avowed here in substance—not three legislative days have passed since he avowed in substance—that this Senate should never determine for itself a question whether it would rule itself or not. Whether I vote for one republican or another, the Senator has but to try me and then I will satisfy him. Let the vote be taken, and whoever shall command a majority of the Senate on that vote commands me, and I shall be most cheerfully acquiescent in the will of that majority.

Sir, I am not one of those who have spent the last generation seeking how this government of majorities may be overthrown. What little I have been able to do in my life-time has been to build up and strengthen the will of the majority of this nation expressed according to the Constitution which I have sworn to support. I have never been found in any enterprise, large or small, grand or petty, on any field or in any presence, the purpose of which has been to upset the will of the majority, however it might not conform to my own judgment or my own choice. If I cannot appeal to the judgment of men, if I cannot reach the consciences of men, if I cannot persuade men to think and act with me, I will abide the time when what would seem to me to be a clearer insight in public affairs and public considerations shall induce men to think more as I think and act more as I shall act. But, sir, I do not know, consistent with my duty to my country, any method that it is lawful for me to adopt the purpose of which is to overthrow the will of a majority legally and constitutionally expressed in this land. If I cannot obey that will so expressed, I will go under a flag that is not lifted by a majority, under a flag that does not float at its head "The will of the majority rules where this flag floats."

Mr. SAULSBURY. Mr. President, it would be amusing to listen to the gravity and solemnity of manner and language in which the Senator from Massachusetts [Mr. DAWES] presents his views this morning in reference to the action of the minority in resorting to means prescribed by the rules of the Senate for the purpose of defeating an object to which they are opposed if we did not know that the Senator sometimes indulges in that kind of harangue. Everybody knows in the Senate Chamber that at the very commencement of this session, for nearly two weeks, that side of the Chamber resorted to the same motions that we are now making for the purpose of preventing a clear majority in this body from organizing the committees of the Senate. No one can deny that. The records of the Senate itself disclose the fact that for nearly two entire weeks the republican side of the Chamber resorted to the very tactics of which they now complain of us in order to prevent a clear majority of this body from organizing the committees of the Senate; and everybody knows that during the last session, toward the close, all these tactics, all these motions, were resorted to by the republican side of the Chamber to prevent the majority of the body from doing just what it desired. It is very amusing, I say, with this knowledge resting in the mind of the Senator from Massachusetts, that he rises here and gravely undertakes to lecture us on doing what he and his party have done so recently.

We have reason to believe not only that the minority then acted in this manner, but that it was the predetermined purpose of their caucus to act in this manner whenever their wishes were not gratified. I hold in my hand what purports to be the proceedings of a republican caucus during the last session of Congress, when another question was before the Senate—I refer to the question of the seat of the Senator from Louisiana, [Mr. KELLOGG.] I do not know that this is a correct account of the proceedings of that caucus, for I have never attended a republican caucus, and expect it will be a good many years before I do; but it was published in a paper of this city, purporting to be the proceedings of a republican caucus, and I propose to read a few lines from it to show that the subject of how to resist the majority was a subject gravely considered in the republican caucus:

> The republican Senators held a caucus this morning for the consideration, principally, of the Kellogg case. There was a full attendance—

Of course, if the attendance was full, the Senator from Massachusetts was there—

> Senators CONKLING and Blaine, being among those present, Senator ANTHONY presided. The proposition of the democrats to call the Kellogg case up to-day was mentioned. Senator CONKLING made a speech, insisting upon the republicans fighting the attempt to oust KELLOGG with all the means at their command. Senators Blaine, HOAR, and others coincided in this view. It was decided that when the resolution declaring KELLOGG not entitled to his seat was called up the republicans would make a motion to lay it on the table finally; that if this motion prevailed, all right, but if the democrats defeated it, then the republicans would filibuster against the Kellogg case until the 4th of March, if necessary; that they would adopt any and all sorts of tactics to prevent consideration, and thus throw the responsibility of an extra session for the passage of appropriation bills upon the democrats. Some remarks in regard to the usual or characteristic timidity of the democrats were indulged in to the effect that this timidity would move the democrats to let the Kellogg case go by the board rather than force an extra session.

I say I do not know that this is a correct statement of what occurred in a republican caucus; but if it is true, then it shows that in reference to another case the republican caucus, with a full attendance, gravely came to the conclusion that they would resist the will of the other side of this Chamber, which was then in the majority, by every and all means, resorting to every kind of tactics. With this knowledge of the action of his own party, is it not singular that the Senator from Massachusetts should rise here and lecture us about obstructing the will of the majority of the Senate?

Perhaps the Senator may still be relying upon what they were pleased to term in that caucus the usual "timidity" of the democratic party. I think he will find before this question is settled that if there was ever any timidity that timidity has gone. We have learned that our duty to the country as well as to our party is to resist with determined purpose and determined effort measures so wrong and iniquitous as we believe that to be which is now pending before the Senate.

I did not rise to discuss this question. I may hereafter at some future time give my views more at length upon the general question, but I simply rose now to call attention to the fact and to emphasize the fact that while the Senator from Massachusetts assumes a gravity in the presentation of his views this morning as if we were in rebellion against the Government, we are but practicing what he has practiced not only in the commencement of the present session but at the last session, what he as a member of the republican caucus if he was present, and the statement says there was a full attendance, determined in caucus to do, to resist to the last effort until the 4th of March the object and purpose then desired to be accomplished by the democrats in the Senate.

Mr. BURNSIDE. Mr. President, the statement that the republican party as a party filibustered at the end of the last Congress I desire now to contradict. I have heard it several times, and I beg now to state that the charge is entirely incorrect. The opposition to an executive session was aided by members of the democratic party on that side. Some of them withheld their votes and others absented themselves without pairing. I acted in concert with some of them myself. It is well now that the whole truth should be known in that matter.

Mr. BECK. Mr. President——

Mr. BURNSIDE. The Senator from Kentucky knows very well that there were democratic votes withheld at that time, and it was simply for the purpose of aiding some friends on this side of the Chamber to defeat certain nominations which were distasteful to them. The country had just as well know that. It was not a partisan matter at all. Some of our friends here desired to defeat certain nominations made by the late President because they were not in accord with their views. They solicited aid from both sides of the Chamber and they received aid from both sides of the Chamber. I myself left the Chamber once or twice because I felt bad to sit here and not vote. It seems the Senator from Massachusetts acted in perfect good faith with himself and either was absent or paired all the time. So we did not vote as a party and we did not pair in that matter as republicans and democrats; we paired as friends to those appointments and as opposed to them, and I now say here that to my absolute knowledge democrats on that side of the Chamber withheld their votes.

Mr. DAVIS, of West Virginia. Will the Senator name the democrats?

Mr. BURNSIDE. I do not think it would be exactly fair; but if the Senator presses it I can name them. I will name two if the Senator presses it, but I do not think it is fair. Of course I do not blame them for it. I know what I state to be the fact, and I do not propose to sit under an imputation of that kind without letting the country know the true state of the case. If I am pressed I will name not only democratic Senators who absented themselves, but democratic Senators who withheld their votes.

Mr. DAVIS, of West Virginia. I think the Senator is wrong if he says any democrat ever withheld his vote. Democrats may have been absent, however.

Mr. BURNSIDE. They went out for the specific reason that they desired to accommodate Senators on this side of the Chamber.

Mr. DAVIS, of West Virginia. I do not know that.

Mr. BURNSIDE. I know that perfectly well, and I am not going to sit here and allow an imputation of that kind to be made without contradicting it. It was not a party affair, and I announce to the country and to that side of the Chamber that it was in no sense a party affair. I can name Senators very readily if gentlemen wish me to do so. If the the Senator from Kentucky will consult the records he will find that taking out all the pairs——

Mr. BECK. I have the RECORD, and I assert that the RECORD shows it was absolutely a party vote.

Mr. BURNSIDE. Then the Senator from Kentucky will compel me——

Mr. BECK. There were thirty-three democrats on one side, three times voting "yea," and none on the other side voting at all.

Mr. BURNSIDE. How many democrats failed to vote who were not paired?

Mr. BECK. I do not know about that.

Mr. BURNSIDE. The RECORD will tell you; look at that. Look at the RECORD and see how many democrats failed to vote who were not paired. That tells the story.

Mr. BECK. Then the story will be told to-day, that out of thirty-eight republicans they can only vote twenty-one. Are your men away to-day, or why is your vote so small?

Mr. BURNSIDE. This is a partisan affair, and we are voting every man or pairing every man, and we clearly stand before the country in that light. I announce that I am going with my party, and you announce that you are going with your party. I say distinctly and positively that the action to which the Senator from Kentucky refers, and which has been so often quoted on this floor, was not a partisan affair in any sense. No man thought it was a partisan affair at that time. It was simply a question as to whether we would aid some of our friends on this side of the Chamber to defeat some nominations which President Hayes sent to the Senate. That was the question and the only question.

Mr. BECK. As the Senator has reiterated so often that it was not a partisan affair, and was not this that or the other, the fact is, and the yeas and nays as recorded show the fact to be, that every vote——

Mr. BURNSIDE. But, Mr. President——

Mr. BECK. You have got your statement before the country, now let me state the facts as I understand them.

Mr. BURNSIDE. I wanted to make the statement of the Senator from Kentucky a correct statement; that is all. I should like to have the Senator state how many democrats failed to vote who were not paired, and then he will have stated the whole case.

Mr. BECK. There were thirty-three democrats in this Hall and every one of them voted "yea;" there were twenty-three recorded republicans in this Hall who voted on another question, and every one of them refused to vote. That was the number recorded as present; and the Senator from Rhode Island was one of the twenty-three, for his name stands recorded as one of the twenty-three who three times refused to vote, no democrat refusing to vote, no democrat voting in the negative, on three roll-calls every republican sitting with his arms folded, the Senator from Rhode Island among them.

Mr. BURNSIDE. I ask the Senator now——

Mr. BECK. I desire that record to go to the country as a fact not to be obliterated. I can read the yeas and nays again as I did a few minutes since and show the names. There may have been some democrat paired or somebody who was not here.

Mr. BURNSIDE. Will the Senator allow me to correct him with reference to myself? I did not sit here with my arms folded. I did just what some democrats did; I went out into that hall and I met democrats there and I talked with them on that subject, and we told each other that we were out there for that purpose, to prevent a quorum. I did not sit here and fold my arms.

Mr. BECK. Look at the RECORD; there is no getting away from it. Recollect that was at the close of a Congress when the republicans were endeavoring not to postpone action upon nominations, not to postpone business, but absolutely to prevent and destroy all possibility by that Congress of acting upon these nominations at all. It was to reach twelve o'clock on the 4th day of March so that all that business should fall with the Congress that then had it under consideration.

If there is anything revolutionary or treasonable in conduct looking to delay, surely it is far worse for a party to seek to destroy altogether and to render it utterly impossible for the business to be considered, than to do what we are doing now, to postpone it until a regular session of the same Congress. We have this indorsement from all the past records of the country except once in 1853 when it was thought to be an easy way to get rid of a Sergeant-at-Arms against whom there were charges, that officers of the Senate never were removed at an executive session, and as I showed a few days ago, even in 1861, in revolutionary times, when the republicans were charging that the officers of the Senate were what they called rebels, many of them placed in position by men who had left the Federal Union with their States, and when they were heaping all sorts of epithets upon their heads for their conduct, so steadily did they even then adhere to the traditions of the Senate that they would not remove one of the Senate officials at the executive session called by Mr. Lincoln on the 4th of March of that year. It is because after telling us for three weeks that all you asked or contended for was to have the committees organized so as to proceed to business, when we had surrendered to you our committee-rooms and our clerks and had given you the power you asked or suggested, and after that you seek to do something else, to form a coalition with parties in Virginia, to throw Federal power and patronage into that State to defeat the regular democracy in a State contest for State officers by an unholy combination, as the country understands it.

Mr. MORRILL. Will the Senator from Kentucky allow me to ask him a question? I desire to know whether the Senator from Kentucky or the Senator from Ohio [Mr. PENDLETON] speaks by the authority of his party. The Senator from Kentucky has just announced that his only purpose is to postpone action until the regular session. The Senator from Ohio only a day or two since, in a very careful and elaborate speech, announced that we should not proceed to this business now or at any other time. I desire to know which of the Senators speaks by authority for his party?

Mr. BECK. I speak for myself. When the regular session comes in which these things are generally considered and can be fairly acted upon, I expect to consider this question. I desire to say this to the Senator from Vermont, that Mr. Riddleberger, in my judgment, will not even in December be elected Sergeant-at-Arms of the Senate. The Virginia election will then be over, and I hope some republican Senator—if he does not somebody else—will tender to the Senate for Sergeant-at-Arms some man who is a conservative republican, a gentleman who has fought through the war in the Federal Army, who will be here with his wounds to attest his gallantry and who will treat both sides of this House decently, and then republicans can vote between the repudiating much-abused rebel brigadier, Mr. Riddleberger, and a candidate such as I have described who will be tendered to you, I think, by a republican Senator, and I feel sure he will get every vote on this side of the Chamber. You may as well understand that in December next you will not be able to place Mr. Riddleberger in power in this body, and any promises he may make in Virginia this summer of what he will do next December will prove to be as delusive and fallacious as what you desire to do now. We do not intend to have men placed over us—after all we have said, and said honestly and earnestly against them, our servants shall not be allowed to punish us.

Mr. DAWES. I should like to have the Senator answer a question.

Mr. BECK. I will answer anything I can. I did not expect to say a word at this time.

Mr. DAWES. Will the Senator tell us whether he means to say that he will not in December submit to the will of the majority?

Mr. BECK. I do not. I said I would, but I would make such an issue in December as against that man that you are now seeking to place in power in order to carry an election in Virginia that you will find it extremely difficult to stand up to your contract if you have one.

Mr. DAWES. Does the Senator mean to announce that the reason of all this opposition by the southern Senators is because Mr. Riddleberger is not a Union soldier?

Mr. BECK. No, sir; it grows out of this: that you in the opinion of this country— I am not going to say anything that will make you challenge me. [Laughter.] I have learned from the remarks of the Senator from Massachusetts [Mr. DAWES] which he made the other day about the offers, the corrupt offers, that were said to be made by us to the Senator from Virginia, when he contradicted them so flatly, to be careful; I feared that you might have to call upon me to act as your second.

Mr. DAWES. The Senator from Virginia said he would not disclose what was said in his room unless he was invited by the other side, and nobody invited him.

Mr. BECK. The Senator from Virginia said with a good deal of emphasis (look at the RECORD, I looked at it carefully) that many things the Senator from Massachusetts said about what democratic committees had waited on him and what offers had been made to him were not true, and when you come to look at it carefully the Senator from Massachusetts will observe that if he is spoiling for a fight there was very nearly a fighting point right there. But as I am not disposed and as I do not propose to say anything that will cause the Senator from Massachusetts to have any difficulty with me——

Mr. DAWES. I yielded to the Senator when I had the floor, and I know he will yield to me.

Mr. BECK. Certainly.

Mr. DAWES. I want to understand clearly what it is that the Senator from Kentucky is fighting for, whether he is fighting for December or fighting in behalf of the Senators from the Southern States on the other side, to get a Union soldier in place of "a rebel brigadier?" I want to know what he is fighting for. He has declared now that his fight will end in December. I think he will have to settle that with the Senator from Ohio, [Mr. PENDLETON,] as the Senator from Vermont [Mr. MORRILL] has said; but if he will let the country know that he is fighting now in behalf of Union soldiers for the first time, the country will hail him as a recruit.

Mr. BECK. I said before that I propose to make no personal issues with anybody, but if the fact is true, which many people believe to be true, that the attempted election of this man is the carrying out of a foul bargain, then the people of the country will stand by any party that struggles to prevent the consummation of it. The Senator can judge by the votes on this side perhaps what their opinion is upon that subject, and when December comes and they still seek to carry out what a great many people think is a foul bargain, then we have a right to prevent a man against whom we have said so much, and whose political career we so much oppose, from being our Sergeant-at-Arms, and to give the republican party a man, a decent man, a gentleman, a soldier, and a wounded soldier at that, to vote for; and we will be content with him and will vote for him if you will give up the man who will be obnoxious to us and who will make himself very disagreeable to us, as we know he will, for two years, when we have a right to have a servitor of this body who will be decently kind to us all, and we propose to present such a man, if he is not presented by the other side, as we think he will then be.

Mr. DAWES. Does not the Senator think the best way to determine that is to submit it to a majority?

Mr. BECK. We will submit to a majority, so far as I am concerned, whenever we get into a regular session of Congress; but when the President calls us together to transact executive business, when we are in extraordinary session convened to do only what he shall advise us is necessary for the public good, when we have an organized Senate, and good, honest, competent officials, I deny that the Senator from Massachusetts, if he has made such a bargain as the chairman of his caucus, has a right to divert us away from that legitimate business to disorganize the Senate and to place officers over us whom we do not think ought to be there either because of their fitness or for any other cause, or because of any bargain that may have been made. I repeat that we are not to be diverted from the business for which we were called together to follow him or to consummate any outside arrangement that may have been made. That is the issue between the two parties. When we meet here every morning we advise you that we will go on with the regular executive business. There are some three hundred nominations, many of them important ones. We are ready to proceed with them; they are all republicans; your President is a republican; he has called us together. You have not and you know you never have had a constitutional quorum in the Senate; you have not got it to-day, and you cannot get it. Why should you tell us that we are obstructing public business because we will not follow you to do what the President has not asked you to do, what he never would have convened you together for if that had been the business or an essential part of it, and when you refuse to do anything that you were called together to do? I deny we are obstructing anything that is legitimate at this session, under any precedent or construction of the presidential call under which we are here.

Mr. DAWES. The Senator said a few moments ago that he had chosen his words or said in substance that he had chosen his words with great care, and that he was not going to use any words that would permit the Senator from Massachusetts to call him to account. Does he mean to say that he has so chosen his words designedly that while I cannot call him to account he intends to convey the same idea? When he says, "If the Senator from Massachusetts has made any bargain, then so and so," does the Senator mean to say, "I have selected those words with care so that the Senator from Massachusetts cannot call me to an account for them?" Is that what the Senator means?

Mr. BECK. I have said this——

Mr. DAWES. I will tell the Senator what he said. He said, "If the Senator from Massachusetts has made any bargain"——

Several SENATORS. "Any foul bargain."

Mr. DAWES. "If he has made any foul bargain," as I am corrected, "then so and so." The Senator prefaced it by saying that he was not going to use any words which would permit the Senator from Massachusetts to call him to an account, intimating that the Senator from Virginia the other day negatived some things that I had said. I only want to repeat them to him and ask him if I am to understand that he has carefully chosen those words to prevent my calling him to an account?

Mr. BECK. I have said this, and I have repeated it, that I have never charged any bargain on this floor with any one and I do not propose to do it. I will express my opinions whenever I am in a canvass, and that is one reason why I invited the Senator from Massachusetts to go to Virginia with me. I will express my opinions very freely and take all the responsibility of what those opinions may be when I am in that canvass, but upon the floor of the Senate I shall not express any opinions, no matter what they are, that will give any Senator the right to make a wrangle with me that may turn into a personal quarrel. If we go outside of this Chamber on the street anywhere whatever my opinion is I will tell it to him and if he does not like it then perhaps he can knock me down if he can, or take any other satisfaction that he would like, but I have no expression of my opinion to give to him now. I say there is an opinion in the country——

Mr. DAWES. I want to say a little further, if the Senator will permit me, that I had supposed my relations with the Senator were such that he would not come into the Senate and say that he was going to be very careful in the words that he should use; he would come just as near as he could to an offensive charge against me, but would use words for which I could not call him to an account. I did not expect that from the Senator, and I called his attention to it to give him the opportunity to say that he did not mean any such thing; but the Senator does not say it. I want to call his attention to it again, for I am not here to pick a quarrel, nor am I here to permit any Senator, without saying something myself, in any language he has a mind to choose, to say that which goes to the country with that interpretation upon it. It only makes it worse, in my opinion, for a Senator to get up here and announce beforehand that he has been very careful to use words that, while they will mean one thing, are not words that he can be permitted to be called to account for. I know the Senator knows better than to charge me, directly or indirectly, by inference or otherwise, with anything dishonorable in this transaction, and if the Senator says otherwise he had better say it openly and fairly, and then he and I will understand ourselves from this day as I supposed we had understood ourselves heretofore.

Mr. BECK. I have endeavored to say as fully as I knew how that I made no charge about it, for I know nothing about it. When I said I desired to use the words carefully, I meant to exclude any possibility that anybody might think I meant to make any such charge.

Mr. DAWES. That is all?

Mr. BECK. That is all I desired to say.

Mr. DAWES. That is entirely satisfactory.

Mr. BECK. Because if anything I said looked as if I made a charge by indirection, I did not intend it; I should never have done it in that way against the Senator.

Mr. DAWES. That is entirely satisfactory.

Mr. BROWN. The honorable Senator from Massachusetts [Mr. DAWES] this morning repeats the usual charge that the democratic members of this body are obstructing the will of the majority unconstitutionally. The staple of the speeches on that side of the Chamber for the last two weeks has been that the will of the majority must rule absolutely, and that it is the duty of the minority to yield in all cases to the will of the majority. The honorable and distinguished Senator from Ohio [Mr. SHERMAN] laid that rule down very broadly in the speech that he made some days since, and quoted the old adage about the voice of the majority being the voice of a god. There is no such adage as applicable to Congress, to the Senate, to the Government of the United States. There is an adage in reference to the voice of some other tribunal that has been said to be invested with the power of the voice of a god; that is the voice of the people, who are our common masters; and when that voice has spoken we on this side will be ready to yield. It is to that voice we make the appeal, and there is where we intend to meet you. When the people have spoken on this subject we shall obey their voice, and we meet you on this issue and appeal to the people. The people write to us and communicate to us through various channels to stand firmly here and prevent the carrying out of a measure that they believe is improper, that they believe is wrong, that they believe had its origin in that which was not right, and that they desire to have a reckoning about with all their representatives. They say this is a measure that they do not want passed. There are various surroundings about it and circumstances connected with it that do not commend themselves to them, and we stand here as their representatives and say you cannot pass it.

Mr. DAWES. What representatives?

Mr. BROWN. The representatives of the people who can utter the voice that I speak of, and that the Senator from Ohio spoke of a few days ago, which is so potent when it is uttered.

But, Mr. President, I say that this is not a government of majorities; that there is no truth in the proposition laid down that the majority have a right to rule in this country. They do have, subject to certain restrictions and regulations and constitutional qualifications; but there is no such thing as an unbridled majority being the government of this country. The Senate is not constituted upon any such proposition or doctrine. The State of Rhode Island according to the last census (and I speak from memory for I have it not before me) has a little more than 270,000 population all told; the State of New York has over 5,000,000 population. The State of New York has a population more than eighteen times greater than the State of Rhode Island, and yet the State of Rhode Island is represented on this floor by the same number of Senators that represent the State of New York.

That is not only true, but the voice of the majority of the whole people of the United States cannot change it without the consent of the State of Rhode Island. If every member in each House of Congress when it is in session, every member of the Senate to-day, and every man, woman, and child in the other thirty-seven States of the Union should do everything in their power to change that rule, it is fixed and immutable without the consent of the State of Rhode Island, because the Constitution of the United States says expressly that no State without its consent shall be deprived of its equal suffrage in the Senate. If this were a government of the majority without constitutional restraint, then the majority of the Senate and of the House, with the President and the people at their back, could deprive the State of Rhode Island of the same representative power here that the State of New York has. It cannot do it.

It is not a government of majorities, again, because both Houses of Congress may pass a resolution or a bill and the President, as on a notable occasion recently, has the power to veto it, and it then takes two-thirds of both branches to enact it into a law. If the majority ruled here there would be no such power. The majority of the two Houses and the whole of the people at their back cannot control it in that case.

Near the end of the last Congress, the democrats being in power, we passed a funding bill to fund the portion of the debt of the United States that was falling due this year at 3 per cent. It was the voice of the majority of both Houses, and from the tide that has rolled back to us here from the people it was the voice of a large majority of the people; yet a republican President interposed his veto and the measure fell to the ground and did not become the law of the land, greatly, as we think, to the detriment of the best interests of this country. Why did not the majority rule then? One man on the republican side said, "It shall not be so without two-thirds," and action was stayed at once, because we did not have two-thirds. There are a great many other restrictions upon the powers of the Congress of the United States. The Constitution expressly provides that—

> The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Therefore, when there is no rebellion and no invasion the Congress of the United States, with the President to aid them and all the peo-

ple of the United States, cannot suspend the writ of *habeas corpus;* I care not what majority requires it, it can only be done when there is insurrection or rebellion, and at no other time, however urgent might be the will of a united Congress with all the people at their backs. The Constitution provides that—

No bill of attainder or *ex post facto* law shall be passed.

Therefore, if the whole Congress and the President unite in passing such a measure and it should have the sanction of the swelling tide of popular opinion in its favor, it would be absolutely null and void. It is a thing which cannot be done. Further:

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No matter how decided Congress is, or how unanimous Congress is upon it, it cannot be done. No matter what the will of the majority may be in its favor, that majority cannot rule and it cannot be carried out. Further:

No tax or duty shall be laid on articles exported from any State.

No matter how unanimous the Senate or the House or both combined with the President may be, it cannot be done because the Constitution says it shall not.

Mr. DAWES. The Senator has overlooked what I said—a majority speaking through the Constitution.

Mr. BROWN. I will come to that before I take my seat. I will not neglect you on that point.

Mr. DAWES. One would suppose by his argument that the Senator had forgotten it.

Mr. BROWN. No, sir; I have not forgotten it; I am not in the habit of forgetting that sort of thing a great deal, as I go along. I am particularly anxious to accommodate my friend from Massachusetts on this question, and therefore I will try not to forget it before I sit down.

No preference shall be given—

Says the Constitution—

by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

The whole Congress may pass a law, it may be unanimously passed in both Houses and the President may sign it, to violate that provision, and it is a nullity; no amount of majority, no amount of popular clamor in its favor, can do it. Further:

No title of nobility shall be granted by the United States.

The whole Congress might determine to pass an act granting a title of nobility to my good friend from Massachusetts; we might all be in favor of it and the President might cheerfully sign it; but it is a nullity when passed, because that is one thing about which the majority cannot rule; they have no right to do it.

But you may say in reply that the Constitution could be changed so as to give the power. That is true except in the case of the representation of a State in the Senate; that cannot be changed at all without her consent. It may be changed in these other matters, but what does it take to do it? The ordinary machinery prescribed by the Constitution must be put in motion first, and then it must have the assent of three-fourths, not a majority simply, of the States before it can be done.

Therefore this is not a government of a mere majority. The very object of the Constitution is to throw restrictions over the will of the majority and to control that majority for the public good. The great object of the Constitution is not to carry out the will of the majority so much as it is to protect the rights of the minority.

But my honorable friend from Massachusetts says that the majority within the rules, as I understand him, laid down for our government here, is to control. I have no objection to that.

Mr. DAWES. Then vote on the pending resolution.

Mr. BROWN. When you can get to it in accordance with those rules, we shall take that vote, my friend.

Mr. DAWES. The Senator must feel himself engaged in a patriotic duty?

Mr. BROWN. I do feel that I am doing a very patriotic duty here. The democratic Senators on this side all feel, as I understand them, that it is a patriotic duty that we are doing to prevent this most mischievous conduct——

Mr. DAWES. "O, wad some power the giftie gie us"——

Mr. BROWN. That you could see yourselves as others see you. [Laughter.] The Constitution of the United States says:

Each House may determine the rules of its proceedings.

There is a constitutional grant; there is authority given to the Senate to make rules. The Senate has exercised that power, and it has made rules to govern its proceedings. We on this side have the right, and the minority at all times have the right, to resort to and enforce every rule that is made in conformity with the Constitution in the transaction of business here. Whenever you can carry a measure in accordance with these rules and we cannot prevent it in accordance with the rules made under this provision of the Constitution, then you have a right to carry it, and not till then.

Mr. BLAIR. May I ask the Senator a question? I understand him to say that anything which may be constitutionally done may be opposed constitutionally so long as the rules adopted by the Senate are conformed to. Is that the position of the Senator?

Mr. BROWN. Well, sir, draw your own deductions from it.

Mr. BLAIR. I think that is a fair statement of the Senator's position.

Mr. BROWN. I shall not yield for the Senator to make a speech; I will not yield the floor.

Mr. BLAIR. I was asking a question.

Mr. BROWN. I will not have a speech interjected into my speech.

Mr. BLAIR. Will you permit me to ask a question?

Mr. BROWN. You can get the floor when I am through.

Mr. BLAIR. Surely the Senator will allow me to ask him a question.

Mr. BROWN. I will go on with my speech now, and I will hear you with great pleasure when you get the floor.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Senators will please address the Chair.

Mr. BLAIR. I have nothing to say, only that a courtesy of that kind has never been refused me before.

Mr. BROWN. I have refused to permit the Senator from New Hampshire to interrupt me.

Mr. BLAIR. I thought the Senator stood here inviting questions——

Mr. BROWN. No, I had not——

Mr. BLAIR. And somewhat tauntingly inviting questions as to his position that he might elucidate his constitutional views. I rose to ask him a question, in accordance with the universal custom of the Senate, so that I might understand him.

Mr. BROWN. I have the floor.

The PRESIDING OFFICER. The Senator from Georgia has the floor and cannot be interrupted without his permission.

Mr. BLAIR. I shall not ask the question if I trespass on the courtesy of the Senator, and he declines to yield.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. BROWN. I prefer to hear the Senator when I am done.

Mr. BLAIR. I simply say that I desire to ask a question in order to comprehend the Senator, not to reply to what he was saying at all.

Mr. BROWN. I say I do not yield.

Mr. BLAIR. I understand it; but I wish the Senator to understand distinctly that I did not claim the floor to make a speech.

Mr. BROWN. Have I the floor?

The PRESIDING OFFICER. The Senator from Georgia has the floor, and cannot be interrupted without his consent.

Mr. BROWN. If I have the floor I propose to hold it.

Mr. BLAIR. There is not the slightest difficulty, and I say to the Senator that I only desired to understand his position.

Mr. BROWN. Have I the floor?

The PRESIDING OFFICER. The Senator from New Hampshire will take his seat. The Senator from Georgia has the floor and declines to be interrupted.

Mr. BLAIR. He has been interrupted several times, I have observed.

Mr. BROWN. I was proceeding to consider that provision of the Constitution which declares that each House may determine the rules of its proceedings, and I had stated that the Senate has determined those rules and that both sides of the Chamber have a right to insist upon the execution of those rules and on a conformity to them. I lay down the proposition that we have not in a single instance transcended those rules. We have not made a motion here in violation of them. We have not made a motion on which we could successfully be called to order under any one of those rules. Therefore, we are proceeding according to the rules laid down in conformity to the Constitution; and, proceeding in that way, if we can prevent the passage of a measure that we consider to be mischievous and wrong in the highest sense of the term, we propose to do it and to appeal to the people on this issue. Not only so; we have another constitutional grant for what we have been doing, that has been so much complained of. The Constitution says:

And the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

It is a constitutional right, then, that one-fifth have, whenever they indicate a desire at any time, to have the yeas and nays entered upon the Journal of the Senate. How do we violate the Constitution, then, when we act in strict conformity to the rules made by the Senate in accordance with the power given by the Constitution, or how do we violate the Constitution when on any question one-fifth desire that the yeas and nays be entered upon the Journal? Have we gone outside of that? Clearly we have not.

Therefore we have violated no rule of the Constitution, no rule of law, no rule of this Government, in any act that we have done here, and I repel the charge that we are obstructing legislation by an unconstitutional use of power. We are acting in strict conformity to the Constitution and laws and the rules of the Senate, and we propose to continue to act there as long as we think the public interest requires it. We have invited gentlemen on the other side again and again to go into executive session. We were called here for that purpose, and republican Senators will not be able to shift the responsibility before the people by going before them and telling them that they considered the election of these officers in the Senate, under the very peculiar coincidences that brought them before the Senate, as paramount

to the appointment of a judge of the Supreme Court of the United States when that court is adjourning from day to day without a quorum, some of its members not being able to attend; that you regard it more important than you do to fill a vacancy upon the Court of Claims; that you regard it more important than you do to appoint a judge in the fifth judicial circuit; that you regard it more important than you do to appoint public ministers and consuls; that you regard it more important than you do to act upon treaties now before us that are pressing. Take the Chinese treaty. There is a limit beyond which it falls if it is not acted upon. You consider it more important here to elect Mr. Gorham and Mr. Riddleberger than you do to act on a treaty with that great power. Not only those treaties, but numerous very important nominations are before the Senate. Yes; you regard it more important than you do that a republican administration shall move off in harmony with the usual machinery and usual organization.

We have stood here from the very first hour, ready to go at any time into executive session with you to act upon the appointments which have been made. We presume that your President must be somewhat embarrassed by the course you take in not acting upon them. We throw no obstacles in the way; we say, "Go forward in the business we are called upon to transact, and we will go with you." But no, you make the point that you will do nothing else until you have acted upon the cases of Gorham and Riddleberger and two other officers of the Senate. If you choose to stand upon that ground before the country and to take the responsibility of considering their election more important than that the Administration should have its appointments acted upon, and that the treaties should be acted upon, we are ready to meet you before that tribunal to whom the adage does apply that the voice of the people is the voice of a god. We have no fear on that subject. We have told you that we will obstruct you in no other way; that we have an opinion about this transaction which we need not express here, but which we will express upon the stump, and we intend to go there; we intend to obstruct it by every legal constitutional means within our power, and prevent it until an appeal can be made to the people.

You talk about December. You will care nothing about it in December. After you have heard the voice of Virginia speak this fall, I apprehend you will scarcely come here and stand for the election of Mr. Riddleberger in preference to any other business of the Senate. It will not be hard, I think, after that time to find another man for whom you would quite as cheerfully vote as you would for Mr. Riddleberger. Therefore we do not apprehend that there will be the slightest difficulty upon that subject.

But suppose we do obstruct your action, is it revolutionary? Is it unconstitutional, as the honorable Senator from Ohio [Mr. SHERMAN] said? What clause of the Constitution do we violate? What provision in it do we violate? What act have we performed that has not been in strict accordance with the Constitution? None whatever; and if we prevent this action we simply prevent it, as the passage of many an act is prevented, by the use of constitutional means, and by seeing that the rules of the Senate in our favor are executed until you fail. It is not denied, I believe, that on certain occasions, on certain votes taken during the last night of the Forty-sixth Congress, every Senator on that side who was in his seat sat there and refused to vote. Now I say in that case your action might well be characterized by the honorable Senator from Ohio as unconstitutional. Why? Because you violated one of the rules made by the Senate for the government of its conduct under the provisions of the Constitution. In other words, you sat in your seats and refused to obey or carry out one of the rules of the Senate that the Senate made in obedience to the Constitution. That is Rule No. 16, which reads thus:

> When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question the names of the Senators shall be called alphabetically.

There is no rule of the Senate which says we shall not move to go into executive session, there is a rule which says we may move to go in; there is no rule which says we shall not make a motion to lay on the table, there is a rule which says we may make it; there is no rule which says we shall not make a motion to adjourn, there is a rule which says we may make it; there is no rule which says we shall not call the yeas and nays; both the Constitution of the United States and the rules of the Senate say on the desire of one-fifth the yeas and nays shall be taken and recorded; but there was a rule of the Senate which said that when you sat in your seats and when your names were called refused to vote you did a prohibited thing. You violated the rules of the Senate in that transaction. We have in no case violated them in the action we have taken here. I repel the charge, then, that we violate any constitutional provision, any law, or any rule of the Senate in the action we take, and I charge that you did violate the rules of the Senate when you sat in your seats and refused to vote.

A word more about majorities. The republican Senators are great sticklers now for the will of the majority. You did not stickle for it in 1876. Mr. Tilden was elected by more than a quarter of a million majority of the popular vote: impartial history will record that he was elected by a majority of the electoral vote. Did that majority rule? Who got the benefit of the violation of the rule, if you say a majority must rule? The present President of the United States was not elected by a popular majority; the republican party in the United States had no majority when he was elected; you had, according to the American Almanac, less than a thousand majority for your candidate over the democratic candidate, and there were over three hundred thousand votes cast for other candidates. You lacked nearly one hundred and sixty thousand votes of having a popular majority; and yet you rule this country, and you take yourselves all the offices of this country under that minority rule, and then you daily flaunt it in our faces here that a majority must rule, and that we are violating principle because we do not submit to a majority of the Senate, where, as the Senator from Kentucky has said again and again, you have no constitutional quorum, though by the vote of the Vice-President you have a bare majority. When it suits the purpose of the republican party that a minority rule, then that is the doctrine, and then you act upon it; when it suits your purpose for a majority to rule, as in this Senate to-day, then it is a great crime on the part of the democracy not to submit to the will of that majority!

The honorable Senator from Massachusetts said this morning in reply to the Senator from Kentucky that he had heard over and over the reply that was made. Have we not heard and has not the country heard the speech of my honorable friend from Massachusetts again and again and again about the right of the majority to rule here, short, pithy, pointed, and humorous as he makes his speech? But we meet you by saying you have the right to rule whenever you can pass the measure without the violation of any of the rules of the Senate, which are made under the express grant of power of the Constitution of the United States. If you undertake to go forward with your Vice-President and pass it over our motions here, you violate the Constitution and rules of the Senate. Go forward, then, and pass it, pass it constitutionally, pass it in conformity to rule, and we have not a word to say; but we will say that when you pass it you have to do it in a constitutional form and in obedience to the rules of the Senate, and we intend to keep strictly within those rules while we are preventing this great wrong in a question about a few office-holders. That is worth looking after. It is our duty to see to it that you shall not in violation of precedent throw them out of their positions at this time; but the deeper principle, the higher rule, is, that there is a great moral question here involved, and we propose to be controlled by that; we propose not to permit what we consider a great wrong, a great piece of injustice; in a word, we propose not to permit a transaction that the people regard as the result of bargain and sale to be enacted as long as we can prevent it; but in preventing it we will confine ourselves strictly within the limits laid down by the Constitution, the laws, and the rules of the Senate.

Mr. BLAIR. Mr. President, I wish to ask my question now. I will not do it in an interrogative form, however.

The Senator from Georgia starts out in his address to the Senate with sundry quotations from the Constitution itself, prohibitory in their nature, restricting the province within which the Government itself may act. Of course we understand that ours is, in a certain sense, a government of limited powers. Powers not limited in their scope were granted; but its powers are limited in numbers, and certain prohibited powers on which the Government cannot act at all are specifically set forth in the Constitution. The honorable Senator, as the basis of a constitutional and legal argument, stands up and asserts to the country that, because we cannot act by a majority of the Senate upon a subject-matter which is not within the scope of the General Government at all, therefore within the scope of such powers as are granted to the General Government, the Senate and the House do not act by a majority, sometimes a two-thirds vote, sometimes a bare majority as constitutionally prescribed! Now if the honorable Senator thinks that is an argument, it is impossible, it strikes me, for any person by any elucidation whatever to establish the absurdity of it. I think no one can fail to see that the premises in no wise lay the foundation for the conclusion drawn.

He then goes another step and he refers us to the provision in the Constitution that the two Houses of Congress may establish the rules of their procedure, and he says the Senate has established, as one of the rules of its proceeding, the right of the minority to interpose, at any stage of proceedings almost, a motion to go into executive session, a motion to adjourn, and certain dilatory motions which have precedence of the main question ordinarily pending; and, because in accordance with that provision of the Constitution, the Senate and the House in like cases also provide under their rules of procedure for dilatory motions, therefore such motions may be interjected, may be interposed at all stages of proceeding, not for a week alone, not for a single year alone, but forever to absolutely thwart and prevent, at the will of sixteen out of the seventy-six members who are present, any action whatever by the Senate upon such subject-matter as is embraced within the scope of our constitutional powers, that subject-matter which concerns the existence of the Government and the nation itself.

Now, let me ask the honorable Senator—and he may answer it as we go on if he chooses, or he may wait until I am done, or he may ignore it altogether—if the pending question was one upon an appropriation bill, and if war were raging to-day, and the existence of the Government depended on the passing of that bill within a week, or within twenty-four hours, or within one hour, would he claim that under these rules of the Senate (which would be applicable then just as much as they are now) we could interpose a motion to go into exec-

utive session, a motion to adjourn, a motion to adjourn to a day certain, any dilatory motion whatever, in order to break down the existence of the Government itself? And yet that is his position, and he argues it gravely to the country. Why, sir, to state it in the proper form, it is simply this: that the very rules which under the Constitution we are allowed to form in order that we may execute our duties under the Constitution may be interposed to thwart the discharge of those duties, to ruin the Constitution, and to destroy the existence of the nation itself! Is it not so? It does not require a majority to set those rules in motion; a minority may do it; and under these very rules sixteen may call for the yeas and nays interminably upon these dilatory motions when the Senate is full, and a less number can ordinarily do it; and, if the yeas and nays are not insisted upon, a still less number may make these motions and the question may be taken in the ordinary way without a record of the vote, and thus interminably the Senate be prevented from reaching the serious business of the session, as is now the case.

The honorable Senator cannot claim, it seems to me, that this is an argument, or that he has replied to the position of this side at all by considerations of this kind. I did not suppose that the Senator designed to take that position, and I rose a while ago to ask him if I comprehended his position. I stated it tersely. He declined to be interrupted. He failed to correct his position at any time during what he has subsequently said.

Now, Mr. President, while I am on my feet I feel that I ought to say one thing, although it is not strictly in accordance with the views which have been enunciated from this side of the Chamber. I hold, I think with the sentiment expressed by the honorable Senator from Missouri [Mr. VEST] the other day—I think he gave utterance to it—that every individual Senator is in the last resort to determine upon his conscience whether he will vote or whether he will not vote in this Chamber. I believe that is the highest form of constitutional right, and I do not charge the Senators on the other side with any revolutionary intent because they fail to vote, because they interpose dilatory motions; by no manner of means. It depends wholly upon the purpose with which this thing is done; it depends upon the nature of the pending measure. Why, sir, suppose the question pending were one which involved the existence of the country itself; suppose there were a proposition pending to dissolve the Union, I being opposed to it, and (to make the illustration precise and accurate) that without my vote that measure could not pass, that without my vote that measure would be defeated; does anybody stand here to say that I am discharging my duty under my oath to support the Constitution and to preserve this nation when I cast my vote and pass the measure although I vote against it, by creating a quorum when by withholding my vote that measure would be defeated and the country and the Constitution saved?

The honorable Senator from Rhode Island [Mr. BURNSIDE] and other Senators on the floor have made haste to confess that they did wrong near the close of the recent session and during the earlier days of the present session when they declined to vote, and thereby broke a quorum. Now, I say my belief is that upon the individual conscience of each Senator depends the question whether he will vote or not, as much as it does which way he will vote; and I would not conceal this thing and go to the country on a false issue. I say to-day that if the Senators on the other side have a question here sufficiently important, if what is involved is in their opinion, in their honest, conscientious conviction, of sufficient importance to justify them in thwarting the regular operations and the orderly procedure of the Government and the public business, if they so believe they are justified in staying where they are until next December, until the end of time for that matter. It is a question what the nature of the measure is, how important that measure is, whether they shall interpose these dilatory motions; and it is also a question with the majority, if we have a majority, whether we will let the rule which perverts the action of this Chamber and thwarts the will of the majority longer to stand on the rules of the Senate, for the constitutional power to make rules is a constitutional power to change rules. If the rules at any time are unreasonably used to thwart what in the judgment of the majority is the proper and legitimate business of the session, the majority has the right to change the rules, and we ought to change them whenever the rules to govern the transaction of the business of the Senate under the Constitution are used to destroy the Constitution and prevent the proper action of the Senate. In that event it is the duty of the Senate, by virtue of that power which would be inherent in the body if it were not specified in the Constitution itself, to change the rules. That we have the power to do, as I believe.

But, Mr. President, however that may be, I am not here to make a lengthy, careful, constitutional argument. I rose originally for no purpose but to ask a question, but being up I would, so far as I am concerned at least, place this debate where it ought to be, as I believe, and I say that if the Senators on the other side are justified in their own consciences in the course they take there is nobody to say ay or no to them, let them do it, and it becomes then substantially a question of intellectual and moral and physical endurance, and if they succeed in wearing us out, if they succeed in thwarting the purpose of the majority and great ill comes to the country, upon them will be the responsibility.

If no particular harm comes to it, and if as the result of this prolonged debate opening up the issues of the past, reviving history, and bringing to the recollection of the American people what has occurred during the last twenty years, the "solid South" that we hear so much of is broken and broken forever, then I say thank God for the dead-lock, as I do to-day. I look upon this as a great and high and immortal opportunity, and I thank God that it is here. I do not want this dead-lock to close till next December unless this debate is fully closed long ere that. I am here in that spirit. I am here because I want to be here. The talk that the executive business is important I appreciate; but I think there is a vastly higher issue before the American people to-day, and every executive nomination may rest where it is till next December, so far as I am concerned, unless we can succeed in enforcing this great, high, and all-important first duty—the enactment of the will of the majority of this body. If Senators can succeed in defeating the will of the majority at this time by interposing dilatory motions, I ask any one, I ask the Administration, I ask the country, how it is, with this narrow majority, that we are ever to enact a single proposition into law which they may see fit to oppose? The right to interpose these dilatory motions on this question implies it upon all others; and if the moral courage, the pluck, and the stamina of the minority are to gain this primal victory the very first time an issue has been raised between the existing majority and minority, I would like to ask anybody when the time is coming that we shall not be obliged to yield whenever sixteen of the minority may see fit to say that a measure shall not pass? It had better be settled now and settled for at least one Congress. So long as the parties are so closely balanced as they are at the present time, it had better be settled while we have time to do it. We have several months before us. It had better be settled now whether or not the majority is to rule upon important as well as non-consequential questions.

Mr. BURNSIDE. Mr. President——

Mr. BROWN. I will state to the Senator from Rhode Island that the Senator from New Hampshire has been asking me a question a quarter of an hour long.

Mr. BURNSIDE. The Senator from New Hampshire has been making a speech and the Senator from Georgia finished his speech some time ago. Mine will not be more than five minutes long. I think the new speech of the Senator from Georgia will keep that long.

Mr. BROWN. Very well.

Mr. BURNSIDE. I do not think the Senator from Kentucky [Mr. BECK] dealt with his usual candor in debate with the question I asked him; and now I desire to say to the Senator that I will take three or four votes that were given at the period of which he spoke. They are in the daily CONGRESSIONAL RECORD of March 5, beginning at page 48. As I stated before, the question then at issue with the Senate was in no sense a partisan question. These are the proceedings of the last day of the last session, March 3. I desire to say again that the question at issue then was as to whether we should sustain certain Senators here who objected to certain nominations that had been sent to the Senate by the President of the United States, a republican President. The Senators on that side of the Chamber know that that was the issue, and I want to prove now that it was in no sense partisan.

Mr. VANCE. I move now that the Senate proceed to the consideration of executive business.

That is on page 48. On this motion the yeas were 27, the nays 8; absent 40. Of the yeas four were republicans; one of the nays was a republican, myself, and seven democrats. Of the forty absent thirteen were democrats, without the single announcement of a pair, except of one democrat, the Senator from South Carolina, [Mr. HAMPTON.] Understand now that of the yeas there were four republicans; of the nays one was a republican, myself, and seven were democrats; and of the absentees thirteen were democrats with but one pair announced.

Now, I will take the next vote, on the motion of the senior Senator from North Carolina [Mr. RANSOM] to go into executive session. There were 33 yeas, and 6 of these were republicans. There were 3 nays, 1 being a republican, and that was myself. So in those two cases I voted; two democrats, Mr. McDonald and Mr. Eaton, making with myself the 3 nays. The absentees were 39, of whom 13 were democrats, and no pairs were announced at that time. On another motion of the Senator from North Carolina to go into executive session, the very next vote, the yeas were 36, of whom 3 were republicans, nays none, absentees 39, of whom 9 were democrats. On that occasion I did not vote. As I said before I was in the hall, and I do not pride myself on that occasion in the least degree. As I have said several times I do not think it was a respectable thing for a Senator to do, and I shall never do it again. But I mean to say this was in no sense a partisan vote. If the democrats who were in the Capitol at that time had voted in full, they would have made a quorum every time. That I announce without fear of contradiction. Now, I should like to know of the Senator from Kentucky why he did not answer when I asked him if he would not state how many democrats were unpaired and absent.

Mr. BECK. Now I will answer that again as I did before, that twenty-three republicans answered to their names on the roll-call immediately afterward as present, on pages 52 and 53, and refused to vote with the exception of the three whose names I read, Mr. FERRY, Mr. HOAR, and Mr. MORRILL, the Senator from Rhode Island himself being one of the twenty-three who afterward answered to their names, but

had not voted. There were thirty-three democrats who three or four times voted. How many were absent without pairs I do not know.

Mr. BURNSIDE. The RECORD shows.

Mr. BECK. The RECORD does not show, and let me state why. I announced this morning that I was paired with the Senator from Maine, [Mr. HALE.] There have been half a dozen votes taken since and I have not announced it since that time, and I do not propose to announce it any more to-day. So at the beginning of that day perhaps the pairs were announced, and they were announced no more.

Mr. BURNSIDE. Let me say to the Senator from Kentucky that he cannot find a single pair with the exception of General HAMPTON's announced during that whole session.

Mr. BECK. The custom of the Senate is to announce pairs once in a day or two.

Mr. BURNSIDE. They were not announced once for all. You can pick out the pairs, and I will except them. General HAMPTON did announce his pair, and he is the only one that made such an announcement.

Mr. BECK. Perhaps the announcement had been made a week before, the gentlemen having gone home for the rest of the session; but there were certainly thirty-three democrats voting and no republican. But waive all that, what is the meaning of it? Suppose that was not a party question; suppose both sides should say that, does it not only give the question of filibustering more respectability?

Mr. BURNSIDE. I do not think it does in the least degree. If every man in the Senate did it, I would say it was no more respectable. That is just my opinion about it.

Mr. BECK. Why, Mr. President, I was in the House of Representatives once, when the force bill was up, and we filibustered for forty-six and a half hours.

Mr. BURNSIDE. You had the previous question there, which we have not here.

Mr. BECK. And we defeated the bill, so that it never did become a law. We believed that it was a bad bill, and we filibustered until the majority of nearly two-thirds had to give way. At the last session of Congress, when our party in the House of Representatives could not bring in their one hundred and forty-six democrats to make a constitutional quorum, (which you have not got and do not pretend to have here,) the republicans in that House filibustered until the majority had to give up and quit. So when it was sought to bring up the funding bill on divers occasions the same thing occurred in the other House at the last session. We have done it over and over, and you have done it over and over.

Mr. BUTLER. Let me suggest to my friend that that filibustering in the House by the republicans came very near defeating the appropriation bills at the last session.

Mr. BECK. Of course it did; and but for the fact that we sat up here in the Senate night after night until two or three o'clock in the morning, as my friend from Iowa [Mr. ALLISON] knows, and he knows how we all suffered under it, the appropriation bills would have been defeated because of that very filibustering in the House.

Mr. BURNSIDE. We are not accountable for that. The House can manage their own affairs. We have no right to discuss that here.

Mr. BECK. We can discuss what the last House did.

Mr. BURNSIDE. I do not know about that; the Senator has had more experience than I have had.

Mr. BECK. Oh, yes, we can speak of what is past. It is just what Senators have done over and over, and it is what, if the Senator from Rhode Island is right, he and some brother democrats did when they walked out into the hall; I hope they did not go any further without inviting me. [Laughter.] It only shows that both sides recognize it is as being a thing that is not unusual, and all the talk about going to the country, about treason and revolution because we will not allow you to turn out two or three good officers and put in two or three others, some of whom we know are very bad, and to affect an election in an adjoining State and to make what some of us think false pretenses—to call that revolution and treason, in the language of the former Senator from Ohio which has become classic in this Chamber, "won't do;" "it won't do."

Mr. BROWN. I only wish to say a few words in answer to the question propounded to me by the honorable Senator from New Hampshire, [Mr. BLAIR.] I think when the Senate saw the question and the scope it took they were satisfied that I was quite right in not suspending my remarks to permit the honorable Senator to propound it while I was speaking. I have heard some of his questions before on this floor. I thought I knew it was going to be a very long one. In other words, while it purported to be a question, I foresaw that it would be a speech, and with all kindness to the Senator I declined to yield, because I preferred to conduct the debate more orderly and I preferred to go on making my remarks and then let him come along and make his. I think that is the better plan; and I believe if he has weighed his question himself and thought it over he will not blame me for having declined to yield, as it might have come in at an inopportune time when we consider its great length.

But the honorable Senator stated, during the time he was propounding the question, that he knew no argument by which he could show the absurdity of my position. I knew that before he got up. I knew there was no argument by which he could do it. I could have saved him that trouble because I made an argument on constitutional questions where I was right, and there is no argument in such a case that can show the absurdity, there being none. Again, the Senator propounded this question: Suppose there were war, and an appropriation bill was on its passage, would it be right to propose dilatory motions there to prevent its passage? I say not by any means—not at all; it would be unpatriotic to do it, it would be wrong to do it, and I would not do it, and the Senator from New Hampshire would not do it. Everybody then, I suppose, would have but one idea about the thing, and the idea would be to hasten legislation instead of retarding it. But on the other hand there may come up numerous cases where the minority may feel that there is an attempt on the part of the majority to oppress the minority or to enact some very bad legislation or some fraudulent legislation. That is a very different thing, and especially when you take a time when there is profound peace, a time when the country is quiet, a time when Congress is not in session, a time when you are not taking up anybody's business but your own, a time when it costs the people of the United States very little to have us sit. Our salaries are the same, though it is a matter of some personal inconvenience to Senators to remain here. But to analogize our conduct here when we are attempting to prevent what the country thinks a fraudulent transaction—whether it be so or not I do not say——

Mr. BURNSIDE. I say to the Senator from Georgia that the country does not think so.

Mr. BROWN. Then I will say a large proportion of it does.

Mr. BURNSIDE. A large proportion does not; a large proportion of the country does not believe anything of the kind.

Mr. BROWN. I take issue with the Senator. The Senator is wrong. From what I see a vast majority feel it so. The republican press is divided. If the Senator will read his own papers he will find it so. Some of the most influential of the republican papers have condemned your course here.

Mr. BURNSIDE. What republican paper has called the Senate a fraud?

Mr. BROWN. Some have gone so far as to call it a corrupt bargain.

Mr. BURNSIDE. I do not know it. What one? Will the Senator be kind enough to state?

Mr. BROWN. I do not recall all.

Mr. BURNSIDE. I only ask for information. I would make no charge of that kind unless I could name the paper.

Mr. BROWN. There have been so many of these assaults made on your position that I have not kept track of them all.

Mr. BURNSIDE. I would not make an assertion of that kind unless I could name the paper. The Senator from Georgia may pursue any course he pleases; but I would make no such assertion as that unless I could name the paper that had made the charge. I do not mean to say that no paper has said it; but I have seen none that has said it.

Mr. BROWN. I know the Senator will not say none has said it, because there is no difficulty about proving that; they have done it.

Mr. BURNSIDE. It is very easy to name what paper has done it.

Mr. BROWN. I have seen so many that have disapproved your course that I do not remember all.

Mr. BURNSIDE. Many have disapproved our course, but no republican paper has said there is a corrupt bargain or anything that approaches it. I deny that such a statement was made until I know what paper it was that made it. I take exactly what the Senator from Georgia states here, and I say that I do not believe any republican paper has said there was anything like a corrupt bargain on this side of the Chamber unless the Senator will name the paper.

Mr. BROWN. Do you believe any republican paper has condemned your course here?

Mr. BURNSIDE. A great many; that I admit; but they are dealing fairly with us, and I took occasion to say in a short speech I made the other day that the very moment they understood the case they would be unanimous in support of our position. I have received a pile of letters that high [indicating] this morning on my return telling me to "stick, stick; we understand now what you are doing."

Mr. BROWN. I will reply in a short speech that I am going to make just now that I state here that a still larger majority of them will condemn your course hereafter, and I want to put that on record, for while I am no prophet I want to predict a little about this. I put it on record now that a still larger proportion of the republican newspapers will hereafter condemn you, and that a large majority of the people now condemn you and will hereafter condemn you.

Mr. BURNSIDE. I do not believe it.

Mr. BROWN. I do. Then in reply to what the Senator says about letters, I get them until it is oppressive to read them, saying "stand all the time; never yield." I get them from the North, the East, the West, and the South; I receive them from every section.

Mr. BURNSIDE. Then if all the Senators feel as the Senator from Georgia and I do, the Senate will stay here until December.

Mr. BROWN. I have never said that I would not. I said on an early occasion here that we had till December. I do not know whether we shall remain that long or not; it just depends entirely on whether you hold out or not. It is a question of endurance, as it was announced, and if it becomes necessary we can divide into squads and fight you just as well as the whole can fight you, and we honestly believe we can endure with you, and we propose at least to try it. We believe we are backed by a vast majority of the people in this

case; we believe the people disapprove this transaction of yours, and we intend to appeal to the people upon it and ask their judgment.

Now, in the event that we are wrong about it what is the result? The people will condemn us and not send us back here; we put our party further in the minority.

Mr. DAWES. May I ask a question?

Mr. BROWN. In a moment. If we are right about it, we believe the people will condemn you and hurl you from power. That is just the issue we have made up.

But I was going on, in replying to the Senator from New Hampshire, to state that this is a very different sort of thing from throwing obstructions in the way when there is war or rebellion or trouble of any character, or when appropriation bills ought to pass, or even where the two Houses are in session and legislative business is going on. It happens to be a time, as I have already said, when it is a matter of convenience to Senators, and it is as good a time as any to test what are the rights of the minority in this country on questions where they believe that the majority is attempting either to oppress them or to enact legislation that the country will disapprove, no matter for what cause.

Mr. BURNSIDE. Will the Senator allow me to make a remark to him?

Mr. BROWN. I would rather the Senator should wait until I am through.

I say, therefore, that there is nothing in this action of ours that is revolutionary. There are no wheels of the Government stopped. You stop them by refusing to go on and act upon the executive business. We do not stop them. We have simply stopped you from doing an act that we cannot approve, and that we believe a very large majority of the people do not approve, an act that the democratic press, so far as I have seen, with as great unanimity as they were ever united on any question, disapprove; an act about which the republican press are, to say the least of it, divided.

In this state of the case we justify ourselves in our course here by saying that we keep strictly within the rules laid down for the government of the Senate, the rules laid down in conformity to the Constitution that gives us the right to make rules. If we were violating those rules or running over them by any revolutionary movement, you would have a right to censure us; but if we can prevent your action in this particular matter by adhering to those rules and enforcing those rules, we say we intend to do it. It is just as well to tender the issue squarely and meet it squarely. It is our intention to do it and to go before the people on that very issue. It is just what we mean exactly, and we do not want to deceive anybody. On all other matters, though—and we have announced it again and again—pertaining to the duties of the Senate, we say we will interpose no obstacles in the way. You say you will not go on with the business of the session because you prefer to test this question with us as to whether the majority here in this matter can rule. I say there never was a fairer time to test it than the present executive session, as to whether the minority shall submit and not use the rules that it has a right to use to prevent a transaction that the minority view in the light that it does this, without saying what it is.

Now, one word more. My honorable friend from New Hampshire said in reference to the sitting in their seats and not voting of the republican Senators the night before the end of the last Congress, that it was a matter of conscience. I do not make any issue on that; but he says then it was a matter of obligation. The sixteenth rule, as I have already read, referring to a call of the yeas and nays, provides:

> Each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question.

It is true I have no right to construe that rule to bind anybody's conscience, but I think it imposes a duty, and it is my duty when I am here to vote when my name is called unless I am excused by the Senate. I do not say what a man's conscience might not justify under certain circumstances. I will not say that the Senator from New Hampshire is not conscientious in his view, because I have no right to question his motives, and I certainly have no wish to do it; but naturally, if you can sit here and refuse to vote right in the teeth of a rule that says you shall vote, and justify it on a score of conscience, we have a right to sit here and make motions that the Constitution and rules of the Senate say we may make, and make them as often as we please, in view of our responsibility to the populace on a question of this character, and we have a right to claim on our part the exercise of our own conscientious convictions. Our consciences are very easy on this particular point, because we believe we are right.

Mr. McPHERSON obtained the floor.

Mr. BLAIR. I wish to make an observation in response to the Senator from Georgia.

Mr. McPHERSON. I yield.

Mr. BLAIR. Mr. President, the Senator from Georgia, ostensibly replying to what I said, has gone into an argument to prove that what I said was correct.

Mr. BROWN. Not at all; the very reverse.

Mr. BLAIR. I stated that I sat here and declined to vote because I thought I was justified in doing so near the close of the last session and early in the present session. I said, the question whether a man should vote or not was for him to determine for himself in every instance, and that I justified the Senator from Georgia and those with whom he acts in voting as they please, in making such dilatory motions as they please, or, if they come to that, in declining to vote at all. It is for each one to determine for himself whether, in each specific act that he does, he ought or ought not to act one way or the other.

As an illustration of my position—and I prefaced it by saying that I was aware that my views on that point were not such as had been enunciated from this side of the Chamber by some individuals, at least—I stated that I must have the right to decide whether I would vote or not in the last instance, because if I have it not in one case I have it not in any, and if a question was pending here which involved the disruption of the Union, I being opposed to it, which measure could pass by my voting against it, thus making a quorum, which would be defeated by my withholding my vote and thus breaking a quorum, I should violate my obligation to maintain the Constitution by voting under those circumstances.

That is the position I took, and the Senator makes an argument to show that I am right, ostensibly replying to the main proposition which I laid down on that subject. If other Senators look at this matter differently, it is for them to utter their sentiments. If he, as he says, or his party has said, at least, dissents from that view of it, we shall see between now and next December whether he is consistent with his own doctrines or not. In order to meet this, as he asserts it to be, nefarious bargain, a measure which has been undertaken to be put through by the majority, he may find it necessary to break a quorum by withholding his vote; and does he say that he will make a quorum and elect Mr. Riddleberger rather than withhold his vote and prevent the consummation of this great crime, as he calls it?

Mr. BROWN. "Sufficient unto the day is the evil thereof."

Mr. BLAIR. But the Senator cannot, when speaking with reference to this individual case, lay down a principle and say he will be bound by it to-day and not follow it to its conclusion. The honorable Senator ought to know, with his profound knowledge of law, with his great experience, and his vast abilities he does know, that principles are inexorable in their operation, and if they are good to-day they are good to-morrow, and if he proposes to fashion the conduct of a principle to-day he ought to be willing to be bound by it to-morrow. I am not one of those who get up here to apologize for my having withheld my vote on that occasion. I think I discharged a duty; and the honorable Senator from Rhode Island, if he thinks he did do a wrong thing on that occasion, does well to confess it and say he will never do so again.

Mr. BURNSIDE. Let me ask the Senator one question, because I am seeking information now.

Mr. BLAIR. I may not be able to give it; I can give my opinion.

Mr. BURNSIDE. How does he get rid of the rule of the Senate which says that when the vote is taken on a question if a Senator fails to vote his name shall be called and he shall then vote?

Mr. BLAIR. If that rule of the Senate is binding on me more than my obligation to maintain the Constitution under my oath, I ask why you can affix no penalty to it; why does it come to this, that in the last resort the man who does not vote is beyond your power? It has been demonstrated in the State Legislatures over this country hundreds of times, and hundreds of times in both branches of Congress, and certainly very many times in the other branch. How does it happen if that is a rule the violation of which is a violation of the constitutional oath, that there is no penalty that anybody has ever been able to devise to enforce it? And yet everybody concedes that if an individual member decides that he ought not to vote, and does not vote, the body is helpless.

Mr. McPHERSON. May I ask the honorable Senator what the ruling of the Chair was in that case?

Mr. BLAIR. He said you could take a horse to water, but you could not make him drink.

Mr. McPHERSON. The Chair held at that time, when republican members of the Senate refused to vote, that the Chair had no power to enforce the rule, or to call on any Senator to give his reasons for not voting, that that must be the action of the Senate; and thirty different republican Senators refusing to vote left the Senate without a quorum, and the Senate could not make an order in regard to them.

Mr. BLAIR. Why could they not? If it was wrong in those Senators, that is, if it was a wrong of which this body could take cognizance, why did they not do it? Why have they not done it previously? I ask the Senator if he knows of any obligation that has no penalty for its violation.

Mr. McPHERSON. I am not discussing that question with the Senator; I am discussing a question of fact. At the last session certain Senators on that side, in fact every republican Senator, refused to record his vote when his name was called.

Mr. BURNSIDE. That is a mistake which I desire to correct.

Mr. McPHERSON. Almost every one.

Mr. BURNSIDE. No, there were several who were paired with democrats as is proved here by the RECORD; on one occasion six republicans voted, on another occasion four, and on every occasion but one I cast my vote.

Mr. McPHERSON. There was not a sufficient number of Senators voting to make a quorum.

Mr. BURNSIDE. It was because enough democrats absented them-

selves without pairing to prevent a quorum, and they were acting in precisely the same interest that the republicans were acting.

Mr. McPHERSON. On the motion of the Senator from Connecticut, Mr. Eaton, not now here unfortunately, a certain Senator on that side was demanded to state his reasons why he did not vote. The Chair held at the time that it was not in the power of the Presiding Officer to compel a Senator to give his reasons, but it was the duty of the Senate. What Senate? A Senate without a quorum? A Senate without the power to do business, without the power to call a Senator to account simply because you refuse to vote to make a quorum? Still you do not call that revolutionary!

Mr. BURNSIDE. I will state to the Senator from New Jersey that I think the ruling was wrong.

Mr. McPHERSON. Very well.

Mr. BURNSIDE. If I had been in the chair I would have tried to make Senators vote.

Mr. McPHERSON. How could the Senator, on an appeal from the ruling of the Chair, enforce any order of the Senate without a quorum?

Mr. BURNSIDE. The presiding officer has a right to exercise his authority. I do not say how it can be done.

Mr. BLAIR. I should like to know what has become of my rights? I have not yielded the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor, and must not be interrupted without his consent.

Mr. BLAIR. Not for the purpose of a personal discussion, I should like the views of anybody on this question, how I can be held to have committed any parliamentary offense, any parliamentary crime, how I can have committed incipient revolution, how I can be held to have broken up the Government when I withhold my vote if I do it from conscientious motives although there may be a rule of the Senate which rule affixes no penalty whatever? I say the fact that here is a rule which has prevailed in almost every parliamentary body that has existed under any free government requiring of members that they should vote, and that yet in every such body, probably, certainly in the vast majority, that rule has been violated, and there never has been found yet any power to affix a penalty or to compel action or to avoid the result of non-action by the creation of a remedy by making a quorum in some other way, proves the correctness of my position. I would like to have any Senator indicate to me how it can be possible that that failure to vote is an offense, and yet during all these years and in all this experience there should not have been found some way to inflict a penalty. That is not a crime, in other words, which is not followed by a penalty of some kind, and I say the fact that this is the case, properly considered, proves clearly that it is, as I said, in the last resort a question for every member of a legislative body to decide for himself in what way he will best conserve the public good, whether by casting his vote or by withholding his vote.

Am I to pass a measure which would ruin my country by giving my vote upon it when by withholding that vote and breaking a quorum I defeat that measure? I made that supposition as an illustration of my position as justifying the right of the Senator from Georgia to vote until December on dilatory motions and make them himself if his conscience demands that of him. I see no other higher or possible rule by which the individual legislator can regulate his conduct. If I am guilty of discourtesy here in this body I may be expelled for it. If a casual word, offensive to my colleagues or my neighbors, my peers, in debate, may be the means of causing my expulsion, is that an offense for doing which no penalty whatever can be inflicted? By no manner of means. The rule must be as I state it, and Senators do not meet me unless they see fit under the pressure of existing circumstances to admit that their own record in the past is wrong. If they conscientiously think so, and then thought so, perhaps they were doing wrong. I hold to the right and the duty of confession and reformation; but I do not confess until I see that I am wrong. When I feel that way, I confess and I think I am willing to reform.

The Senator from Georgia lays down this proposition, that the republicans in this body are the party who are impeding the public business. Let us look at that. What is the pending question? Upon what question am I speaking to-day? That is the public business which is before the Senate, is it not? The executive business is not at this moment the pending public business; it is not before the Senate; it is on the table of the Senate.

Mr. DAVIS, of West Virginia. It ought to be the business before us.

Mr. BLAIR. Certainly it ought to be, and but for the Senators' conduct it would be. Who is it that obstructs public business here? The motion to postpone indefinitely (a legitimate motion) the resolution of the Senator from Massachusetts, that we proceed to the choice of the Secretary of the Senate, is the public business that is pending. We ask for a vote. If nobody interposes an objection, that vote will be taken in a minute and the business will be transacted, and the next thing in order will come up and that will be transacted. Now what prevents our taking that vote? Some democrat rises and moves to adjourn; some democrat rises and moves to go into executive session; some democrat rises and moves that when we adjourn we adjourn to a certain hour to-morrow, earlier than the usual hour of meeting; and they pile these motions one on top of the other, and any other dilatory motion that happens to occur to the ingenuity of gentlemen they interpose; and these are the questions, and these being the public business must be disposed of under the rules of the Senate. Is not that so?

Here is my honorable friend from Massachusetts pressing and pressing day after day for a vote on that which is the question before the Senate, the resolution which he offered that we proceed to the choice of a Secretary. If that vote was allowed to be taken, if no dilatory motion was allowed to interpose, it would be disposed of in five minutes. Everybody concedes that; and yet we have been here four weeks on it. What has occasioned this month of delay? Take the position of the Senators themselves on the other side who allege that we, the majority here, delay what they call the public business, the executive business, which is only a part of it under any circumstances. All the delay which we interpose against the transaction of that business as they admit, unless they place here these dilatory motions in the way, could be disposed of in half an hour. Then why are we here a month? Who interposes obstacles every time to our due and orderly procedure?

Do Senators on the other side ask us to submit to any sense of obligation in the way of official duty which is not equally binding upon them? You say that we should yield. Are we not as many as you, and with the casting vote which the Constitution provides in cases of this kind are we not a majority? Why should we yield to your opinions when you charge us with crime, with dishonor, with infamy? And then are you, gentlemen, to spread such a charge broadcast over the country and do it in such a way that you are not offensively responsible, and by that sort of mystification all the while evading the real issue? I ask you, Senators, why is it that thirty-nine should yield to thirty-eight? I imagine that we entertain for ourselves as much self-respect as you do for yourselves, and we yield you that you are honorable men, that you are conscientious, if you choose to put it so, and that you are conscientious in voting, if you had them all here, your thirty-eight votes to prevent the choice of a Secretary of the Senate, but then arises this practical question: we have thirty-nine, we have one majority, we claim to be as conscientious as you, actuated as strongly as you are by a sense of public duty, and ought you not to yield after you have taken sufficient time, as I grant you have the right, to exhaust the subject so far as legitimate debate is concerned? Whether that point is reached yet or not, it is not for me to say; that is for you to say. But the fact that you interpose these dilatory motions two, three, four, half a dozen times or a dozen times a day, shows that debate is exhausted, and you interpose these motions because there is no further occasion for debate.

Can you claim under these circumstances that it is we who are obstructing the public business? I do not so understand it. I will sit here, as the Senator from Georgia intimates he will, through the summer if necessary in vindication of what I believe to be a great and important principle, a principle which we ought to carry out in the conduct of the Senate. I believe it is a duty to do it. I believe that, for many reasons which I have not previously alluded to, it is an obligation resting upon us and of primary importance to demonstrate our disposition to enforce the rule that the majority shall govern, even if we fail to do it.

Mr. BUTLER. Right there may I ask the Senator from New Hampshire one question?

Mr. BLAIR. Certainly.

Mr. BUTLER. I understand him to announce the proposition that the numerical majority have the absolute, unchallenged, inherent right to rule in all things.

Mr. BLAIR. On such questions as may properly be submitted to the majority of the body, certainly.

Mr. BUTLER. I ask him if he announces that proposition generally?

Mr. BLAIR. I do not announce any proposition that I do not consider pertinent to the debate. I do not care to launch out upon an indefinite field of discussion and of theoretical speculation.

Mr. BUTLER. I understood the Senator to say——

Mr. BLAIR. I believe that upon whatever matter is legitimately before the Senate under and by virtue of the provisions of the Constitution, within the legitimate range and limits of the powers of the Government, the majority of the Senate has the right to rule, always leaving to every individual the right to judge for himself how he shall vote, or whether he shall vote at all.

Mr. BUTLER. Then I understand the Senator——

Mr. BLAIR. Let me say to the Senator that I do not understand at all that it is my duty if I disbelieve in a measure to vote in order to enable the real majority to keep a quorum and thereby accomplish their end.

Mr. BUTLER. Then I understand the Senator to take the ground that, the minority conscientiously believing that a measure proposed by the majority is wrong, the mere fact of opposing it is not revolutionary.

Mr. BLAIR. I have tried to say that several times. The Senator has heard no charge of revolution from me. I think this question ought to go to the country upon the broad issue as I have endeavored to indicate it. I do not think Senators on the other side are guilty of treason because they choose to sit here until next December to prevent our enacting this measure. It might be so if the result of that act was the destruction of the Government or if the act was per-

petrated with hostile designs on the Government in its essential powers. Then it would be either treason in fact or treason in spirit as the case might be.

Mr. BUTLER. I agree with the Senator in that.

Mr. BLAIR. I was speaking this last time because the honorable Senator from Georgia when I said the same thing got up to present his side of the question as though I had quarreled with him, whereas I had laid down the identical proposition which it appeared he had been replying to.

Mr. McPHERSON. I wish to call the attention of the Senator from Massachusetts, the leader of that side of the Chamber, to a matter which I fear he has forgotten. I wish to say to him by way of suggestion that having run this show now for six long weeks, judging from the thin appearance of the galleries to-day the public have lost sight of his entertainment; and inasmuch as the prince of showmen has advertised an opening here to-day, would it not be well for him to exercise the usual brother showmen's courtesy to his distinguished contemporary and close his show and permit the public to visit a good honest entertainment, one in which there is no fraud, no humbug? Now, if the honorable Senator wishes to make atonement to the public on this point, I will yield to him to make a motion to adjourn.

Mr. DAWES. Does the Senator yield?

Mr. McPHERSON. If you wish to make a motion to adjourn I will yield; if not, I will make a motion to adjourn myself, but for quite a different reason.

Mr. DAWES. Does the Senator yield?

Mr. McPHERSON. I will yield to the Senator to make that motion if he will do so.

Mr. DAWES. Mr. President, I take it that every Senator will follow his own inclination, and that there is nothing to hinder the Senator from New Jersey from going to Barnum's circus if he feels that either his inclination or his duty requires him to go there rather than to perform what he has sworn to perform here. Nothing, I assure him, that I can do, or propose to do, will interfere one straw's weight to prevent the Senator from following his inclination to the circus. I did not observe, as it passed through Pennsylvania avenue, any of those little animals that would be likely to attract the Senator's attention; but still I have no doubt he will find there enough to satisfy him. As for myself, I feel as if there was something else to be done.

I observe that the Senator from Georgia drops into prophecy as Mr. Wegg did into poetry, and he is laboring under an impression that the people are behind him. I want to say in reference to that, that I do not think the Senator from Georgia is a success as a prophet. The Senator has had visions before which seemed to fill his whole horizon for the moment, and caused him to turn very short corners, and, if rumor is correct, the Senator has had a revelation since he left his home and came here to discharge these duties and sees now what he did not see then.

Mr. President, I cannot undertake to follow the Senator in his propheşying. It is a matter for him to determine for himself. I am quite willing to finish up this work with the Senator and appeal to the people, and if he has any confidence in his own prophecy he will make haste to join me and finish it up, in order that we can make an early appeal to the people. The Senator's falling back, shrinking from the discharge of his duty, claiming all the time that the people are against us, is a confession that the Senator has not confidence in his own prophecies. If he thought we were committing suicide in this action of ours, if he really believed we were doing that which the people would condemn, if he had any confidence in his own appeal to the people, he would not throw any obstruction in the way. He has gone through with the Constitution and the rules to satisfy himself; I cannot say certainly but what he had some expectation that he would satisfy somebody else. I am not certain about that, but I have no doubt that he did it with a determination to satisfy himself that he could use rules prescribed under the Constitution for facilitating the proceedings of the Senate to thwart the proceedings of the Senate. I have no doubt having satisfied himself, reasoned himself into the idea that because he could use rules of the Senate made expressly to facilitate the proceedings of the Senate to thwart those proceedings, he concluded that ten chances to one he was acting constitutionally. I would not disturb the Senator in that conclusion for all the world. I have never seen anybody in my experience here sit down so completely satisfied as the Senator from Georgia seemed to have done with his Bible in his hand, that new Bible; new to him, I am free to say; that to which he has consecrated himself anew in a sense in which I could not do it; that to which he is giving, not his first love, but a new love, after the prophecies in which he has indulged for the last twenty years have flitted for a while before his vision and filled his horizon and then disappeared like the mist of the morning. Men never will learn experience; men never will learn to devote themselves to that for which they have a gift. They are prone the world over to think they are best fitted for that for which all the world else thinks they are least fitted; and the Senator from Georgia, I know, will take it kindly when I say that I fear that he is not an exception.

Why, let me appeal to the Senator, assuming for once that he does believe in what he says, assuming for once that the Senator is sincere, and I have no doubt he is for the moment, in all he says and all he does. Following the interesting history of the Senator's last twenty years, full of novelty, breaking out in a new place everywhere when least expected, I never had a doubt but what sincerity was at the bottom of it; and he will understand me that I am not reflecting upon that, but assuming that he is just as sincere to-day as he ever has been; I appeal to that sincerity when I say that, if he believes that the people are going to condemn our action, then let him join with me in the consummation of it; let him vote against it himself, and he and I will appeal to the people. Let us make an end of it. Do not let us hang back from it, saying that the people are condemning it. If I believed that any measure of the other side, having control and the power under the Constitution to claim it, was fraught with a certainty of public condemnation, I should satisfy myself with having done all that the Constitution required of me to convince that majority of their error in appeals to their judgment and to their conscience, and, if I failed in them, recording my vote against it, and turning from their deaf and reluctant ears to the people, from whom there is no appeal. I submit to the Senator that it would be wise for him to come to the same conclusion, and not resort to revolutionary measures, to means that the Constitution condemns; not resort to methods which, followed out to their legitimate results, would certainly subvert and overthrow the institutions of the country, to prevent an appeal to the people. Sir, he who does that stands confessed as a man having no confidence in his own prophecy.

Now, Mr. President, nothing hinders our taking a vote upon this resolution, and I hope we may do it, so that the Senator from New Jersey may not feel that he has been deprived of that which is nearest his heart.

Mr. BROWN. Mr. President, before we take that vote I should like to have a word to say in reply to my friend from Massachusetts. I have no doubt he will be willing to hear me a few minutes before taking the vote, as he thinks it is so near the consummation of the great act of his life. He for the last month or two having been placed in the lead of republican Senators here, he occupies a very important position, and he has shown himself a very skillful leader. We all have admired greatly his tact, his humor, his wit, his good nature, and all that versatility of talent for which the Senator is distinguished; and his cordiality, kindness, and kind-heartedness we all appreciate; we feel almost oppressed with the weight of our obligations in these respects. Still, when he undertakes to read us lectures occasionally, he is not as successful as a lecturer as he is as a parliamentarian or tactician, and not as familiar sometimes with certain books as he ought to be as a leader.

There is one old book that I wish he would familiarize himself more with. He says I got up here with a new Bible in my hand. It is a good book and I ought to read it more than I do, and I try to read it sometimes, but I wish the Senator would use this book that I have. It is the Constitution and the rules of the Senate, not so good a book as the Bible; probably I had better have been reading the better book; but I would commend it to the Senator as worth while for us both to consult more. I presume the Senator has read while he is charged with the great burden of passing this measure through. Sometimes he speaks kindly and gently to us, as softly as the zephyrs, at other times he uses a little the lash of the revolutionist and tells us we are now revolutionary in the matter. Indeed, he has coaxed us in a great many ways and terrified us once in a while, but still we have not been able to see exactly that it was our duty to follow him. Whenever he convinces us that this is a proper measure for us to act upon and that it ought to take precedence of all other measures, we will come in then and transact it most freely; and while we may vote against it we shall let him have a vote when we reach a point where it has proper precedence; but I see the forty-third rule of the Senate defines the precedence of different measures and motions here. It says:

When a question is pending, no motion shall be received but—

Then follow the motions. Here is a question pending, to wit, a resolution offered by the Senator from Massachusetts, this is pending as he claims and he seems to think that because he has got it under the order of his caucus before the Senate and it is pending, therefore it has precedence over everything else. My friend forgets that there are a dozen motions almost that take precedence of it that we have thought proper to make from time to time because we believed they ought to have precedence:

1. To adjourn,
2. To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,
3. To take a recess,
4. To proceed to the consideration of executive business,
5. To lay on the table,
6. To postpone indefinitely,
7. To postpone to a day certain,
8. To commit,
9. To amend;

which several motions shall have precedence in the order in which they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to executive business, and to lay on the table, shall be decided without debate.

There are really nine motions laid down in the forty-third rule that all according to the rules of the Senate have precedence of the resolution which the Senator from Massachusetts is insisting upon and that he means to try to pass. Here every day he puts that resolution at us and some one of these other motions occurs to us as more important than that, and when we move them he cannot get up and say and he has not appealed to the Chair, "my measure has precedence to

yours." No; because it is true ours always have precedence. We could not make the motions but for that, and could not get a vote on them; we could not be heard if we did not have precedence; and yet the Senator stands here persistently from day to day and from time to time and from week to week and insists on going on with a measure that does not have precedence under our rules.

Mr. DAWES. The Senator is mistaken about that.

Mr. BROWN. No, I am not.

Mr. DAWES. I will show the Senator his mistake.

Mr. BROWN. I shall be glad to be put right on the matter.

Mr. DAWES. I shall attempt it any way. I said the Senator thought he was doing his duty by availing himself of these rules which he has just read, which were designed to facilitate the proceedings of the Senate, to thwart the will of the majority. That is what I stated. The Senator did not observe what I said. It was that he felt that it was his duty to avail himself of rules laid down for that purpose, to overthrow the will of the majority. That is what I said to him. Now, if the Senator will address himself to this point, he will enlighten me: What does he make these motions for? Does he make them for the purpose which the Senator from Ohio avowed and the Senator from West Virginia avowed? Is he cooperating with his associates on that side, or do those who make them—he does not make them—use them for the purpose which they avow, that is, that this Senate shall not do certain things?

Mr. BROWN. Now I will reply to that with a great deal of pleasure because the Senator puts it in a forcible light as he always does. I am always delighted to hear him. He has a particular measure before the Senate that he has reported as the leader of his caucus, as the leader of his party; and in caucus they have determined that the most important thing on the face of the earth now to be done is to elect Mr. Riddleberger and Mr. Gorham and their associates to these offices. They have concluded that that must be done and that it must take precedence over everything else. On this side of the Chamber we have concluded that that is not important at all; we think it ought not to be done. The Senator comes in and makes his proposition to go on and do that; we differ from him and think it would be much more important to go ahead and do the business that the President called us here to do; to go into executive session and transact the important business of the country, which does look more important than Riddleberger and Gorham, and we make then a motion which really takes precedence of his, that is entitled to precedence, which is a motion to go into executive session, that we make oftener than any other because that is right in the line of duty; that is a proposition to do the very work we are called here to do, and it takes precedence of his measure, and we have a right to a hearing upon it. We think his measure is an exceeding unwise one and it looks strange to us that the Senator from Massachusetts will come up, and after his proposition has been so often superseded by another motion that has precedence, taking the lead, refuse to learn something by this experience.

He says some men are very slow to learn, well satisfied with themselves always, and he undertakes to apply it to me; and he says men do not prophesy aright and make mistakes. Now we really think on this side that the Senator learns wisdom by experience slower than almost any man of his profound depth we have ever seen. We have again and again assured him that here is much more important business that ought to have precedence; we have invited him again and again to go into executive session and do that business—a motion that he does not deny has precedence over his resolution; a measure that I think the country will not deny is vastly more important than his; and still here he is from day to day and from day to day pressing it upon us in preference to other motions that we make and have a right to make that have precedence.

Therefore we are not obstructing the business of the country. We are trying to do that which we have a right to do, that it is important to do. We want to appoint judges for the courts, and ministers and consuls to conduct our foreign intercourse, and to act on treaties and all these important measures, and we bring them up in a way that they antagonize the Senator's measure, and yet the Senator from time to time learns so slowly that really we must lose our patience but for his extreme good nature and the extreme love we bear him. We might once in a while talk sharply to him, but we cannot. Day after day we try to give line upon line and precept upon precept; we try to get him to come up and abandon the error of his ways, to go into executive session, to do the business, to allow the motions that have precedence under the Constitution of the United States, which gives the right to make rules, to take precedence; and still the Senator will not do it, and then he gets up and undertakes to read me a little lecture about my propheseying.

I have sometimes made mistakes in prophecies, no doubt about that; and I am not sure but that the honorable Senator himself has on some occasions; I do not propose to say whether he is not a good prophet, but I think he knows a great deal and sees a great deal into futurity, and yet I cannot help believing that on this occasion my prophecy will turn out to be true. I think, for the reasons I gave a while ago, when we make this appeal to the people we shall be successful. We have to look just that far into futurity. We may be wrong. If we should be, and the people condemn us, we will yield with as good grace I suppose as you ever saw gentlemen do. We will say you were right, because the popular voice says so.

One more remark, however. The honorable Senator went on to say that I had received some new revelation from home if reports be true, and have changed my position. In that the honorable Senator is entirely mistaken, permit me to say. I have received no new revelation; I have made no change of position; I stand to-day precisely where I stood when I was a candidate for the Senate; I stand upon the very platform I stood upon then. I have been carrying it out in the utmost good faith as I understand it; I intend to continue to do so. So I have stood for the execution of the constitutional amendments, a free ballot, and a fair count. I intend to continue to stand there, and I have had no new revelation on the subject. I have had a great many letters saying, "You are right in this matter; go ahead, go forward." And if the Senator will excuse me, I will say that I have had some of them from prominent republicans in my State, and I have had it from the month of prominent republicans in my State here in this city that they thought their party was not acting wisely, that they believed I was doing right, and that they thought I ought to stand right where I had been standing. If by a new revelation the Senator means that I have since I have gotten into this fight been informed from home by everybody on one side and a portion of the other side that I ought to continue to stand here, I am willing to confess there is a new revelation, but to no other extent. I stand exactly on the platform I stood on when elected, and I think I shall continue to stand there.

Now, if there is any question the Senator wants to put——

Mr. DAWES. What I wanted the Senator to explain was this: while he was dwelling upon their anxiety to proceed to public business as manifested by constantly making a motion to proceed to executive business, I wanted him to explain why his side alternated that motion with a motion to adjourn and not do anything?

Mr. BROWN. Because by that——

Mr. DAWES. Wait a moment. Just one-half their motions are to proceed to executive business and the other half of them are to do nothing; and why did the Senator insist upon it that they show their anxiety to do executive business when just half the time they are moving to do nothing? If they cannot do that particular thing, they will not do anything. That is the interpretation of their motions. I know the Senator will say that is the only way they can defeat the will of the majority; I know that very well; but let me assure the Senator he had better quit this attempt to overthrow the will of the majority. It puts him in an absurd position as well as an unpatriotic one when he gets up so anxious to do something else. The RECORD shows that just one-half the time he is trying to do nothing, and when he gets up and says rather than do what the majority desire to do he will do nothing, then the RECORD shows he is trying to do something else. So his record has no consistency in it except that inconsistency which always follows those who are in this business of attempting to overthrow the will of the majority. Bent on that, they resort from time to time to measures for that purpose which are inconsistent with themselves and consistent in nothing else except the purpose of undertaking to command the majority.

Mr. BROWN. Now, Mr. President, I have heard with great pleasure my friend from Massachusetts, and while he was lecturing me awhile ago for prophesying, he turns right around and does it himself, and prophesies that I had better quit. He is wrong about that. I had not; it would be a false prophecy. You will find it is better for me to go on just as I am going. If I were to quit I should commit a great error. Your prophecy is wrong, my friend; I had not better quit. I cannot agree with the Senator, but I do not believe his expectation will be realized; I feel very sure it will not.

Now, he says we make two motions where we really make half a dozen; one is to go into executive session; then the next is to adjourn. Do you know the reason of that? We want to defeat a very mischievous motion that you have here, and we try all the time to get you to go into executive session and do the business you ought to do; but when you will not do that, we take it for granted, of course, that, as you will not go on with the regular business of the Senate, you are willing to adjourn, and to try that we make a motion to adjourn; and when you will not do that, as we do not like your proposition, we move to lay it on the table or postpone it indefinitely or something of that sort; and on the supposition that you ought to go into executive session and do the business of the country when you have it to be done, we suppose it is for some reason you are not ready now, and we think if we would adjourn then and give you time to consider it, you would go into executive session the next time we gave you a chance. Hence we make the motion; and now you refuse to do it. We have the right to make all these motions; they all take precedence; but really we have great difficulty in knowing which one to make. I want to suit the Senator from Massachusetts and would like to make such a motion as would suit him; but we cannot tell whether he prefers to adjourn or to go into executive session; hence we have to guess about the motion.

Mr. DAWES. I will tell the Senator confidentially what motion I want him to make——

Mr. BROWN. Let it be between us.

Mr. DAWES. And that is to proceed to take the vote on the pending question.

Mr. BROWN. In great confidence I will say to the Senator in reply that just now I would not prefer to do that. I think we had better go into executive session and do that business which is more

important for us, and therefore I move that the Senate do now proceed to the consideration of executive business.

Mr. LOGAN. If the Senator from Georgia will listen to me a moment, I should like to ask one question, not with a view of getting into a debate for I do not desire to do that. I understood the Senator from Kentucky in the discussion of this question to say that the other side were determined on their course because of the fact that the election of Mr. Riddleberger was such an outrage on the Senate and the country that they would not submit to it. I want to ask the Senator from Georgia if he agrees with that proposition stated by the Senator from Kentucky; if that is the reason of this obstruction to proceeding to the public business? Is the fact that Mr. Riddleberger would be elected Sergeant-at-Arms of the Senate the reason?

Mr. BROWN. That is simply one of the reasons. There are other very strong reasons. We do not choose to go on because we do not think Mr. Riddleberger ought to be elected; we do not think the other gentlemen nominated ought to be elected, and we do not think that the present gentlemen ought to be displaced. Then as to other private reasons we may have, we do not choose to tell them. They are sufficient to govern our conduct, and upon them we shall appeal to the people at the proper time; and governed by those reasons which are satisfactory to ourselves we do not choose as long as we can prevent it to have this resolution carried out.

Mr. LOGAN. Now one other question. If it is a fact that the Senator from Georgia states his opposition and that of his colleagues correctly, that the obstruction to the public business means that Mr. Gorham shall not be elected because it is wrong to elect him, that Mr. Riddleberger shall not be elected because it is wrong to elect him, that Mr. Johnson should not be elected because it is wrong to elect him—if that be true I ask in all seriousness if it is a wrong perpetrated upon the Senate and upon the people of the country to elect these men to these offices, tell me what will change the state of the case next December if the same men are before the Senate and the same men to go out that are to go out now? If that is the principle that this election shall not take place because it is wrong for these men to be elected, please tell me what change will take place between now and December to make it right that they shall be elected then? That is what I want to get at.

I have heard all this poetry; it is very entertaining, day after day; but there is something always in a case that has some nut in it if you get at it. I want to get at the point. We can hear these speeches on other occasions, if necessary, but the question is to get at the point. If it is wrong now will it be right in December? That is the question I want some gentleman to answer.

Mr. BROWN. The wrong is of a character that we can now very properly resist it. In December there might be something else so important that we would then permit you to take the responsibility of the wrong and do it then, but at present there is no such responsibility as that upon us. There might be a usage that made it proper in December when Congress was in session that we should not throw any obstacles in the way of having a vote on this question. Those reasons do not exist now. Now it is in conformity to usage not to elect; then it might be in conformity to usage to elect; therefore there might be very decided reason in one case why we should stand and in the other why we might ultimately give way. I do not say we would; but there is still another reason, and that is that we have no idea we shall be troubled with Mr. Riddleberger when we meet in December.

Mr. LOGAN. It just comes to this—and it is easy to get this whole thing in a nutshell so that we shall understand one another—that there may be a usage or there may not be. We know there is no usage. So far as this is concerned elections have taken place at executive sessions and at regular sessions, so that there is no violation of usage. It is not that. That point is not well taken. If there is no violation of usage the question resolves itself back to the proposition I stated first: if it is wrong in principle to elect these men now there is nothing that would make it right in December; and when you admit the proposition that it is wrong now but may be right in December you give your whole case away and admit that you are obstructing public business just because you have the power to do it. If you say these men are unworthy to be officers to-day they are unworthy to be officers in December, and when you say the principle is correct for you to obstruct business to-day it is just as correct for you to do it in December. So, then, the principle upon which you are acting is not correct and cannot be held to be correct by any people who understand that which is right or understand logic and reason.

You say Mr. Riddleberger will be out of the way in December. How do you know he will be out of the way? That is a strange reason to give. That is no reason at all.

Another proposition I want to put. It is said Mr. Riddleberger is the block in the way. Mr. Riddleberger is not on that table in the resolution that you are obstructing. The resolution pending is for the election of Secretary of the Senate, which you vote against every day. You never have reached the proposition for the election of Mr. Riddleberger once, and yet you have been discussing for a month the question as to Mr. Riddleberger's right to be elected when you have never been asked to vote on that proposition. In ten minutes or in five minutes any one who understands this proposition can puncture that bubble which you have created here and show that there is nothing in it. It is all a fallacy, and the country will so understand it. The principle if right now is right forever; if you stand by it now, you are as much bound to stand by it in December, just precisely. It will not do to say that some business may arise which will cause you to yield; it will not do to say that, for you have said right here—and when I say "you" I mean the Senators on that side; I do not apply it to any particular individual—you have said time and again that you would obstruct the public business here for the purpose of preventing the election of these officers. If you are justified in your own consciences in doing that now for the purpose of preventing a great wrong, you are just as much justified one year from to-day in performing the same act. If there has been a bargain made, as you have indirectly charged, but not alleged, and therefore you cannot agree to this great wrong, will there be any less a bargain in December than there is now? Will there be any less a justification then than now, I should like to know.

Why, sir, if I may use the expression, this pretense which is presented to the country is a shallow pretense; there is nothing in it. As far as any bargain is concerned, there is not a republican on this side of the Chamber but knows that there is no foundation for any such insinuation or innuendo. I have heard many things said here that I myself knew the contrary of. It was intimated by the Senator from Kentucky that messengers were passing between the caucus and the Senator from Virginia. I do not wish to disclose anything, but only to say to him that his informant did not know what he was talking about. That is all.

Mr. BECK. Do you mean that I said messages were going from the caucus to the Senator?

Mr. LOGAN. Some person——

Mr. BECK. I am not the man.

Mr. LOGAN. It was said here the other day on that side of the Chamber.

Mr. BECK. I have never alluded to that at all.

Mr. LOGAN. I may have been mistaken in the person, but it was said here the other day. I do not care about discussing that, and I did not rise to discuss anything except to present one proposition, and it is the only proposition that I want to present. I do not want to talk for hours about a thing that has but one point in it. All the point there is in this proposition is whether you are justified in obstructing the public business to prevent an outrage upon the country, as you say, if you will not be justified in doing the same thing in December. That is all there is in this whole thing. If there is a justification now there will be a justification then; if there is not now there will not be then. If your action is correct now you will be bound to continue it in December, and on and on; and the people will so understand it.

Mr. DAWES. Mr. President, I hope we may have a vote on the pending question.

Mr. CONKLING. Question on the resolution.

Mr. DAWES. Let us vote on the resolution and then adjourn.

Mr. BROWN. Before we pass upon the resolution I simply want to say a word or two to my friend.

Mr. DAWES. The Senator from Georgia seems pleased with the idea that we are going to have a vote on the resolution.

Mr. BROWN. As it is going to be passed right away, I suppose having waited a good while it may wait a few minutes longer. I see the impatience of my friend from Massachusetts, and I regret very much to throw any obstacles in the way; at the same time I ask to trespass for a moment.

I have not said in reference to December that it would not be proper for us to stand on our position then. That is not the ground. I intimated that there was important legislative business to be done at that time and we might permit you to take the responsibility then of doing a thing that we thought was a very bad thing to do; but I will state to the Senator distinctly that judging from what we hear on both sides from the people, between now and December there will be no room for dispute about this thing. We are not afraid of having it to meet. If we have it to meet then we will try to meet it manfully and act then upon our convictions. In that connection I say as I said awhile ago to the Senator from New Hampshire, "Sufficient unto the day is the evil thereof." For the present we have good reason, as we think, for doing what we are now doing. We propose to do what we are now doing, and not to obstruct the public business either. The Senator twice repeats that.

We are standing here the advocates of the transaction of the public business. We are ready every and any moment to go on with the public business—the public business that on any Senator's motion takes precedence of the resolution of the Senator from Massachusetts, and as we think much more important public business. Therefore we are not obstructing what we consider important public business; we are trying in a legal and constitutional way to get at the transaction of the most important public business, and we are trying to reach it by rules that give it precedence.

Mr. DAWES. Now I hope we may have a vote on the resolution.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the motion of the Senator from Georgia, [Mr. BROWN,] that the Senate proceed to the consideration of executive business

Mr. HAMPTON. Before that motion is put I should like to ask the Senator from Illinois one question. I have made no reflection nor given any intimation as to any bargain. The Senator from Massachusetts the other day said that there had been no conferences

between republican Senators and the Senator from Virginia. I understood the Senator from Illinois just now to make in substance the same statement. Now I wish to ask those gentlemen——

Mr. LOGAN. If the Senator will allow me I will say exactly what I did state. I said that I understood some Senator the other day, and I thought it was the Senator from Kentucky, to make the statement that he had heard that during the session of the caucus communications were going on constantly between the Senator from Virginia and our caucus. I said that was not true and that his informant was mistaken. That is what I said, and that is all I did say.

Mr. HAMPTON. I wish on that very point to ask the Senator a question, because I do not wish to do anybody injustice. I have been informed that while the republican caucus was in session the Senator from Virginia was in the committee-room of the Committee on Private Land Claims and that there were communications made between the two committee-rooms. I ask both those Senators (it would relieve my mind of a great deal of anxiety and doubt about this matter) to state whether that was so or not, if he was not there at that time or where he was.

Mr. DAWES. Does the Senator ask me?

Mr. HAMPTON. You said that there were no conferences.

Mr. DAWES. I simply say that I never heard of it before to-day. It may have been so, but I never heard of it before to-day. I never heard he was ever in the committee-room of the Committee on Private Land Claims, or that anybody ever had any conference with him about the thing. I stated here in debate that the Senator from Virginia took his position without conference with anybody, coming to his own conclusion. I cannot repeat in exact words what I said; but what I intended to say, what I said in substance was that the Senator from Virginia chose his own position without conference with us, without conference with anybody, judging for himself through what instrumentalities he could do the great work in which he was engaged. That is what I said in substance. As to the particular interrogatory of the Senator from South Carolina, I say distinctly I never knew of his ever having been in the committee-room of the Committee on Private Land Claims and to have conferences; still he might have been; I never heard of it before.

Mr. LOGAN. If the Senator desires me I will say if there were any conferences going on at the time during the continuance of the caucus, I never heard of them. That is all I can say.

Mr. President, one word in answer to the Senator from Georgia, [Mr. BROWN.] I do not give his words, but substantially he said that the object they were trying to pursue might change in such a manner that in December they would not be required to proceed in the way in which they are doing at this time. He also said that they were following the Constitution and the rules for the purpose of getting at public business. Let us see if the eminent lawyer from Georgia is correct. The Constitution provides that—

> The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

What follows—

> The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President.

A Vice-President being elected and he being the presiding officer of the Senate, then the Constitution provides that the Senate shall choose their other officers. That is a constitutional provision; and exactly what we are attempting to do in the Senate now is under that provision of the Constitution to choose the other officers. What other officers? Other than the President of the Senate. That officer has already been chosen. Then the Constitution says "The Senate shall choose their other officers," meaning precisely what we are trying to do—a Secretary and other officers necessary for the business of the Senate; and this Senator stands here and says we are not following the provisions of the Constitution, but they are trying to carry out the Constitution in their manner and way of doing, that is, by obstructing the majority of the Senate in proceeding to do exactly what the Constitution requires them to do.

The Senator says that these officers may be chosen at a regular session, not at an executive session. There is nothing in the Constitution of that kind; there is nothing in the rules of that kind; there is nothing in the precedents of that kind, for they have been chosen both at regular and executive sessions.

Then when Senators say they are complying with the Constitution in what they are doing, the Constitution speaking for itself says they are not, for the Senate is required to proceed to the election of its other officers after the Vice-President is elected to act as the presiding officer of the Senate of the United States. This is exactly what we are trying to do. The resolution that you are obstructing is to do what? Not to elect any individual, but to proceed to the election of officers of the Senate, as provided for in the Constitution.

Mr. BUTLER. We have officers.

Mr. LOGAN. So we would have officers if we were to remain here for five years, until they are changed; but does the Senator pretend that the Senate has not a right to change its officers? Does he pretend that?

Mr. BUTLER. I make no pretension at all about anything, Mr. President.

Mr. LOGAN. Then it is not necessary to say "we have officers." We all know that. Even the most ignorant of us here knows that much without being taught by the Senator from South Carolina.

Mr. HAMPTON. I must say with all frankness that I do not think the answer that was given by the two Senators was as frank as the answer that is always given by the Senator from Massachusetts. If the Senator from Massachusetts and the Senator from Illinois say that they were not aware of any conference on that occasion, I would ask another question, and it is this: Whether the Senator from Virginia was not up in the committee-room of the Committee on Private Land Claims?

Mr. LOGAN. You can ask the Senator from Virginia. Perhaps he will tell you.

Mr. HAMPTON. I will ask the Senator from Virginia. I ask whether there had been any communications at all between himself and the caucus during the pendency of their meetings.

Mr. DAWES. The Senator from Virginia spoke for himself the other day, in which he stated that while no Senator from either side approached him with any improper propositions Senators on both sides conferred with him in his quarters and in their own.

Mr. HAMPTON. Did any confer with him in the Private Land Claims Committee room?

Mr. DAWES. Wait one moment. He said that Senators conferred with him from both sides in their own quarters and in his, and he would not without their permission disclose what they said further than this, he would say that the propositions made to him were not improper. So I assume from his statement that there were conferences with him of some kind or other, proper conferences because he said they were, and because I assume that no Senator on either side would hold anything but a proper conference with him. Proper conferences were held with him by Senators on both sides. I used this statement the other day in reply to the Senator from Ohio [Mr. PENDLETON] solely for the purpose of saying that there was nothing about the Senator from Virginia, nothing in his political position or personal character, that prevented Senators of the other side from conferring with him about the organization, until they found that he would not go with them. Now the Senator from South Carolina goes farther and wants to know of me if he was not in the Private Land Claims Committee room while we had a caucus, and I have responded frankly that I never heard of it until now.

Mr. LOGAN. Suppose he was?

Mr. DAWES. I was going to say further that if he was there, I do not know anything in either the laws or the Constitution of the land, or anything relative to his personal integrity, which should make it improper for him to be there. I do not know that he was there; I have not the slightest evidence that he was there; but I do not know why the Senator from South Carolina or any Senator on that side should hold a rod over the Senator from Virginia and say he shall not go into the Private Land Claims Committee room. I hold somehow or other the notion that the Senator from Virginia, coming here with the commission of his State, has got all the rights of any other Senator and any gentleman on this floor. Until I see something in him that will forfeit them, I do not think there is any occasion for me to be catechised as to what he does consistent with either. If the Senator desires anything that I know about it, he is just as welcome to it as my own brother.

Mr. HAMPTON. I think the Senator from Massachusetts misunderstood the scope and spirit of my inquiry.

Mr. DAWES. I saw it just as clear as day.

Mr. HAMPTON. He always does that—as clear as mud. The question that I asked him was not in reference to the right of the Senator from Virginia to go into that or any other committee-room. He has all the rights and privileges and immunities that pertain to any other Senator upon this floor.

Mr. DAWES. And he has one other that the rest of us do not seem to have, and that is to be abused by the men who tried to win him.

Mr. HAMPTON. And to be praised by the men who did win him. The point that I made was, as I said very frankly, to try to disabuse my mind of any suspicion in regard to the matter. I will say, with the frankness that becomes me, and I mean it in entire frankness, I have been told that when the republican caucus was in session in an adjacent room the Senator from Virginia was in that committee-room, and that there were communications made between himself and the caucus.

Mr. DAWES. Mr. President——

Mr. HAMPTON. I am not through. I heard somebody reply that there were communications.

Mr. DAWES. No; nobody said that.

Mr. HAMPTON. I do not know about that. I simply wanted to ask that question; and to ask another. If there were no conferences, if there were no communications, if there was no expression on his part of any wish in regard to the organization of the Senate, how does it happen that he says he alone is responsible for the nomination of Mr. Riddleberger as Sergeant-at-Arms?

Mr. DAWES. I do not see any *sequitur* in that. Suppose he was in the room of the Committee on Private Land Claims?

Mr. HAMPTON. Was he or was he not?

Mr. DAWES. Suppose I should admit that which I do not know a word of, which I never heard of before, that he was in the committee-room of the Committee on Private Land Claims and that somebody from the republican caucus conferred with him, then the Senator from South Carolina gets up here and asks how that can be and

he say he is responsible for Riddleberger. I want to ask the Senate, and I am almost tempted to ask the Senator from South Carolina a few questions. I should like to know if the Senator from Virginia is a leper what Senators who were of the committee to adjust the committees on the other side went to his room for and held conversations with him and conferred with him?

Mr. BAYARD. Who did?

Mr. DAWES. I should like to know what Senators on the other side who were not of the committee to arrange the committees of the body were conferring with a political leper for? I should like to know further when he began to be a political leper? Senators on the other side say they never dreamed till after they had been here two weeks but what the Senator from Virginia was going arm-in-arm with them. With all his sins upon his head they never dreamed but that he was just as good a democrat as sits on that side, until our good friend there in an unguarded moment said he had chosen a seat on this side. Then all at once the scales fell from their eyes, and they saw the Senator from Virginia in all the enormities of a political leper. They had wooed him, they had sent committees to him, they had begged him, their national committee had gone and conferred with him, they had told him they would give him five out of eleven electors of his own choice if he would only go in with them; and then they told him they would give him six; and then they told him that he might have anything he wanted if he would stand with them. They told him that they were with him in this fight and this idea about the public debt, which is frittered all away between him and his colleague now, as both admit that one-third ought to be paid by West Virginia, and it comes down between them all to just a difference of interest, one side professing that they ought to pay the whole of it and doing nothing toward it, and the other saying "We are willing to pay half of it." That is the difference between them. That is all the sin there is on his head except that he will not go with the regular democracy. But this is the trouble: up to a given time, a time so sudden to them, as sudden as the revelations to Saul of Tarsus on his way to Damascus to persecute the saints, as sudden to them as all that, it was that the Senator from West Virginia became unworthy of public association with them.

Mr. DAVIS, of West Virginia. Not West Virginia.

Mr. DAWES. I mean the Senator from Virginia. Oh, the Senators from West Virginia have never fallen into any such category. I owe them an apology. There is nothing that is christened democratic that the Senator from West Virginia ever hesitated a moment except as to its size before he swallowed it.

Mr. DAVIS, of West Virginia. Except as to what?

Mr. DAWES. They do not pay debts at all——

Mr. DAVIS, of West Virginia. May I ask the Senator as to what he excepts. I did not understand the Senator.

Mr. DAWES. There is nothing so enormous in democratic doctrines, nothing which so shocks the public sense and conscience that democrats ever avow, that I have ever heard the Senator from West Virginia hesitate a moment in swallowing except as to its size, and then he took it by degrees. [Laughter.]

But all I have to say is to marvel that the Senator from Virginia on my right was such a good man all through last summer's campaign as to receive more attention from the national committee, from those who held high position, from him who held the third office in the gift of the nation, and from those who have splendid mansions here in this city thrown wide open for his entertainment when he came here that he might not be beguiled by the blandishments of republicanism. Of all that astonishes me as I grow older and witness wonder after wonder among the democratic performances, nothing has surpassed this wonderful revelation that, in a moment, in the twinkling of an eye, a great and good leader like Peter the Hermit came to be a Judas, a leper, as the distinguished Senator from Mississippi, [Mr. LAMAR,] in his abundant and what somebody has called reeling rhetoric, has called a leper, a political leper, all at once. Had he chosen a seat on the other side, had he concluded to vote for the organization——

Mr. LAMAR. Mr. President——

Mr. DAWES. I hope I have not offended the Senator. It was out of admiration for that rhetoric that I alluded to it.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. DAWES. Certainly.

Mr. LAMAR. Whatever may be the opinion of the Senator I must try to bear it even as well as I can. I simply rose to state that I applied no such epithet to the Senator from Virginia.

Mr. DAWES. All the difference was that this doctrine which he has avowed for a year and a half and which the democratic party has been struggling to take with him and his vote for a year and a half was a leprous one; but having proposed to take him with it, if they supposed they could take him without it, cannot we take him without it?

Mr. CALL. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. DAWES. I want to get along with the Senator from South Carolina. I owe an apology to the Senate. I came into the Senate with a solemn determination not to open my head to-day, but the Senator from Georgia has been too much for me.

Mr. CALL. May I ask the Senator a question? Will he please state his authority for saying that the Senator from Virginia for a year and a half has expressed opinions on the subject of "a free ballot and a fair count" different from the State of Virginia? What is his authority for that statement?

Mr. DAWES. May be I have got the time a week too long; possibly I have got it four days longer by the almanac.

Mr. CALL. I will say for three months.

Mr. DAWES. The Senator, I have no doubt, took alarm the first moment he heard of it, and he can tell what day it was better than myself.

Mr. President, I do not look upon the Senator from Virginia, he will allow me to say, as perfect. I do not agree with the Senator from Virginia in very many things. The Senator from Virginia is far from being up to my idea of what is required. But the Senator from Virginia is about a good work, a great work, a work which will grow upon his hands, and whether he or those whom that work affects know it or not, he will grow in grace as he grows in strength, and he will go on in that great work from step to step if he is true to it and to himself. I am not here as one to see how much there is about the Senator's position that I cannot agree with. I would rather turn and see how much of it there is I can agree with. When I find that work to be what it is represented to be here (and I do not propose to ask the Senate to listen to its repetition) I am not to be diverted from association with him in that work because he has been doing other political work at other times and in localities that I have nothing to do with; but it is because I gather re-enforcement in that work to which I am myself devoted and those with whom I am associated at the hands of the Senator from Virginia and those who co-operate with him.

We are told to-day for the first time a new feature of this opposition to the will of the majority, and that is that this shall be postponed till December; that Riddleberger shall be eliminated from this contest, and then Senators on the other side will consent that the will of the majority shall be obeyed. Then it has come to this, that over one man, the question of Sergeant-at-Arms, this fight is continued, inspired, as was said by the message of the ex-governor of Virginia to the Senator on the left, that it was necessary to beat off the will of the majority till December in the interest of a democratic campaign in Virginia. That is the confession to-day, that the whole public business of the nation, the will of the majority provided for by the Constitution, everything must be held at bay in the interest of a democratic campaign in Virginia in the coming summer. That stands to-day as a confessed new phase of opposition to the will of the Senate itself.

I am willing to take these phases as they come up, each one of them; I am willing to present them to the American people and to take their judgment upon them. For the last twenty years those who espouse this cause have been appealing to the people. The people have heard their appeal each four years, and the last appeal has had judgment rendered upon it more emphatic than any other. The gentlemen need not worry themselves; we have no hesitancy in meeting them before that tribunal. All we are anxious about, all that we insist upon in the hearing of that appeal, and that we are determined to have, is that the people shall have the opportunity honestly and fairly to be counted when judgment is rendered.

I hope the Senators will not hesitate to join with me to-day in making up that appeal to the people. Do not let us hesitate one moment. Let us make it up and go to the people and tell them that on one side are the republican party enlisting with them the Senator from Virginia so far as he is doing any portion of their work, and on the other is arrayed that same old Bourbon element which for twenty years has been fighting the Government itself and its majorities.

Sir, I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

TUESDAY, *April* 19, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

TESTS OF IRON.

Mr. MCMILLAN. The President of the Senate laid before the Senate yesterday a communication from the Secretary of War, inclosing a letter from the Chief of Ordnance, transmitting, in compliance with a resolution of the Senate of the 1st instant, a report of the officer in charge of the United States testing-machine, and it was ordered to lie on the table. I now move that the report be printed.

The motion was agreed to.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the reso-

lution indefinitely, on which motion the yeas and nays have been ordered.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio. [Putting the question.] The Chair is in doubt as to the result.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired on this vote with the Senator from Missouri, [Mr. COCKRELL.]

Mr. WALKER, (when Mr. GARLAND'S name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] I make the announcement for the day.

Mr. HARRIS, (when his name was called.) I agreed to pair with the Senator from New York, [Mr. CONKLING,] in the absence of that Senator. I do not see him in his seat, and I shall therefore decline to vote unless he makes his appearance before the roll-call is concluded.

Mr. MILLER, (when his name was called.) I am paired for this day with the Senator from North Carolina, [Mr. VANCE.]

Mr. PLATT, of New York, (when his name was called.) I am paired with the Senator from California, [Mr. FARLEY.] If he were here, I should vote "nay."

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

Mr. RANSOM, (when Mr. VANCE'S name was called.) My colleague [Mr. VANCE] is paired with the Senator from California, [Mr. MILLER.]

The roll-call was concluded.

Mr. COKE. I announce for the day that my colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. BECK. I desire to announce that I am paired with the Senator from Maine, [Mr. HALE.]

Mr. CAMDEN, (after having voted in the affirmative.) I wish to withdraw my vote. I am paired with the Senator from Wisconsin, [Mr. SAWYER,] and I make this announcement for the day.

Mr. CAMERON, of Pennsylvania. On this subject I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. ANTHONY. I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. BLAIR. I wish to say that my colleague [Mr. ROLLINS] is paired with the Senator from Florida, [Mr. JONES.]

Mr. KELLOGG. I am paired with the Senator from Illinois [Mr. DAVIS] on this question.

Mr. JONAS. I am paired for a few moments with the Senator from Minnesota, [Mr. EDGERTON.]

Mr. INGALLS. My colleague [Mr. PLUMB] is paired with the Senator from Missouri, [Mr. VEST.]

Mr. ALLISON. I am paired this morning with the Senator from West Virginia, [Mr. DAVIS.]

Mr. KELLOGG. I understand that there is less than a quorum of Senators who have answered to their names. Having paired with the understanding that I could vote to make a quorum, I vote "nay."

The result was announced—yeas 18, nays 21; as follows:

YEAS—18.

Bayard,	Gorman,	McPherson,	Saulsbury,
Brown,	Groome,	Morgan,	Slater,
Call,	Hampton,	Pendleton,	Walker.
Coke,	Jackson,	Pugh,	
George,	Johnston,	Ransom,	

NAYS—21.

Blair,	Harrison,	Logan,	Platt of Conn.,
Burnside,	Hawley,	McDill,	Sewell,
Conger,	Hill of Colorado,	McMillan,	Sherman.
Dawes,	Hoar,	Mabone,	
Ferry,	Ingalls,	Mitchell,	
Frye,	Kellogg,	Morrill,	

ABSENT—37.

Allison,	Davis of W. Va.,	Jonas,	Sawyer,
Anthony,	Edgerton,	Jones of Florida,	Teller,
Beck,	Edmunds,	Jones of Nevada,	Vance,
Butler,	Farley,	Lamar,	Van Wyck,
Camden,	Farley,	Maxey,	Vest,
Cameron of Pa.,	Garland,	Miller,	Voorhees,
Cameron of Wis.,	Grover,	Platt of N. Y.,	Williams.
Cockrell,	Hale,	Plumb,	
Conkling,	Harris,	Rollins,	
Davis of Illinois,	Hill of Georgia,	Saunders,	

So the Senate refused to proceed to the consideration of executive business.

MICHAEL BOYTON.

Mr. McPHERSON. I have this morning another of those petitions referring to the case of Michael Boyton, the reception of which the Senator from Massachusetts [Mr. DAWES] resisted so earnestly the other day. I presume he will have no objection to my offering this petition and having it referred to the Committee on Foreign Relations.

Mr. DAWES. Not the slightest, Mr. President.

Mr. McPHERSON. The petition is from the Paterson Land League reciting the facts of the arrest and false imprisonment of Michael Boyton. I ask that it be received and referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The petition will be received and so referred.

Mr. DAWES. I congratulate the Senator on having come here this morning refreshed from his recreation of last night and disposed to attend to the duties of the Senate.

Mr. McPHERSON. I do not hear the Senator.

Mr. HARRISON. I have had sent to me from an association of Irish-American citizens of Indiana a petition similar to that just presented by the Senator from New Jersey. I ask leave to present it and move that it be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. If there be no objection the petition will be received and so referred.

PROPOSED EXTRA SESSION OF CONGRESS.

Mr. BLAIR. I wish to offer a resolution, and I ask to have it read for information at this time.

The VICE-PRESIDENT. The resolution will be read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That in the judgment of the Senate the public interests require that Congress be convened in special session immediately.

Mr. HARRIS. Let the resolution go over, Mr. President.

Mr. BLAIR. I offer it merely to be read for information at this time. I wish in connection with it to ask for the reading of a document, and then to submit a few remarks to show the purpose which has actuated me in submitting the resolution. I should like to have the Clerk read the paper in full which I send to the Chair.

The Chief Clerk read as follows:

CIRCULAR.

Worsted Stockings.

[1881. Department No. 32, Secretary's Office.] TREASURY DEPARTMENT, *Washington, D. C., March* 29, 1881.

To collectors and other officers of the customs:

The following decision of the Supreme Court of the United States in the case of Victor *et al.* against C. A. Arthur, collector of the port of New York, is published for the information of customs officers and others concerned:

"The question in this case is whether stockings of worsted, or worsted and cotton, made on frames, and worn by men, women, and children, imported after the Revised Statutes went into effect, June 22, 1874, are dutiable as knit goods under Schedule L, class 3, sec. 2504, or as stockings under Schedule M. The two provisions under which the parties make their respective claims are as follows:

"*Schedule L.*—'Flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding forty cents per pound, twenty cents per pound; valued at above forty cents per pound and not exceeding sixty cents per pound, thirty cents per pound; valued at above sixty cents per pound and not exceeding eighty cents per pound, forty cents per pound; valued at above eighty cents per pound, fifty cents per pound; and, in addition thereto, upon all the above-named articles, 35 per cent. ad valorem.'

"*Schedule M.*—'Clothing, ready made, and wearing apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up or made wholly or in part by hand, not otherwise provided for, 35 per cent. ad valorem.'

"In U. S. *vs.* Bowen, 100 U. S., 513, we held that the Revised Statutes must be treated as a legislative declaration of what the statute law of the United States was on the 1st of December, 1873, and that when the meaning was plain the courts could not look to the original statutes to see if Congress had erred in the revision. That could only be done when it was necessary to construe doubtful language. We applied this rule in Arthur *vs.* Dodge, 101 U. S., 36, to the construction of the revision of the tariff laws.

"It is also well settled that when Congress has designated an article by its specific name and imposed a duty on it by such name, general terms in a later act or other parts of the same act, although sufficiently broad to comprehend such article, are not applicable to it. (Movius *vs.* Arthur, 95 U. S., 144; Arthur *vs.* Leary, 96 U. S., 112.)

"It is conceded that stockings made on frames have been dutiable *eo nomine* since 1842 and by four different statutes: 5 Stat., 549, chap. 270, sec. 1, subdivisions seven and nine; 9 Stat., 44, chap. 74, sec. 11, Sched. C; 12 Stat., 194, chap. 68, sec. 23; *Id.*, 556, chap. 163, sec. 2. Now, when we find, as we do in Schedule M of section 2504 'stockings * * * made on frames, of whatever material composed, except silk and linen, worn by men, women, or children,' it seems to us clear beyond question that goods coming within that specific description are dutiable in the way thus provided, rather than as 'knit goods * * * composed wholly or in part of worsted.' It may be true, as suggested, that if there had been no revision and we had been required to construe the statutes as they stood before December 1, 1873, a different conclusion might have been reached. We have not deemed it necessary to institute such an inquiry, for it would be contrary to all the rules of construction to say that where in one part of a section of a statute it was provided that 'stockings made on frames, of whatever material composed, except silk or linen,' should pay duties at a certain rate, it was not *plain* such articles were not in any just sense 'otherwise provided for' in a preceding clause of the same section fixing the duties to be paid on 'knit goods composed wholly or in part of worsted.' The judgment below was before United States *vs.* Bowen, *supra*, was decided here.

"The judgment is reversed and a *venire de novo* awarded."

Under the ruling of the Supreme Court in this case, caps, gloves, leggings, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, will be classified for duty at the rate of 35 per cent. ad valorem as against the provision in Schedule L for flan-

nels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, or any other provision of law. Where duties have been exacted on the class of goods referred to, in excess of the rate of 35 per cent. ad valorem, and the provisions of section 2931 have been complied with, certified statements will be forwarded for refund of the excess of duty so exacted.

Where suits have been instituted for the recovery of the excess, you will require a certificate of their discontinuance and include in the certified statement the proper interest and accrued costs.

These instructions will be treated as applying only to cases in which the duties were exacted under the provisions of the Revised Statutes, and not to cases in which duties were assessed under the laws in force prior to the passage of said statutes.

Very respectfully,

H. F. FRENCH,
Assistant Secretary.

Mr. BLAIR. Mr. President, in this connection I wish to read to the Senate a letter received by me yesterday from one of the largest firms engaged in hosiery manufacture in the country, who reside in the town of Laconia in my State.

Mr. McPHERSON. May I ask the Senator the object of all this reading of letters and communications? Is it to show a reason why we should have a special session of Congress?

Mr. BLAIR. It is.

Mr. McPHERSON. The Senator from New Hampshire has now become aware of the fact that the tariff needs revision?

Mr. BLAIR. Yes.

Mr. McPHERSON. In the monopoly features of it, I suppose?

Mr. BLAIR. Yes, wherever they exist. Does the Senator desire any more information?

Mr. HARRIS. I would suggest to the Senator from New Hampshire, inasmuch as his resolution has gone over under objection, and I suppose it will be perfectly competent for him to call it up to-morrow if he desires to do so under the rule, that any debate on the resolution had perhaps better be postponed.

Mr. BLAIR. I will say to the Senator that I explicitly stated that I offered the resolution to be now read for information, and designed after making an explanation of my reasons for offering it, to then have it go over under the rules. I hardly think the Senator will deem it necessary to exclude me from the privilege of saying a very few words explanatory of the resolution.

Mr. HARRIS. By no means would I if I had the power. I was simply suggesting to the Senator that his resolution had gone over.

The VICE-PRESIDENT. The resolution having gone over the Senator can only proceed by unanimous consent.

Mr. HARRIS. The question before the Senate is debatable, and the Senator has a perfect right to discuss the question in any form he pleases. It does not require unanimous consent.

The VICE-PRESIDENT. The Senator from Tennessee withholds his objection and the resolution is before the Senate.

Mr. BLAIR. I was simply saying that I have a communication from one of the largest firms engaged in hosiery manufacture in this country, and perhaps the leading firm in my own State. It is perhaps not essential to say—although there is no impropriety in stating—that they are leading democrats of the State of New Hampshire, most excellent citizens of course. In a matter of this sort no man should know the politics of a constituent, and I present their case precisely as I would that of anybody else. I suggest this matter, however, in order that if possible what I have to say may receive slightly more definite attention from Senators on the other side. The letter is as follows:

LACONIA, NEW HAMPSHIRE, *April* 16, 1881.

DEAR SIR: We desire to call your attention to a recent decision of the United States Supreme Court by which the duty on hosiery has been changed so that it now stands at 35 per cent. ad valorem. This change means *ruin* to our hosiery industry in this country, inasmuch as it reduces the duty from fifty cents per pound weight and 35 per cent. ad valorem to a simple ad valorem duty of 35 per cent. An examination of the annual reports of the Chief of the Bureau of Statistics shows that the average duty on fine wools, or class 1 under Schedule L, equals 70 per cent. This decision makes the duty on all knit goods made of wool by machinery 35 per cent. ad valorem. Supposing all goods were honestly invoiced at a full foreign valuation, and leaving out of the question the difference in cost of labor and interest on capital, there is a premium of 35 per cent. in favor of the foreign manufacturer on all the wool of which such goods may be made. To state a special case it would be as follows: Cost to an importer of a stocking weighing two pounds, value $3 per dozen, under Schedule L of tariff before decision was made, $5.05 per dozen; cost of same stocking under the decision just made $4.05. In other words, the decision has reduced the tariff on stockings $1 per dozen; on shirts and drawers the reduction amounts to $4 to $8 a dozen according to the weight of the goods. Such a reduction is ruinous to Laconia, Meredith, Belmont, Tilton, Franklin, Lake Village, and hurts Manchester severely. It strikes many other towns in our State very hard. It strikes in Massachusetts, Ipswich, Needham, Waltham, Ware, Graniteville, and many other places. It strikes in Connecticut very large manufacturing interests, and in New York and Pennsylvania the interests are enormous. We simply give you a rough idea, but you can get a pretty clear insight into the importance of the industry threatened by the statement, that can be verified we think without much labor, of the number of sets of cards employed on hosiery. The aggregate of all kinds of woolen cards at work in this country is now between eight thousand and nine thousand sets; of these the hosiery industry is thought to employ 1,700. The Census Bureau can easily set right any errors in our estimate, but we give you the estimate of good judges.

As the matter now stands we have *got to go to Canada* in order to manufacture. Wool that costs us ninety-five cents here we can get there and work there at a cost of forty-five cents and can afford to pay the duty of 35 per cent. on goods so made and sell at what the goods *cost us* here, and in so doing make a better profit than we are now getting. New Hampshire maintains by her hosiery industry many thousands of her people; many of these came from Canada and would very gladly go back if mills should be established there, as they certainly will be if this decision were to stand. It is unnecessary for us to say much to you about the importance of the matter, as you are where you can get information so easily, but there is no doubt that some fifty million dollars is now employed in hosiery in the mills, stock, and capital used.

We see no remedy that can be applied save an extra session of Congress to set the matter right, and certainly every hour that passes without a remedy is working great mischief to our trade all through the country and will paralyze it completely within twelve months. No man will dare to operate in face of this decision beyond his immediate orders, and hence the future is all uncertain to us. We must have relief, and that speedily, or much suffering will surely result. If not a presumption on our part, we ask you to confer with the Senators from New York, Pennsylvania, Massachusetts, Connecticut, Illinois, Ohio, Maine, Vermont, and New Jersey, which are directly and heavily interested in this matter. If we go a step beyond our industry to the raising of wool you need add to our list above California, Oregon, Texas, Virginia, West Virginia, Wisconsin, Indiana, Nevada, Louisiana, in short every wool-growing State. As cotton enters largely into some grades of our goods we need only to refer to this to show that every Southern State is interested in the decision by its depressing effect upon the price of cotton. Wherever we have used the term "hosiery" it would have been more correct to say knit goods, as that is the idea we have in mind, and without changing that in our letter we desire to have it so understood.

Before closing we desire to say that the knit-goods industry in New Hampshire has nearly doubled in the last ten years, and if value of product is taken as a basis it has more than doubled.

If there be any method of action that you can suggest to us we shall be glad to avail ourselves of it. There is a great commotion among the manufacturers, who are as yet not concerted in their action, but are preparing to unite and present the matter with whatever power they are able to command. We see it intimated that the circular instructions may be suspended to await action of Congress. Of course, this may help us out until then. We trust you will favor us by giving it your attention, and much oblige,

Yours, truly,

J. W. BUSIEL & CO.

Senator H. W. BLAIR.

Mr. President, I present this aspect of the public interests in connection with the resolution which I offer, which is designed, if adopted, as an expression of the sentiments of the Senate in favor of the calling of a session of Congress immediately, or so soon as reasonable notice can be given and the other House can be assembled. I have been one of those who originally thought that at this juncture of our public affairs a session of Congress was appropriate and was greatly needed by the interests of the country. I am not one of those who believe that any legitimate public industry is likely to be essentially disturbed in its operation by the fact that Congress is in session; and I am particularly sure in my own mind that the commercial and industrial interests of this country will not feel specially alarmed, or alarmed at all, if there should be a session of Congress called to consider great public measures which are essential to the permanent prosperity of the country, especially when Congress is controlled, as it would be, by republican majorities in each House, and with a republican Executive.

Upon general principles I believed, and I believe now, entirely irrespective of the peculiar circumstances in which the Senate finds itself to-day or the special injury which is being done by this recent decision of the court, construing the tariff entirely different from what it has been understood and construed for years with reference to the special industry of hosiery or the knit-goods manufacture of the country—I say upon general principles I have thought we ought to have a special session of Congress at the present time. We know that the business affairs of the country are growing larger every year, and that during the exciting political convulsions of the recent past the industrial interests of the country have been very largely neglected, so far as legislation is concerned. We have a war tariff; and in various other directions besides the all-important matter of the tariff I think there is call for legislation. We cannot do to-day the business of the country in three months, or six months, or in the ordinary periods of time given to legislation as it might have been transacted twenty, thirty, fifty, or seventy-five years ago, when there was comparatively little to do; and continuous sessions of Congress—so continuous at least as to absorb all the working energy that is in the human constitution, taking only such relief as ordinary regard for health and rest should require of us in ordinary vacations—would be no more than adequate to the just consideration of the material and other interests of the country at the present time.

But, sir, disregarding all that, setting aside general legislation upon the tariff, let me call the attention of my honorable friend, the chairman of the Committee on Foreign Relations, [Mr. BURNSIDE,] to the fact that De Lesseps is digging his canal to-day. While for two years we have been talking about the little matter of the severing of the Isthmus by a foreign corporation, under the influence of foreign governments, it is being done practically by foreign capital, so that this great commercial change in the world's affairs is going on while we are talking about it, is becoming a perfected thing, is becoming a vested right, and we have no way out of the matter unless immediate action is taken by Congress, unless it be by war.

But setting aside all these matters, (which I think amply justify us and more than justify us in the expression of sentiment contained in the resolution,) there are other considerations which make it almost imperative for the public good that we should have an extra session of Congress, and that as soon as the two Houses can be called together.

In the first place, here we are ourselves; we are booked till December. Senators upon the other side have taken their position, and they would be cowardly to retreat. We have taken ours, and we are not to retreat unless we fall within the same category. Neither side is likely to do it. The other side have taken the position that they will not yield their opposition to the pending measure until there is a legislative session. A legislative session called soon would meet

the requirement upon the democratic side of the Chamber, and we should get immediate action on the resolution. If it does not meet that requirement they must take a new position. I think it would be within the scope of the objections as I have heard them come from the other side, as a general thing.

I wish to say right here that this resolution is offered without the knowledge of and without concert of action with any Senator upon this floor, or any human being elsewhere. Nobody is responsible for it except myself; but I propose to express my sentiments as they are, and nobody is responsible for them but myself.

I say here we are in this dead-lock. It is growing deader and deader every day. Everybody sees that. The Senate is to stay here until next December. The Executive is anxious for the confirmation of nominations sent to us, and we are anxious for such confirmations, ready and anxious that something should be done, but we cannot do it. We are not likely to do it until this other matter is disposed of. We shall stay here until December probably without the confirmation of a single nomination which is sent here. It may be that here and there some single nomination of special importance may be acted upon, but unless the republican party goes directly back upon its own resolution here in the Senate, we shall stay until December. Senators upon the other side will do the same thing.

Here you have one House of Congress staying in session until December through the heat of the summer and the fall, probably at the expense of the lives of some of us, and perhaps many of us would prefer to yield our lives rather than the point of honor involved in this contest. We are to remain here until then. Where is the other House of Congress? Very many of the members are here in the city to-day; all of them are within the reach of a ready summons. Why should they not assemble? When the public interests require action upon matters outside of the organization of the Senate why should they not come here and let us all spend, it may be, a month in a legislative session, giving attention to these matters of pressing public concern, and all of us go home liberated from this dead-lock and coming back refreshed for the regular business of the December session?

Mr. President, let us look at the matter of confirmations. The republicans have taken the ground that they will act upon no business until the pending measure is decided. That is the position they have taken. You tell us that we should recede from that position because the executive business before the Senate is of vast importance and the country is suffering. We think the assertion of the principle that the majority shall rule is of greater consequence than anything else that can come before us, and we are likely to continue to act upon that line. What are the pressing cases that we have brought to our attention? There is a justice of the Supreme Court to be confirmed. It has now arrived at that period in the term when the court is just verging upon the commencement of its vacation, during which no justice can be of the slightest use whatever there. I believe the court's quorum has been broken once by reason of the illness of a member of the family of one of the justices. They have kept on; they have done their work; they have got substantially through it, and no man can be placed upon the bench in season to do any good there until next winter certainly. Under those circumstances the pressure of business for confirmation in the direction of the Supreme Court is not very severe upon us. We are not likely to recede so far as that is concerned, but supposing that we should recede so far as the confirmation of the nomination of a man as a member of the court is concerned, that would give no practical remedy.

I could call the attention of Senators, if there are any who have not read it, to an article in the last number of the North American Review by Mr. Justice Strong, late of the Supreme Court. It is very evident from the perusal of that article that the appointment of another justice would afford no substantial relief, scarcely any relief at all. The business of the court has become so vast that an ordinary case cannot be reached in less than from two and a half to three years. The court is fairly swamped with the pressure of business, and double the number of justices who are there could do no more than transact the business of the country at the present day. He recommends the establishment of an intermediate court of appeals to take final jurisdiction of a very large number of cases which now go to the Supreme Court. Therein, with reference to the administration of justice throughout the country, is an evil of enormous magnitude in regard to which the confirmation of a single justice is no remedy whatever. It is a question of legislation to be profoundly considered, to be matured with great care, general legislation, which of itself would justify the calling of an extra session of Congress, especially under the existing circumstances, as I believe. Nothing else, certainly, will afford a practical remedy in the direction of the administration of public justice. Unless something is done at a special session in this direction it is not at all likely that any measure will be matured that will give us a court of appeals or the appointment of additional judges for nearly two years, toward the termination of the present Congress; but if an extra session could be called we could take up that question at the extra session, when there would not be that general pressure and that mass of minute legislation coming in upon us which so crowds us at the regular sessions of Congress.

If we could have an extra session devoted primarily to the consideration of such questions as I have indicated, the relief of the Supreme Court, the matter which is so important in the mind of the honorable Senator from Rhode Island, [Mr. BURNSIDE,] and the appointment of a commission and a discussion such as ought to take place upon the subject of the tariff, we might in that way accomplish something for the relief of the country in the direction of the administration of public justice, with reference to our foreign affairs, with reference to these other great interests which are likely to be long neglected if they are postponed until the regular session in December.

I know it may be said in reply, on the subject-matter specifically suggested in the circular of the Treasury and the letter which I have read, that the Treasury can suspend the operation of the decision of the Supreme Court, and that there is a proposition of that kind to suspend it. Some Senator suggests that the Secretary is likely to do it. Mr. President, I am opposed to that sort of executive discretion, the exercise of any discretion not clearly within the law. I am for obeying the laws as they exist. I grant that a most creditable operation has been initiated by the Secretary of the Treasury, likely to be very successful, and I am very grateful that it is so. At the same time the exercise of that discretion favorable to the country by the Secretary of the Treasury as in this instance might some time be used as a precedent for the exercise of a dangerous discretion.

Mr. PLATT, of Connecticut. If the Senator will allow me, I do not think that the Secretary of the Treasury has any idea of suspending the decision of the Supreme Court. As I understand it, it is very clear that the decision of the Supreme Court does not extend to knit shirts and drawers, and I have every reason to hope that the Secretary of the Treasury will so construe the decision of the Supreme Court, but not in any way to suspend it, for I suppose that is beyond his power as well as beyond his desire.

Mr. BLAIR. The Senator says he has his hopes. In a matter of this kind nothing should be left to hopes and to aspirations and to favorable construction. The decision of the Supreme Court applies specifically to knit stockings, but the entire hosiery interest in the United States is included in the principle of that decision. A hostile circular has been prepared and put about through the country by the Treasury already which has created this alarm. The Treasury is called upon to recede from its position, to give a construction which shall not ruin this industry in the course of the next five or six months; and to disturb an important industry of that kind, to raise a doubt in regard to its future, is a much more serious thing than the pecuniary value of that industry alone. Its interdependence upon and with other industries and their connection with it are so extensive, so vast in their ramifications, that when this decision as to the true meaning of the law has struck ruin upon that one industry, nobody knows where the calamity will end.

But we are here doing nothing except wasting time; nobody will pretend that we are doing aught else. The democracy wrongfully prevent action. One branch of the Legislature of the country is here, and is to stay here. Let us call an extra session of Congress; let us consider this and other questions; let us break this dead-lock in the way in which the democracy generally state that they will consent to its being broken and in the way in which they must ultimately consent to its being broken. They cannot stand here and do not undertake to stand here in the face of the country impeding important legislation. With the other branch of Congress at the other end of the Capitol and with great public considerations at stake they will not stand here quarreling with us over the control of the Secretary of the Senate and the Sergeant-at-Arms of this body.

Of course, on both sides we understand that underlying this controversy are very important considerations, principles, if you please, which neither side is disposed to yield, and it puts on the form of a controversy in regard to these little offices. I do not speak of them in any belittling sense. The controversy itself and that which is involved in it, I consider of vast importance; but it must terminate some time; the discussion has extended sufficiently long; everybody understands it; everybody is ready to vote, and it is the result which one side fears and which the other desires; but the vote must come some time and it may as well come now, if the contingency has arrived, or may, by proper action, be brought about when the other side proposes to have it ended.

Mr. President, when I call this resolution up again I may take the opportunity to urge some other and additional considerations; but without saying more at present, I content myself with stating my judgment that public duty requires an extra session of Congress that this dead-lock may be broken, and that these great material interests may receive due consideration and protection.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

OFFICERS OF THE SENATE.

The Senate resumed the consideration of the resolution submitted by Mr. DAWES on the 23d of March, 1881, providing for the election of certain officers of the Senate, the pending question being on the motion of Mr. PENDLETON to postpone the resolution indefinitely.

Mr. LOGAN. Mr. President, heretofore I have taken but slight notice of slanders touching my action in any case. But, sir, since the year 1866 my enemies have so persistently pursued me with falsehoods touching my action in 1861 that I now feel it to be my duty to place on record the facts, that those who come after me may know the truth as it was and is. I am induced to do this at this time from

the fact that I find published in the Norristown Register, (of Pennsylvania,) of April 7, 1881, a rehash of the old slander that I was a secessionist and induced men to enter the rebel army in 1861. This publication seems to have been superinduced by a speech made in the Senate Chamber a few days since by Senator HILL, of Georgia. These slanders seem to run through the democratic papers all over the country every time that any democrat reckless of his statements makes allusions to me in this connection.

Now, sir, in short I will give the history of this matter. I was elected to Congress in 1858 as an anti-Lecompton democrat, not as a "Bourbon," as my friend HILL, of Georgia, would have it understood in his remarks a few days since. In 1860 I was elected as a Douglas democrat, as distinguishable from the "Bourbon" or Breckenridge democracy of that day.

During the early part of the year 1861, when secession was rampant in this city and in the Halls of Congress, and while I had an opportunity of showing where my sympathies were, whether with the Union or not, which I did on the proposition as hereinafter stated, to wit, on the 7th day of January, 1861, Mr. Adrian, of New Jersey, proposed the following resolution in the House of Representatives:

Resolved, That we fully approve of the bold and patriotic act of Major Anderson in withdrawing from Fort Moultrie to Fort Sumter, and of the determination of the President to maintain that fearless officer in his present position; and that we will support the President in all constitutional measures to enforce the laws and preserve the Union.

On that resolution being submitted a motion was made to suspend the rules that the resolution might be taken up. On that vote to suspend the rules the yeas were 124, and the nays 53. The names I will read. On the motion to suspend the rules I voted in the affirmative. The southern members of Congress unanimously voted against it with three northern democrats, to wit, the Senator on my left from Ohio, [Mr. PENDLETON,] Representative Vallandigham, of Ohio, and Representative Niblack, of Indiana. This was the vote:

YEAS—124.

Adams, Charles F.,	Dunn,	Kellogg, William,	Rice,
Adams, Green,	Edgerton,	Kenyon,	Riggs,
Adrian,	Edwards,	Kilgore,	Robinson, Chris.,
Aldrich,	Eliot,	Larrabee,	Robinson, James C.,
Allen,	Ely,	Leach, De Witt C.,	Royce,
Alley,	Etheridge,	*Logan*,	Sedgwick,
Anderson, Wm. C.,	Farnsworth,	Longnecker,	Sherman,
Ashley,	Fenton,	Loomis,	Sicklea,
Babbitt,	Ferry,	Lovejoy,	Spaulding,
Beale,	Foster,	Maclay,	Spinner,
Bingham,	Frank,	Marston,	Stanton,
Blair,	French,	Martin, Charles D.,	Stevens,
Blake,	Gilmer,	*McClernand*,	Stewart, William,
Brayton,	Gooch,	McKean,	Stratton,
Briggs,	Grow,	McKenty,	Tappan,
Buffinton,	Gurley,	McKnight,	Thayer,
Burlingame,	Hale,	McPherson,	Theaker,
Campbell,	Hall,	Millward,	Tompkins,
Carey,	Haskin,	Montgomery,	Train,
Carter,	Helmick,	Moorhead,	Trimble,
Clemens,	Hickman,	Morrill,	Vandever,
Coburn,	Hoard,	Morris, Edward J.,	Wade,
Cochrane, John,	Holman,	Morse,	Waldron,
Colfax,	Howard, William,	Nixon,	Walton,
Covode,	Howard, Wm. A.,	Olin,	Washburn, C. C.,
Cox,	Hughes,	Palmer,	Washburne, E. B.,
Davis, John G.,	Humphrey,	Perry,	Webster,
Dawes,	Hutchins,	Pettit,	Wells,
Delano,	Irvine,	Porter,	Wilson,
Dimmick,	Junkin,	Pottle,	Windom,
Duell,	Kellogg, F. W.,	Reynolds, E. R.,	Wood.

NAYS—53.

Anderson, Thos. L.,	Crawford,	Landrum,	Rust,
Avery,	De Jarnette,	Leach, James M.,	Scott,
Barksdale,	Florence,	Love,	Simms,
Barret,	Garnett,	Mallory,	Singleton,
Bocock,	Gartrell,	Martin, Elbert S.,	Smith, Wm. N. H.,
Bouligny,	Hamilton,	*Maynard*,	Stevenson,
Branch,	Hardeman,	McRae,	Stokes,
Brown,	Harris, John T.,	Moore, Sydenham,	Taylor,
Burch,	Hatton,	*Niblack*,	*Vallandigham*,
Burnett,	Hawkins,	*Pendleton*,	Vance,
Clark, John B.,	Hill,	Peyton,	Wright.
Clopton,	Houston,	Pryor,	
Cobb,	Jones,	Quarles,	
Craig, James,	Kunkel,	Reagan,	

On that vote the rules were suspended, and the resolution was taken up; and on the motion to adopt that resolution it was adopted by a vote of 124 yeas to 56 nays. I voted in the affirmative, and Mr. Vallandigham, of Ohio, voted in the negative, the other gentleman whom I mentioned before not voting. Pending that vote I made the following remarks:

As the resolution receives my unqualified approbation, I vote "ay."

That was on January 7, 1861, the first resolution that was introduced in the House of Representatives in reference to the enforcement of the laws against secession, as I recollect it. That was of course while I was a democrat, before the inauguration of Mr. Lincoln, before a solitary gun had been fired to announce the determination of rebellion against this Government.

It would seem that at that time I stood in no equivocal position as to the rebellion or as to its suppression by force if need be. But further, on the 5th day of February, 1861, prior to the inauguration of Mr. Lincoln, I made a speech in the House of Representatives in favor of the compromise measures reported to the House and known as the Crittenden compromise. Every one here is conversant with that. In that speech I used the language, which will be found on page 179 of the Congressional Globe, second session Thirty-sixth Congress, in reference to secession which I will read. This speech was made from a democratic stand-point, and I defy any man to find one word in it that shows any sympathy with secession or rebellion. In reference to secession I made the following remarks:

Sir, I have always and do yet deny the right of secession. There is no warrant for it in the Constitution. It is wrong, it is unlawful, unconstitutional, and should be called by the right name—revolution. No good, sir, can result from it, but much mischief may. It is no remedy for any grievance. I hold that all grievances can be much easier redressed inside the Union than out of it.

Sir, what else? In reference to my early teachings, in the same speech I used the following language:

I have been taught to believe that the preservation of this glorious Union, with its broad flag waving over us as the shield for our protection on land and on sea, is paramount to all the parties and platforms that ever have existed or ever can exist. I would to-day, if I had the power, sink my own party and every other one with all their platforms into the vortex of ruin, without heaving a sigh or shedding a tear, to save the Union or even stop the revolution where it is.

Now, sir, I ask these gentlemen who are constantly referring to my speeches and record to read the speeches that I made when I was a democrat and see if they find any consolation in them in reference to their own views then or now. Sir, I was always a Union man, and the man who says to the contrary falsifies the record of the country.

I desire now to call the attention of my slanderers to a statement made voluntarily. In discussion here a few days ago the Senator from Georgia [Mr. HILL] made some allusion to these attacks that have been made on me and remarked that my speeches had been quoted in the South. Sir, if they quoted this speech in the South which I have just read, made in 1861 when I was yet a democrat, I do not think if they had followed out the doctrines in it there would have been any rebellion or secession. There are three Senators not all at present in the Senate Chamber but now occupying seats in the Senate on the democratic side who were then members of Congress with myself, and several on this side of the Chamber. Hearing this insinuation made and my reply to it, two Senators, democrats who took part in secession, voluntarily sent me the following letter. One of the signers of this letter, both Representatives at that time, was a gentleman with whom I was personally very friendly and intimate, and to them I say now publicly that I tender my thanks for their voluntary statement:

UNITED STATES SENATE CHAMBER,
Washington, April 14, 1881.

DEAR SIR: In a discussion in the Senate a few weeks since you referred to the fact that a southern Senator, who had served with you in Congress before the war, could testify that during your term of service there you gave no encouragement to the secession of the Southern States, adding, however, that you did not ask such testimony. I was not sure at the time that your reference was to me, as Senator PUGH, of Alabama, was also a member of that Congress.

Since then, having learned that your reference was to me, I proposed on the floor of the Senate, should suitable occasion offer, to state what I knew of your position and views at the time referred to. But as I may be absent from the Senate for some time I deem it best to give you this written statement with full authority to use it in any way that seems proper to you.

When you first came to Congress in —— you were a very ardent and impetuous democrat. In the division which took place between Mr. Douglas and his friends on the one hand and the southern democrats on the other you were a warm and uncompromising supporter of Mr. Douglas; and in the course of that contention you became somewhat estranged from your party associates in the South. In our frequent discussions upon the subjects of difference, I never heard a word of sympathy from your lips with secession either in theory or practice. On the contrary, you were vehement in your opposition to it. I remember well a conversation I had with you just before leaving Washington to become a candidate for the secession convention. You expressed the deep regret you felt at my proposed action, and deplored the contemplated movement in terms as strong as any I heard from any republican.

Yours, truly,

L. Q. C. LAMAR.

Hon. JOHN A. LOGAN,
United States Senate, Washington, D. C.

SENATE CHAMBER, *April* 14, 1881.

Having read the above statement of Senator LAMAR I fully concur with him in my recollection of your expressions and action in opposition to secession.

Truly, yours,

J. L. PUGH.

I appreciate this because it comes from democrats, with one of whom I had very intimate social relations at that time.

Sir, if these facts were all they might not be sufficient in the minds of some of my enemies to condemn those who have sought to injure my reputation; but there are more. In July, 1861, with a musket in hand, I entered the field of conflict at Bull Run. Shortly afterward I returned home, raised a regiment, and entered the Government service, resigning my seat in Congress. That is a thing I believe people do not generally do, resign seats in Congress, but I did it. I was in as many battles as any man during the war; at the battle of Fort Donelson was promoted to brigadier-general, in a very short period afterward to major-general. I commanded during the war a regiment, a brigade, a division, a corps, and finally Grant's old "Army of the Tennessee," and commanded it during the battle of Atlanta on the death of General McPherson. I mustered it out in 1865, at Louisville, Kentucky, including in its organization the Fourteenth, Fifteenth, Sixteenth, and Seventeenth Corps. Why I was promoted to these different commands I will let those who promoted me speak, and not myself.

When my army was mustered out, the war being ended, I resigned my commission, preferring not to receive pay from the Government when there was no further duty for me to perform.

Sir, I bear on my person more than one honorable scar of severe wounds received in battle. These are some of my certificates of loyalty given me by the enemies of my country.

Mr. President, it may not be uninteresting for me to give a statement as to how this false and malicious slander started against me.

At the breaking out of the rebellion I resided in Marion, Williamson County, Illinois, adjoining Jackson County, where I was born and raised. The people of that county were intensely democratic; a majority of them were from the South. On the 15th day of April, 1861, a few democrats got together in the town of Marion and passed resolutions in favor of secession and proposed to divide Illinois, resolving that they would join the South, &c.; also, during the ensuing month of May, 1861, Thorndike Brooks, a Marylander, then living at Marion, organized some young men into a company and left for the South; they made their way across the Ohio River and joined the confederate forces at Union City, as I have since been informed. About this time fifteen persons, more or less, left Jefferson County, some fifty miles north of Marion, for the South. Of these resolutions or of the men leaving either county, I had no knowledge; I was not in either of the counties on either of the occasions.

I raised my regiment during the summer of the same year partly in Williamson County, and partly in Jackson and other southern counties. At this time no one thought of my having any knowledge or connection with either of these acts mentioned. But after the war was over I was nominated in 1866 by the republicans for Congress, without any solicitation on my part. It was then in order for the opposition press to commence all kinds of attacks upon me. They charged that I being a resident of Marion had inspired the resolutions of April, 15, 1861, also that I had aided and encouraged the men who left with Thorndike Brooks for the confederate army. In order to aid this statement they procured the statement of a man by the name of Davis, who had been in the rebel army, to the effect that I had given him encouragement to go South inasmuch as, he said, "Hybert Cunningham," my brother-in-law, "told him that I would join them."

I will speak first as to the statement that I encouraged the secession resolutions. Mr. Manier, who had been the chairman of the meeting that passed the resolutions referred to, having changed his place of residence to Jefferson City, Missouri, seeing these charges wrote me the following letter unsolicited:

JEFFERSON CITY, MISSOURI, *October* 25, 1866.

DEAR SIR: My attention having been called to a publication in the Cairo Democrat, to the effect that you were present and participated in a meeting at Marion, Williamson County, Illinois, on the 15th day of April, 1861, in which resolutions were passed in favor of Southern Illinois seceding, in certain contingencies, and going with the southern confederacy, I take pleasure in doing you the justice of saying that you were not present at said meeting; that you had not been in Marion for some time previous; that, so far as my knowledge extends, you had no knowledge of such meeting being held, and, having acted as chairman of the meeting, I think I should have known it had you any connection with the meeting whatever. And I may also add that the use of my name by the Cairo Democrat was without my knowledge or consent. I have always known you to be truly loyal to the United States and a true soldier.

You are at liberty to make use of the above statements as may be necessary to counteract the statements of the Cairo Democrat.

Yours, respectfully,

J. D. MANIER.

General JOHN A. LOGAN.

Mr. J. D. Manier was a citizen of Marion, Williamson County, at the time these resolutions were passed, a leading democrat and a very prominent man. He made this statement as I have said voluntarily without any request on my part.

The Cairo Democrat, a vile rebel sheet, referred also to Daniel R. Pulley (who had been sheriff of Williamson County, a very prominent man) to sustain the assertion about the resolutions. I here give a letter of Mr. Pulley refuting the statement. This letter was written unsolicited and published at the time of which it bears date.

CARBONDALE, ILLINOIS, *October* 22, 1866.

I have never authorized the Cairo Democrat or any person to refer to me regarding the charges made against General LOGAN in that paper. At the time of their first publication I was in the State of Arkansas. The charges are to the best of my knowledge false. I also further state that General LOGAN was not at the meeting in Marion on April 15, 1861, at which anti-war resolutions were passed. Although differing with General Logan in politics, I believe him to have always been a loyal man, and am not willing that my name should be used to defame a neighbor and an honorable soldier.

D. R. PULLEY.

I will say here, by way of parenthesis, that my friends may think strange that I take pains to refute these charges, but they will see why before I am through.

Mr. President, let me also call your attention to the statement of eight persons who ought to know all the facts, and who certainly did know. These are all men of good reputation, and were citizens of Marion, Williamson County, at that time:

MARION, WILLIAMSON COUNTY, ILLINOIS, *October* 17, 1866.

We, the undersigned, are politically opposed to Mr. LOGAN. Part of us have been in the southern army, in Captain Thorndike Brooks's company, and have returned since the rebellion. Being acquainted with *all the facts* in the case, we make the following statement: Having noticed in the newspapers, particularly in the Cairo Democrat, an article charging General LOGAN with having participated in a meeting held in Marion in April, 1861, for the purpose of taking into consideration the expediency of attaching Southern Illinois to the southern confederacy in the event of said confederacy being formed, and also charging General LOGAN with having indorsed the resolutions of that meeting, and, further, that General LOGAN furnished means and encouragement to persons to leave Illinois and join the southern confederacy, &c., we hereby pronounce all of said charges untrue, General LOGAN not being in Marion at that time, nor having any knowledge of persons leaving here (Marion) at the time for the southern army, all statements to the contrary notwithstanding.

J. M. CUNNINGHAM.
W. R. TINKER.
R. J. PULLEY.
G. C. CAMPBELL.
JOSHUA LOWE.
GEO. W. LOWE.
B. F. LOWE.

Three of the persons whose names are signed here were a portion of the men who went South that are mentioned in these charges against me. I have also the statement of a man by the name of William Cook, a highly respectable merchant who then resided in Marion, Williamson County:

I, William Cook, live in Marion, Williamson County, Illinois; lived here at the outbreak of the rebellion, and hereby state that I am politically opposed to General LOGAN, but that he never at any time to my knowledge furnished means or encouragement to persons leaving here for the rebel army.

WILLIAM COOK.

These gentlemen were all democrats, who voluntarily made these statements and sent these letters to me.

Mr. President, I desire now to call attention to this man Davis, whose statement they procured, who stated that I encouraged him to go South. Of this man I can only say that I do not remember to have ever seen him before the war. His whole statement, so far as it relates to me, is a lie. Of his character I can only say that at the time he was hired, as I understood he was, to make this statement, the editor of the Shawneetown Mercury, Mr. Lusk, a reputable gentleman, who still resides in Illinois, who seems to have known him, spoke of him as follows:

We have had an opportunity of learning the character of this man Davis. To begin with, he is one of the most worthless of our race, and generally makes his odd change selling liquor to negroes and fiddling at their balls at $5 per night. He is from the rebel army, and is ready to swear or do the bidding of their sympathizers.

In order, however, to further show the baseness of these charges, I here append the letters of Captain Cunningham (or Hybert Cunningham) and others who are referred to in these statements.

Captain Cunningham, after the war, settled in the State of Mississippi; seeing these charges, he wrote me the following letter, which speaks for itself:

SCOOBA, MISSISSIPPI, *October* 15, 1866.

DEAR SIR: I have just seen an article accusing you of assisting me in recruiting men for the southern army, furnishing means, &c. Allow me here to state that such is an infamous lie. You neither furnished means or word of encouragement, but simply said to R. R. Kelly to not be hasty about going South, (April, 1861,) to weigh the matter well, &c. You never knew that I had any intention of going South, nor did I write until about one hour before I did go, and then went as a recruit in Captain Thorndike Brooks's company, and never recruited a single man for the southern army. I write this statement because it is just. Should have written sooner, but never saw the article until now.

Yours, as ever,

HYBERT B. CUNNINGHAM.

JOHN A. LOGAN.

The person referred to was one Robert R. Kelly, who was then stopping at J. M. Cunningham's, my father-in-law. This man Kelly was then recently from Missouri and was very violent in his denunciations of the North, and spoke of going South to enter the rebel army. I spoke to him probably on more than one occasion, as mentioned by Captain Cunningham, in order to dissuade him from a rash act.

In this connection also I read the letter of Abraham H. Morgan, a very worthy young man who was an intimate friend of Captain Cunningham, both being young, not over eighteen years at the time they entered the rebel army:

CARBONDALE, *October* 16, 1866.

I, A. H. Morgan, of Carbondale, Illinois, do hereby certify that I differ with General LOGAN in politics; that I was in the southern army under Captain Thorndike Brooks, of Illinois, in General Cheatham's command. Left Illinois with H. B. Cunningham (General LOGAN's brother-in-law)—

He is the Captain Cunningham I have referred to—

with other young men of this and Williamson Counties, Illinois, who composed Brooks's company; and further, that I testify to the truth of Mr. Cunningham's statement; and further, that General LOGAN never furnished means nor encouragement to any of us, neither was he in Marion at the time we started from that place. This statement I make without General LOGAN's knowledge; do so in justice to him, and to refute the slanderous charge made against him.

A. H. MORGAN.

Then afterward it was also charged in 1866, during the canvass, that Captain Cain, of Saline County, with his company, refused to join my regiment (the Thirty-first Illinois Volunteers) because they had no confidence in my loyalty to the Government. I here append the statement of Captain Cain, made at that time, in answer to the Cairo Democrat, where these vile slanders and persecutions against me originated, it being a vile rebel sheet, which pursued me with fiendishness that was then unparalleled:

BANKSTON, SALINE COUNTY, ILLINOIS, *October* 29, 1866.

Editor Era:

I have just seen an article, published in the Cairo Democrat, charging General JOHN A. LOGAN with disloyalty, in which my name was used to prove that my company (being one of the Thirty-first Illinois) had refused to go into the regiment because the men feared that General LOGAN was raising a regiment for the southern army. My name was used without my knowledge or permission, and I would state the charge made is false and untrue, and hope that you will give place to this in your paper that the honest people of the district may know how the above paper gets its evidence against the loyal men of the country.

Yours, truly,

J. Y. CAIN.

This man, Captain J. Y. Cain, did join my regiment, and was very seriously wounded at the battle of Fort Donelson, on account of which wound he had to leave the service. He was then and ever has been one of my devoted friends.

But, sir, it did not stop there. In 1868 I was again nominated for Congress by the republican party. Some unscrupulous persons went into the poor-house at Cairo, Illinois, and procured a statement from an old wretched panper by the name of Wheatley, by paying him money as I was informed and which was afterward admitted by Wheatley himself, and this is the statement now published in this Pennsylvania paper. The statement was to the effect that I had recruited men in Williamson County for the rebel army and marched them to the Ohio River, naming Captain Cunningham, Lowe, and others as of the number, whose statements I have already read. He also stated that at the battle of Belmont he and Cunningham chased me and captured my horse.

This is the statement upon which all this stuff has gone to the country. In answer to this infamous statement I say that I never saw this man Wheatley—never up to this hour in my life; never heard of him in any way whatever except through this lying, slanderous statement that he made. Nor did I in any manner whatever have any knowledge, directly or indirectly, of the raising or recruiting of the company mentioned by him, or any other company, part of company, or person for the Thirteenth Tennessee Regiment, or any other regiment or part of regiment for the confederate army. His whole affidavit and statement, in every part, word, and sentence, so far as it relates to me, is a base lie.

He says he and Captain Cunningham chased me at Belmont and captured my horse. There are many soldiers yet living that were at the battle of Belmont and know this statement to be false. Among them General Grant, General McClernand, and in fact the whole command. I was never chased by rebels at Belmont or anywhere else, and you will never find a rebel who will say, if he is an honest man, that he ever chased me anywhere.

As I said, I was never chased by rebels at Belmont or elsewhere, never had a horse captured there or elsewhere.

That ended these slanders at that time; but in 1875 it became necessary, I presume, before my canvass in 1876, to revamp these statements and put them afloat again. In a discussion here in the Senate an intimation was made of this kind by a Senator who is not now present, and in fact not now a member of this body. The New York World then took this old false statement of Wheatley and published it. I had taken no pains to trouble myself about the matter. I have not read a letter here that I have ever asked for, and they are all from democrats, many of them leading democrats, too, that know all about the facts. Seeing this statement in the New York World I wrote a letter to the New York World and at the same time I wrote a letter to Thorndike Brooks, who, when the confederate army surrendered, was lieutenant-colonel of one of the Tennessee regiments, the same man who raised these troops in Williamson County, Illinois. He then resided in Baltimore and was a merchant there. I had not seen him from the time I met him in Marion long before he went into the confederate service. I knew him there. He lived there at the time; but from that day I have not seen the man. I wrote him a note asking him the facts in reference to this man Wheatley. I did not know anything about Wheatley. I addressed the following letter to the New York World:

To the Editor of the World:

SIR: In your issue of the 16th instant was published a statement based upon a pretended affidavit of one John Wheatley, stating in substance that I "had" recruited a number of men in Williamson County, Illinois, at the beginning of the late war, for the southern confederacy; that I marched to the Ohio River and then deserted them, &c. I have no knowledge whatever of Mr. Wheatley, except through his false affidavit, never having seen him. If he ever resided in Williamson County I am not aware of it. This base and false statement of his was published in Illinois several years ago, and at the time wholly refuted by men of standing in the country, who declared every one of his statements to be utterly false. I understood at the time that this affidavit was procured from a man in one of the poor-houses in Illinois, by the name of Wheatley, for a consideration, and afterward denied by the same man. I had supposed that no one would again think of putting this base fabrication before the public, but inasmuch as it has been done, I presume you will not refuse to publish a refutation of it made by a gentleman whose knowledge of the facts are such that his statements cannot be questioned. I refer to Colonel Thorndike Brooks, of Baltimore, who recruited the men referred to by Wheatley, and commanded them during the war. He was raised in Maryland, removed to Williamson County, Illinois, a short time before the war, and is now a merchant in Baltimore, well known in that city. I therefore ask, as an act of justice to me, that you publish this note, with the letter of Colonel Brooks appended, in as conspicuous a part of your paper as you did the false statements against me.

Very respectfully,

JOHN A. LOGAN.

MARCH 31, 1875.

Now follows Colonel Thorndike Brooks's letter to me, a man whom I had not seen for nearly fifteen years, and the person who did recruit these men, and who did serve in the confederate army during the war. Here is his statement:

BALTIMORE, MARYLAND, *March* 27, 1875.

DEAR SIR: Your letter of this date is received, and in reply to your request for a vindication at my hands I will state that I have the statement published in the New York World, and copied into other papers, purporting to be an affidavit made by one "John Wheatley," in substance as follows:

"John G. Wheatley deposes that he was one of seventy men recruited for the confederate army by JOHN A. LOGAN; that the said LOGAN conducted the recruits from Williamson County, Illinois, under cover of night, to a place on the Ohio River, where they crossed into Kentucky to join the confederate army; that LOGAN chose this crossing-place in order to avoid Union troops stationed at Cairo; that LOGAN left the recruits at the river for the purpose of going back for more, promising faithfully to join the first in a few days, and then command the regiment in the confederate service."

I wish to say that said affidavit is a lie throughout. The only body of men ever taken from Williamson County, Illinois, to the confederate army, that I know of, were those that went with me. With the recruiting of these, or sending off, you certainly had nothing to do. Said "Wheatley" was never in Illinois that I know of before the war. I joined the southern cause believing it the right one, and have never changed my opinion on that point; however, not believing any good can be accomplished by propagating lies or withholding the truth, I have written you this letter as requested.

Respectfully, yours,

THORNDIKE BROOKS,
Late Lieutenant-Colonel C. S. A.

Hon. JOHN A. LOGAN.

Here was the man who commanded the troops; who had not changed his opinions; a man who was then a confederate and still insisted that he was right; and after he states to the world that these things were lies and that he was the man himself, still I am pursued with this vile slander and falsehood.

In 1879 a person by the name of Lowe, of the House of Representatives, in some manner was interviewed by a newspaper reporter and by that means started up this slander again. By his interview the number that I should have recruited for the rebel army in Illinois was increased to three regiments. The citizens of Marion and vicinity, without regard to political parties, sent me unasked a statement which I have not heretofore used for the reason that I did not desire to use anything to defend my reputation for loyalty, but inasmuch as the insinuation was made in the Senate Chamber I desire to put these facts upon record where they will endure as long as time shall last, and when I am dead and gone my children will have a vindication of my reputation to turn to. These statements were sent me at a time when Lowe was made to state that which he nor any one else could have known, and I will read them. First is a statement from a man by the name of Spencer Blankenship, who lived at Marion, Williamson County, Illinois, who entered the confederate service from there and came back after the war was over:

No. 1 A.

MARION, WILLIAMSON COUNTY, ILLINOIS, *May* 10, 1879.

I, Spencer Blankenship, do hereby certify that I was a member of the company that left Williamson County to join the rebel army in May, 1861, and I am well acquainted with General JOHN A. LOGAN, and was at the breaking out of the rebellion; and having in the last month or so seen it repeatedly charged in various newspapers throughout the country that he aided and advised us to take such step, I deem it but justice to him to say that the same is in every respect false and untrue. And I further certify at the time we left Marion LOGAN was not here, nor had he been for some days.

SPENCER BLANKENSHIP.

Following that is a letter from M. C. Campbell, a leading merchant of Marion, Williamson County. He writes:

No. 2 A.

MARION, ILL., *May* 10, 1879.

DEAR SIR: I see from the papers that you are accused of raising or help raising men for the southern army. This I know to be false; for I know you were not here when the men left here for the South, and I know when you came back here you said they were fools for going and if you had of been here you would of tried to kept them from going South, and you wanted me to go back and see if I could not get H. B. Cunningham out and come home, and I told you I could not, for he had been mustered in; and you said it would ruin him, and that I ought to of kept him from going. I then went from here to Paducah, and from there to Union City, where the men were mustered in, and I know that you told me that it was best thing could be done if I could get him out of the confederate army. You wanted me to go in and help raise a regiment for the Union Army, and I told you I would not do it, but finally told you if you intended to raise a regiment I would help you, and that John H. White, who was our county clerk, that he would be a good man and make a good lieutenant-colonel, and that I would talk to White about the same for you; and I know of my own knowledge you had nothing to do with raising or encouraging men for the southern army, and that young Cunningham did not want any person to let you know he was going South to join the army, for he said you would be opposed to him going into the southern army, and if you need a affidavit to these facts write me and I will make one.

Yours, truly,

M. C. CAMPBELL.

JOHN A. LOGAN.

I never wrote him, never answered his letter; I never made use of it before. So also was written me a letter by A. C. Hillman, a man well known in the country, a man who knows all about what he says:

No. 3 A.

SOUTHERN ILLINOIS NORMAL UNIVERSITY,
Carbondale, Jackson County, Illinois, April 29, 1879.

MY DEAR SIR: Besides the party that went from Williamson County, Illinois, to the confederate army, there was also a party that went from Jefferson County, Illinois, numbering about fifteen, recruited by ex-Sheriff Bagwell, who went with them and was killed in the battle of Shiloh.

This party we suppose must be one of Lowe's companies.

He is speaking of the statement that got into the papers through an interview with Mr. Lowe.

Being cognizant of the facts connected with that party, and having also frequently conversed with members of the company since the war, I can positively state you knew nothing of the company until it was mustered into the confederate service, and of course could not have given it any encouragement or assistance.

Truly yours,

A. C. HILLMAN.

Hon. JOHN A. LOGAN.

He is a reputable man in that country, a man who knows what he says about it, and I could give the reasons why he does know if it was necessary. These, as I stated, were all democrats, not a republican among them. Here is a letter from George W. Rearden, a reputable gentleman of Illinois. As I am getting a little tired I will ask the Clerk to read it.

The Secretary read as follows:

No. 4 A.

SAINT LOUIS, *April* 29, 1879.

To the Editor of the Globe-Democrat:

I see in the Globe-Democrat of this morning that in the controversy between Senator JOHN A. LOGAN and Mr. Lowe, of Alabama, Mr. Lowe sought to cast a reflec-

tion upon Senator LOGAN by insinuating that LOGAN was instrumental in sending men from Southern Illinois South for the purpose of forming a regiment for LOGAN's command in the southern army. Now, the insinuation is so absurd that I feel it is but just to General LOGAN to repeat a conversation that passed between LOGAN and myself.

I have known General LOGAN intimately for nearly thirty years.

I do not remember the exact dates, but it was just about the time a few persons did go South from Southern Illinois and joined the Thirteenth Tennessee Regiment in the confederate army at Union City, Tennessee, I think in 1861, and I heard LOGAN regret that any one should act so unwisely as those men. I know from conversation with LOGAN that it was impossible for him to sympathize with their movement. I was residing in Cairo, Illinois, and was going to Springfield to attend the United States district court at Carbondale, Illinois. LOGAN got on the train, also going to Springfield of course. At that time there was no other subject to talk about but the then threatened rebellion on the part of the South. At that time LOGAN was a member of Congress, and an enthusiastic democrat. I was a whig, and we had fought many hard battles politically. Yet we were warm personal friends.

After we had arrived at Springfield, Illinois, and during our stay at the hotel together, LOGAN said to me, "George, I have not told any one my plans, but I will tell you what I am going to do, as I think I may want to use you. In a few days I am going to Washington to attend Congress, and I may go from there to Richmond, Virginia, to see those people and find out what they want. If they want anything that is reasonable, I shall use every effort in Congress to satisfy them and keep peace; but if they are unreasonable in their demands and show a disposition to want to disrupt this Government, I will return to Washington and write you a letter at once to raise a company for my regiment, for I will raise a regiment, go into the war, and fight them to the bitter end," which programme he most faithfully carried out, for within a few weeks from that time he was in Cairo, Illinois, with a regiment of 1,100 men, and the country knows the balance.

GEO. W. REARDEN.

Mr. LOGAN. At the same time that this statement was being published all over the country, the people of Marion, where this company was raised and where I formerly resided, as I said before in reference to these other letters, without my solicitation sent me a paper which I will present. It is a very small town, but few people living in it; a country village. The prominent citizens of Marion, composed of merchants and leading men of the town, men who resided there at that time and who reside there now, and men of repute and good standing, sent me the following statement which I never used before, and I ask that it be read.

The Secretary read as follows:

No. 5 A.

Fourteen reputable citizens, about one-half democrats and one-half republicans.

MARION, WILLIAMSON COUNTY, ILLINOIS,
May 7, A. D. 1879.

We, the undersigned, citizens of Marion and vicinity for twenty-five years last past, do hereby certify that we were well acquainted with JOHN A. LOGAN at the breaking out of the rebellion, and having within the last month seen it repeatedly charged in newspapers throughout the country that he raised a company for the rebel army in this, Williamson County, we deem it but justice to him to say that to our personal knowledge, and as we each verily believe, he had nothing whatever to do with raising any company for the rebel army in this county, nor did he in any way exert his influence to that end. And that we were also acquainted with Thorndike Brooks, who has made a statement of LOGAN's non-connection with raising a company in this county, and that we believe the same to be correct in every particular, said statement of Brooks bearing date March 27, 1875.

FRANK M. GOODALL.	B. F. LOWE.
W. M. MITCHELL, P. M.	J. B. BAINBRIDGE, merchant.
G. W. GODDARD.	A. B. HENDRICKSON.
WM. E. WILEY.	W. P. GOODALL.
J. H. MANIER.	F. M. WESTBROOK.
ROBERT T. PULLEY.	M. C. CAMPBELL.
JOHN GOODALL.	F. M. NORMAN.

STATE OF ILLINOIS, WILLIAMSON COUNTY, *ss*:

I, W. H. Ewbanks, clerk of the county court in and for said county, in said State, do hereby certify that the persons whose names appear to the foregoing certificate are upright, truthful men, and any statement they might make would be entitled to full faith and credit.

In testimony whereof I hereto set my hand and affix the seal of said court at Marion, this 8th day of May, A. D. 1879.

[SEAL] W. H. EWBANKS,
County Clerk.

Mr. LOGAN. Mr. President, from the county of Jackson, an adjacent county, where I raised a part of my regiment, the citizens of Murphysborough and Carbondale, the leading men of both parties, democrats and republicans, sent me the following statements:

No. 6 A.

Twenty-nine reputable citizens of Jackson County, adjoining Williamson County, where I raised a part of my regiment.

We whose names are hereto subscribed, citizens of Jackson County, Southern Illinois, and well acquainted with General JOHN A. LOGAN, hereby declare any statement false which asserts that he at any time raised troops for the southern confederacy.

We also declare false and without foundation the statement in reference to this matter purporting to have been made by Colonel Lowe, of Alabama.

We further state, as our opinion, that any man who will reaffirm this slander—which has been shown to be false by the only persons who did join the southern army from Illinois—is a willful liar and defamer.

O. J. LEVAN.	W. J. MURPHY.
JOE P. ROBARTS.	CHARLES RITTER.
WILLIAM BAGWELL.	BEN. F. STROH.
A. J. HIGHTOWER.	LOUIS RITTER.
R. W. WATSON.	NICH. BAMBERGER.
BENJ. SMITH.	A. H. WHIPKEY.
B. F. WILL.	GEO. E. ZIMMERMAN.
JOHN W. JACOBS.	C. A. PELLET.
JEFF. JENKINS.	M. W. SHAW.
D. S. DAVIS, city clerk.	W. H. BAUSCHER.
P. M. POST.	JOE P. HAMILTON.
WM. F. ROBINS.	WM. A. SAYLOR.
WM. T. ROLENS.	M. C. WHITE.
SAM'L BROWN.	W. S. MURPHY.
THOS. HOLT.	

No. 7 A.

Fifty reputable citizens of Jackson County.

We, the undersigned, citizens of Jackson County, Southern Illinois, well acquainted with General JOHN A. LOGAN, hereby declare false and without the shadow of a foundation the statement purporting to be by Colonel Lowe, of Alabama, in reference to said LOGAN's raising troops in Southern Illinois for the southern confederacy. We further declare false any and every statement which asserts that said LOGAN raised or aided in raising any troops for the confederate army. We also give it as our opinion that any man who will reaffirm that slander after the proof given of its falsity is a willful defamer and unworthy to be treated as a gentleman.

S. E. NORTH.	LEWIS W. MARTIN.
CYRUS THOMAS.	OLIVER T. PRICKETT.
WILLIAM HADLEY.	D. L. WARD.
J. M. MORGAN.	ISAAC CLEMENTS.
THOMAS G. MATHEWS.	J. H. BARTON.
GEORGE L. BOWYEN.	JOHN M. DAVIS.
W. T. HYRES.	W. P. RODDEN.
JEFFERSON PHELPS.	C. A. SHEPPARD.
F. R. WAGGONER.	J. M. RICHART.
SIMEON WALKER, P. M.	H. F. CAMPBELL.
E. J. INGERSOLL.	J. S. CAMPBELL.
JOHN S. BRIDGES.	J. M. SCURLOCK.
SAMUEL F. BROWN.	H. W. COUGHAM.
A. F. BRIDGES.	O. BARBOUR.
J. C. BRIDGES.	F. A. PRICKETT.
W. H. WOODWARD.	J. H. CRANDALL.
WILLIAM WYKES.	CHARLES F. PRICKETT.
JAMES M. PRICKETT.	S. G. HINDMAN.
R. KIRKHAM.	RALPH RABOURN.
HENRY BUCKLES.	J. M. GREEN.
J. W. TOWLER.	E. H. SYKES.
A. B. MORRISON.	A. BARTHOLOMEW.
E. H. BRUSH.	W. H. BAIRD.
E. HINDMAN.	WILLIAM W. MESLA.
JAMES ROBERTS, M. D.	EDWARD BROWN.

No. 8 A.

Eighteen reputable citizens of Jackson County.

We whose names are hereto subscribed, citizens of Jackson County, Southern Illinois, and well acquainted with General JOHN A. LOGAN, hereby declare any statement false which asserts that he at any time raised troops for the southern confederacy.

We also declare false and without foundation the statement in reference to this matter purporting to have been made by Colonel Lowe, of Alabama.

We further state as our opinion, that any man who will reaffirm this slander—which has been shown to be false by the only persons who did join the southern army from Illinois—is a willful liar and defamer.

CHARLES KIRKHAM.	WM. BRADLEY, jr.
J. M. HAMILTON.	WM. BRADLEY, sr.
B. F. SAMS.	JAS. W. HALL.
JAMES BRADLEY.	W. C. ETHERTON.
DAN. W. MORRIS.	ROBT. W. HAMILTON.
JOHN L. OZBURN.	CHARLES M. BRADLEY.
J. E. BLANCHARD.	DON JOHNSON.
P. G. BROOKMAN.	W. T. INGRAM.
M. G. PARSONS.	O. L. MAHONEY.

These statements were sent, as I said, on account of the person who had this interview getting it suggested to the country in some way, whether intentionally or not I do not know nor do I care, and I did not use them for the reason that I thought my conduct in this country had been sufficiently conspicuous as far as the war was concerned to refute in and of itself all statements of that kind. But I find that whenever a little fling is made by some man—I will not say without regard to truth, but some man very reckless in the manner of his remarks—then every democratic paper in the country comes flooded with these old lies again, the same old statements that have been refuted time and again. So it was then. A few days ago a remark was made as I said by the Senator from Georgia [Mr. HILL] in which he intimated that the people of the South had read my speeches that were on the line in which they acted. I then said to him it was false—not that they had not read my speeches; perhaps they had; I do not know. If they did read them, they found very good reading in the most of them. But that was sufficient to start the democratic press howling and yelping again on my track with these old lies and slanders. Then I thought that I would put on record the truth about this whole matter for a purpose which I will state before I conclude.

The Senator from Georgia in fact withdrew his remarks before he sat down, and said he accepted my statement; but the people of Marion, where this thing occurred, again voluntarily sent me the following statement in answer to Senator HILL, and although there are some pretty strong remarks in it I will have it read.

The Secretary read as follows:

No. 9 A.

Twenty-two reputable citizens of Williamson County.

MARION, ILLINOIS, *April* 4, 1881.

DEAR SIR: We, the undersigned, citizens of Marion and Williamson County, seeing the assertions and intimations made by Senator HILL, of Georgia, in the United States Senate, March 30, that you made disloyal speeches in this part of the country in 1860-'61, we wish to say we have been personally acquainted with you for the last twenty-five or thirty years, and have heard or read most all of your prominent speeches made at that time, and such assertions made by Senator HILL are false in every respect.

If it was necessary, hundreds of our best citizens, *regardless of political feelings*, would certify to such being false.

JOS. W. HARTWELL, att'y.	J. B. BAINBRIDGE, merchant.
S. C. MOONEYHAM.	W. H. EUBANKS, county clerk.
F. M. NORMAN.	N. B. CALVERT.
JOHN A. ENSMINGER.	VANCLEVE HENDRICKSON.
A. M. ASKEW.	J. H. MANIER, express agent.
E. L. DENNISON, M. D.	M. C. CAMPBELL.
ADISON REECE.	JOHN GOODALL.
ROB'T J. PULLEY.	W. J. SPILLER.
OLIVER DAVIS.	GEO. W. LAMASTER.
F. M. WESTBROOK.	GEO. W. GODDARD.
F. M. GOODALL.	J. W. SAMUELS.

Hon. JOHN A. LOGAN, *Washington, D. C.*

Mr. LOGAN. This was sent to me several days ago, signed by the prominent people of that town, democrats and republicans.

I apologize to the Senate, Mr. President, for taking their time in reference to a matter personal to myself; but, as I said, these vile slanders have been sent broadcast until I and some of my friends thought it was time for me to put on record a refutation of them. I have never heretofore made answer to them except as I have shown here. I have only answered them by my conduct in war and in peace; but I put this refutation on record for this purpose: First, as I said, that my children after me may not have these slanders thrown in their faces without the power of dispelling or refuting them; I put them on this record that they may endure in this Senate Chamber so that they may be a notice to Senators of all parties and all creeds that hereafter while I am here in this Senate no insinuation of that kind will be submitted to by me. This, sir, is all.

Mr. BROWN. Mr. President, I believe I was present and heard the discussion between the honorable Senator who has just taken his seat and my colleague, in which the expressions were dropped by my colleague to which allusion has been made by the Senator from Illinois. My recollection is that they grew out of some remarks that were made by the honorable Senator from Illinois about some of the supposed inconsistencies in the record of my colleague, and that he retorted at the time by referring to these representations of what we had understood to be the substance of the speeches made by the Senator from Illinois. I think, as stated by the Senator from Illinois, my colleague expressed himself satisfied after having heard the explanations of the Senator from Illinois.

Mr. LOGAN. I stated, so that it might go in my remarks, that he qualified it when he said it. I had the statement read referring to him, although it contained some strong remarks about him, because they were part of the statement sent to me. I know the Senator from Georgia [Mr. HILL] accepted my statement at the time, and I put that remark in what I said as I went along.

Mr. BROWN. That was my recollection, and as my colleague is absent, I simply felt it my duty to say that I know he had no purpose to do injustice to the Senator from Illinois.

Mr. LOGAN. I do not claim that he had.

Mr. BROWN. The Senator from Illinois having been, as he said, at a former period a rather ultra democrat, and, while taking part in the discussion on the slavery question, having been, I believe, in rather an advanced position on the execution of the fugitive-slave law and other matters that we gave him great praise for in that day, and I now think he did right under the law as it was then, I suppose those facts and circumstances led our people naturally to look out for any remarks that might be made by him; and our newspapers may have misrepresented his position. I am now satisfied they did. I have heard the Senator's statement with great interest, and I take pleasure in saying—for I had some idea before that there was some shadow of truth in this report—that I think his vindication is full, complete, and conclusive.

I recollect very well during the war, when I was governor of my State and the Federal Army was invading it, to have had a large force of militia aiding the confederate army, and that General LOGAN was considered by us as one of the ablest, most gallant, and skillful leaders of the Federal Army. We had occasion to feel his power and we learned to respect him, and I am very glad to hear his statement in defense, if he chooses to call it such, and I know our people will be very glad to do him full justice. I have no doubt if my colleague were present he would cheerfully concur in what I have stated.

Mr. BECK. Mr. President, I have not heard all the speech of the Senator from Illinois, [Mr. LOGAN,] but the other day when in a very good-natured way he referred to something that had occurred when I first went into the House of Representatives, I said to him that perhaps there were some old lies told about him that should lead him not to place so much confidence in what had been said of me without a knowledge of the facts. I desire to say in this connection that at that time when I was kept out of the House for some time, as the Senator knows, on account of my connection with a gentleman who had been Vice-President and a candidate for the Presidency, a great many things were said to me about the Senator from Illinois, and supposing I would look into records of gentlemen, I was referred to many acts and speeches of his. As I said the other day, I never proposed to go into such things and never have done so, but at that time General Frank Blair was here and I submitted many of the papers I received to him—I never thought of using any of them—and I remember the remark that he made to me, "BECK, JOHN LOGAN was one of the hardest fighters of the war; and when many men who were seeking to whistle him down the wind because of his politics when the war began were snugly fixed in safe places he was taking his life in his hand wherever the danger was greatest," and I tore up every paper I got and burnt it in the fire before his eyes.

Mr. DAWES. Mr. President, I do not know that anything which can be said on this side would be of any consequence to the Senator from Illinois in this matter; but I came into the House of Representatives at the same session that the Senator did; he was at that time one of the most intense of democrats and I was there with him when the rebellion first took root and manifested itself in open and flagrant war; and I wish to say as a republican of that day, when the Senator from Illinois was a democrat, that at the earliest possible moment when the republican party was in anxiety as to the position of the northern democracy on the question of forcible assault on the Union, nothing did they hail with more delight than the early stand which the Senator from Illinois, from the democratic side of the House, took upon the question of resistance to the Government of the United States. I feel that it is right that I should state that he was among the first, if not the very first, of the northern democrats who came out and openly declared, whatever may have been their opinion about the doctrines of the republican party, that when it came to a question of forcible resistance they should be counted on the side of the Government and in co-operation with the republican party in the attempt to maintain its authority.

I am very glad, whether it may be of any service or not, to bear this testimony to the early stand the Senator from Illinois took while he was still a democrat and the large influence he exerted upon the northern democracy, which kept it from being involved in the condition and in the work of the southern democracy at that time.

The PRESIDING OFFICER, (Mr. BLAIR in the chair.) The question is on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone indefinitely.

Mr. DAWES. I hope we shall now take a vote on the pending resolution.

Mr. HARRIS. I move to lay the resolution of the Senator from Massachusetts on the table.

The PRESIDING OFFICER. The Senator from Tennessee moves to lay the resolution of the Senator from Massachusetts on the table.

Mr. COCKRELL. Pending that motion, I believe we have received a message from the President of the United States communicating to us important matters for our business transactions, and therefore I move that the Senate proceed to the consideration of executive business.

Mr. CONKLING. May I inquire of the Senator from Missouri did he say he had received a message from the President?

Mr. COCKRELL. The Senate had.

Mr. CONKLING. Oh!

Mr. COCKRELL. All confidential communications from the President are sent to the other side of the Chamber.

Mr. CONKLING. I supposed the Senator had been the special recipient of this from the tremulous way in which he spoke of it. [Laughter.]

Mr. COCKRELL. On the motion to proceed to the consideration of executive business I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question with the Senator from Georgia who is absent, [Mr. HILL.]

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.] I would vote "yea" if I was not so paired. I will not announce my pair any more to-day.

Mr. DAVIS, of West Virginia, (when Mr. CAMDEN's name was called.) My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin, [Mr. SAWYER.]

Mr. BROWN, (when the name of Mr. HILL, of Georgia, was called.) My colleague [Mr. HILL] is still paired with the Senator from Rhode Island, [Mr. ANTHONY.] I make the announcement for the day.

Mr. HARRIS, (when Mr. JACKSON's name was called.) My colleague [Mr. JACKSON] is necessarily absent from the Chamber to-day. He is paired with the Senator from Iowa, [Mr. MCDILL.] If he were present, my colleague would vote "yea."

Mr. PLATT, of New York, (when his name was called.) I desire to announce for the day that I am paired with the Senator from California, [Mr. FARLEY.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

The roll-call was concluded.

Mr. HAMPTON. I beg to announce that my colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Kansas, [Mr. PLUMB.] I make the announcement now as my colleague may be absent some days on account of sickness in his family.

The result was announced—yeas 20, nays 23; as follows:

YEAS—20.

Bayard,	Davis of W. Va.,	Harris,	Morgan,
Brown,	George,	Johnston,	Pendleton,
Call,	Gorman,	Jonas,	Pugh,
Cockrell,	Groome,	Lamar,	Ransom,
Coke,	Hampton,	McPherson,	Slater.

NAYS—23.

Allison,	Dawes,	Hill of Colorado,	Mitchell,
Blair,	Edgerton,	Hoar,	Morrill,
Burnside,	Ferry,	Ingalls,	Platt of Conn.,
Cameron of Wis.,	Frye,	Logan,	Sewell,
Conger,	Harrison,	McMillan,	Sherman.
Conkling,	Hawley,	Mahone,	

ABSENT—33.

Anthony,	Garland,	Maxey,	Vance,
Beck,	Grover,	Miller,	Van Wyck,
Butler,	Hale,	Platt of N. Y.,	Vest,
Camden,	Hill of Georgia,	Plumb,	Voorhees,
Cameron of Pa.,	Jackson,	Rollins,	Walker,
Davis of Illinois,	Jones of Florida,	Saulsbury,	Williams.
Edmunds,	Jones of Nevada,	Saunders,	
Fair,	Kellogg,	Sawyer,	
Farley,	McDill,	Teller,	

So the motion was not agreed to.

Mr. DAWES. After so decisive a vote as that, I do not think there can be any question that we should take a vote on the resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] to lay the resolution on the table.

Mr. DAWES. I hardly thought after so decisive a vote as has just been taken that the motion would be pressed.

Mr. COCKRELL. We do not want the trouble of withdrawing it; we may as well take the vote.

Several SENATORS. Let us have the yeas and nays on this motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. CAMERON, of Wisconsin, (when Mr. SAWYER'S name was called.) My colleague [Mr. SAWYER] is paired with the Senator from West Virginia, [Mr. CAMDEN.]

The roll-call having been concluded, the result was announced—yeas 18, nays 22; as follows:

YEAS—18.

Bayard,	Gorman,	Jonas,	Pugh,
Brown,	Groome,	Lamar,	Ransom,
Call,	Hampton,	McPherson,	Slater.
Cockrell,	Harris,	Morgan,	
Davis of W. Va.,	Johnston,	Pendleton,	

NAYS—22.

Allison,	Dawes,	Hill of Colorado,	Morrill,
Blair,	Edgerton,	Hoar,	Platt of Conn.,
Burnside,	Ferry,	Ingalls,	Sewell,
Cameron of Wis.,	Frye,	McMillan,	Sherman.
Conger,	Harrison,	Mahone,	
Conkling,	Hawley,	Mitchell,	

ABSENT—36.

Anthony,	Farley,	Kellogg,	Saunders,
Beck,	Garland,	Logan,	Sawyer,
Butler,	George,	McDill,	Teller,
Camden,	Grover,	Maxey,	Vance,
Cameron of Pa.,	Hale,	Miller,	Van Wyck,
Coke,	Hill of Georgia,	Platt of N. Y.,	Vest,
Davis of Illinois,	Jackson,	Plumb,	Voorhees,
Edmunds,	Jones of Florida,	Rollins,	Walker,
Fair,	Jones of Nevada,	Saulsbury,	Williams.

So the motion to lay on the table was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Ohio [Mr. PENDLETON] to indefinitely postpone the resolution.

Mr. CALL. Mr. President, the Senator from Massachusetts [Mr. DAWES] yesterday made the following remarks:

I do not so far as I am concerned care at all, it is not so far as I am concerned the weight of a feather, whether this resolution be voted up or voted down; but what concerns me is the great question beyond that, swallowing up everything else, vital in the struggle to maintain the integrity and power and will of this Government that has been going on among the American people for twenty years against that fatal error, assuming all phases and adopting all devices and resorting to all methods if thereby the will of the majority as it speaks through the Constitution and the laws of this land may be perverted and defied and trampled down.

Again he said:

Whether the majority be one or one hundred thousand matters not; it is the decree of this Government that that majority is omnipotent under it, and he who refuses to obey that will sets himself up against his Government in a vain—I believe a vain, certainly an unholy—attempt to overthrow it.

It has been asserted time and again in this Chamber that there was a constitutional majority demanding the passage of the resolution now before the Senate. I deny it, Mr. President; and I ask the Senator from Massachusetts not to engage in vague declamation and assertion, but to meet the argument against it with argument and reason.

The honorable Senators from Massachusetts represent a State and a people famous throughout the world for their high appreciation and their profound knowledge of the laws that govern the intellectual processes which have accomplished the moral and material triumphs of this age. They owe it to Massachusetts and to her high character in the intellectual world that something more than mere declamation, than iteration and reiteration of the same proposition, should be made. I invite the attention of the honorable Senators from Massachusetts and other Senators who have so often affirmed that there was a constitutional majority for the resolution now pending to meet with argument and reason the inquiries and propositions I shall submit to them here.

First I ask the honorable Senator from Massachusetts [Mr. DAWES] is not a constitutional object for the exercise of the power of a constitutional majority, in the spirit and intendment of the Constitution, equally essential to make a constitutional majority on any question as the mere existence of the requisite number? I apprehend that there is but one answer to that question, and I invite the attention of the Senator and ask him if he proposes to affirm that the existence of a constitutional object is not as necessary as the mere requisite numbers? Then I will ask Senators upon the other side who maintain that there is a constitutional majority upon the question of the passage of this resolution to elect the officers of the Senate, is it a constitutional object in the spirit and intendment of the Constitution for the exercise of the power of a majority to bestow the Senate offices for the purpose of carrying a State election in the interest of any party? I challenge the gentlemen upon the other side to assume the affirmative of that proposition. It has been asserted upon the floor of the Senate time and again that this resolution was proposed to be passed for a purpose, and that purpose not the convenience of the Senate but for the purpose of influencing an election now about to occur in the State of Virginia. I ask gentlemen who maintain the affirmative of that proposition which has been asserted here, is it constitutional to exercise the power of a majority for the purpose of influencing a party election in a State or any State election?

I ask again, to bring the contention down to the question and not to engage in vain assertion, was there ever a case before where a Senator for the first time acted in the Senate with a party and at the same time received the right of appointing or had all the valuable and lucrative offices of the Senate appointed in accordance with his interest and with his known desires? Was there ever a case before where the Senate was avowedly proposed to be organized for the purpose and in the interest of a party election then going on? Will the Senator from Massachusetts state any reasonable and proper hypothesis on which a Senator can for the first time act with a political party and at the same time receive from it the bestowal of lucrative offices? I ask further, may not a resolution otherwise constitutional become unconstitutional because of the intention with which it is passed, or the purpose and effect of it? As an instance of this proposition I submit the inquiry, would it not have been unconstitutional in 1861 to have elected a Sergeant-at-Arms and a Secretary of the Senate for the purpose and with the effect of encouraging secession and the dissolution of the Union? Would it not be unconstitutional to elect officers of the Senate either for the purpose or with the effect of encouraging or aiding a movement in any State of the Union for repudiation or a readjustment of her State debt? Is it not unconstitutional to elect officers of the Senate for the purpose or with the effect of aiding or encouraging any State or any party in the State to do anything which is not within the prescribed constitutional powers of Congress and of the Government of the United States? Is the readjustment of the debts of Virginia or the question of the election of a governor, a Senator, and members of the Legislature of the State of Virginia within the powers of the Constitution and the Government of the United States?

Mr. President, I submit that we are not here for the purpose of vain declamation. Neither the Senator from Massachusetts nor myself can make reason, nor can we dethrone the power of truth and substitute declamation for the processes of the human mind in discovering the truth. These propositions are necessary to be answered before the gentlemen upon the other side can maintain that this resolution is a constitutional resolution and that there is a constitutional majority for it. I affirm that when the object and the effect of a measure are outside of the Constitution and inimical to it, it must be contrary to the spirit and intendment and purpose of the Constitution, and there can be no constitutional majority to do that which the Constitution does not authorize and which is unfriendly to its spirit and its purposes.

There is no authority in the Constitution for a constitutional majority of the Senate to do anything for the purpose of carrying a party election in any State or to do anything that is not within the limits of the prescribed powers and objects of the Constitution.

In my judgment it is a disrespect to the Constitution and to the American people and to their great system of government and its beneficent purposes when the Senator from Massachusetts declaims here so often and so earnestly in favor of a constitutional majority on this question and the right of a constitutional majority to pass this resolution, intended, as is declared, not for the convenience of public business, but to influence the elections of Virginia and to do honor to the Senator from Virginia for his support of the republican party in the Senate. I acknowledge the duty of submission to a constitutional majority *for a constitutional purpose;* but an election in the State of Virginia for her Legislature, her governor, her judges, and her Senator, so far from being a constitutional purpose is directly prohibited by our Constitution and our form of government in the assertion that the powers of this Government shall be exercised for the objects prescribed in the Constitution, and you cannot say with truth that your resolution only proposes to elect a Sergeant-at-Arms and a Secretary of the Senate when you avow your main and distinct purpose to be and when the necessary effect will be to effect that which the Constitution says you shall have no right to interfere in, to wit, the election, the free election, in the State of Virginia of her own State officers. It is that which makes this resolution entirely unconstitutional, it is its purpose and its effect.

The honorable Senator from Massachusetts a few days ago, in the discussion which occurred here, denied a statement that I made, not resting upon my own authority but upon the statements of the contestant and contestee in Congress, Messrs. Boynton and Loring, of Massachusetts, and of General B. F. Butler, of Massachusetts, and of the report of the special committee of investigation of which Mr. Wallace was chairman, when I was endeavoring to show that there was no reality in this matter of a free ballot and a fair count; that this proclamation of a new party, a coalition between the republicans and the Senator from Virginia to secure a free ballot and a fair count in the Southern States was a mere pretense; that the gentlemen who made it, the Senators from Massachusetts, came here from

a State that had no free ballot. I stated that there was according to the best estimate that could be found 130,000 or 140,000 adult white males disfranchised in their State. The proposition was denied as absurd; the calculation made by General Butler was said to be untrue. It was said that the ballot was free there; that it rested upon the consent of a majority of the people of Massachusetts.

The Southern States were assailed because they were said to prevent by intimidation and violence a free ballot, and by some means prohibited a majority of people from exercising the franchise. The burden of the complaint was that every man was a brother, whatever his race or color, and therefore had equal rights; that there was something divine in the power of the majority, and that upon that superstructure this Government was built. I asserted then that there was a freer ballot and a fairer count in the Southern States, a more widely extended ballot, than anywhere else in the world.

In the special instance of Massachusetts the honorable gentlemen denied it. They said there was no man in Massachusetts who did not hoot and laugh at the statement; in General Butler's brief of 130,000 disfranchised persons they affirmed that it was utterly untrue. I am here now to submit the figures to these honorable gentlemen and to ask them to come forward not with assertion but with proof. The statement which General Butler submitted to the other House, and which I read the other day in the contest between Boynton and Loring, affirmed that there were, in 1875, 449,686 ratable polls; that there were of *voters*, native born, 281,842; of foreign born, 69,271; that there were in the State, deducting 5,699 persons supposed to be under twenty-one years of age, in 1875, 449,686, and in 1878, 490,158, from which he estimated by the rate of increase that there were 403,444 citizens of the United States in the State of Massachusetts, 136,859 of whom, after allowing 4 per cent. of the total vote of the State for persons remaining away from the polls, were disfranchised for other causes than criminality, idiocy, and insanity, the causes being illiteracy, failure to pay a tax, and pauperism.

I hold in my hand the census of the State of Massachusetts taken by authority in the year 1875. I propose to investigate by the light of that census and by the facts exhibited in that census how far the ballot is free and the count is fair in the State of Massachusetts. The Senators from Massachusetts cannot surpass me in respect for the high intellect, the great material progress, and the great charities which are exhibited by that State in its history and its present development. I said the Senators from Massachusetts representing that State and her laws under which this great development and this civilization had occurred have no right to come here and shake hands upon a pretended, a vain, and an improper coalition to create a free ballot and a fair count in other States by impugning the character and the honesty and the love of truth of the whole people, not of one but of many States.

Let us see how Massachusetts stands. The Senators deny pointedly the statement to be true that there was anything like one hundred thousand or one hundred and thirty-nine thousand adult males in the State of Massachusetts disfranchised. What does the census say in 1875, to which you must add the increase of population up to 1878, the date at which we were speaking? I read from the census, page 34:

It will be seen that 351,113, or 21¼ per cent. of the whole population, are legal voters. Of the whole male population 44 per cent. are voters; 56 per cent., or 449,686, are ratable polls. The naturalized voters compose 19.7 per cent., or 69,271, of the whole number of voters, and the number of native voters is 281,842, or 80.3 per cent. of the whole number.

The native-born voters constitute 47 + per cent. of the native-born males, and the naturalized voters 35 per cent. of the foreign-born males.

The aliens or foreign-birth, that is of males over twenty years of age who have not been naturalized, number 79,136.

Of the 297,997 native-born males over twenty years of age 281,842 are legal voters, while of the 161,888 foreign-born males over twenty-one years of age 69,271, or 42 per cent., are legal voters.

If the honorable Senators will add those two figures together of the native-born voters and the naturalized foreign-born voters they will find the exact figures stated in General Butler's brief and by me of 351,000 voters in 1875, and the rest is the natural rate of increase according to the population of the State of Massachusetts.

Not only that, but this is further confirmed by the census of 1870, which declares the whole number of all classes of male population twenty-one years and upward to be 398,157, and the number of male citizens at that date to be 312,770. So that it will be perceived that here is not only the authority of the census of Massachusetts for the exact statement that was made—that there were in the State of Massachusetts in 1878 more than one hundred and thirty thousand people, citizens of Massachusetts, entitled to vote under the laws but for illiteracy, failure to pay a tax, and pauperism, who did not vote in the election of 1878—but we find still further that the number of voters in the election of 1878, as stated by General Butler, was 256,332.

Table from Massachusetts census of 1875, *pages* 34, 94.

Native voters	281,842
Increase to 1878 (estimated—not in census)	25,366
Foreign-born voters	69,271
Increase (estimated to 1878)	6,234
Native-born illiterates	6,075
Total	388,788

NOTE.—The above result appears from the census of 1875, without adding the foreign-born illiterates naturalized which General Butler adds in his brief, and which he puts down, on what authority I do not know, at 14,691. This will make the number of legal voters 403,479, of whom 256,332 voted in 1878, leaving 147,147 persons who did not vote in 1878.

The difference between 388,788 and 449,686 and increase, (estimated in 1878 to be 490,158,) who were not returned as voters in the census of 1875, who were disfranchised from some cause, either from laws of naturalization, from illiteracy, from non-taxpaying, pauperism, or from some cause—this ascertained number, affirmed by the census in the State of Massachusetts and by a reasonable estimate of increase, is 101,370 adult males. Now the Senators of Massachusetts are proclaiming here a new crusade for a freer vote in the State of Virginia, when as stated by their own census there is only 44 per cent. of her entire male population who are voters, and 16,000 of her adult native-born males above the age of twenty-one years who are not allowed to vote under her laws, while there are of foreigners naturalized only 42 per cent., or 69,271 are legal voters out of 161,885 foreign-born males over twenty years of age, leaving 92,613 persons of foreign birth who are not voters, and making, with the 16,000 native-born above the age of twenty years who are not voters, 108,614 adult males of her population who have no voice in her public affairs. This may be somewhat explained by the statement of the census of Massachusetts of 1875, which states as follows, (see page 94:)

Of the whole number of illiterates the balance, or 90,789, more than 86 per cent. of the whole, are over twenty-one years of age. The native-born illiterates number 12,150, more than half being above twenty-one years of age.

There are simply 42 per cent. of foreign-born males, otherwise citizens of Massachusetts, except that they have no right to vote, over twenty years of age, of whom 69,271, nothing like a majority, scarcely a third, are not allowed to vote. What does this show? The amazing fact that with her census declaring that there were 351,113 qualified voters in the State of Massachusetts in 1875, there was a State election in 1878 at which from one cause and another only 256,332 votes were cast.

In the election of 1876, an exciting presidential election in which the full vote must have been brought out, out of 351,113 legal voters by their census of 1875 Hayes received 150,063 votes and Tilden 108,777, and 92,273 did not vote.

In the election for governor in 1879, which was an exciting election, Mr. Long received 122,751 votes, General Butler received 109,149 votes, Adams received 9,989 votes, Eddy received 1,645 votes, all others received 108 votes; total of votes cast, 243,642, less by 107,471 than the number of legal votes in 1875. (See Manual for the General Court, 1880, page 267.)

The population in 1875 was 1,651,912. Thirty and a fraction was the rate of increase from 1865 to 1875. This makes 198,228 increase added to the 1,651,912, or 1,850,140 in 1879. One-fifth estimated as voters makes, in 1879, 370,028; less votes cast in 1879, 243,648, leaves 126,380 who did not vote.

Does that condition of things authorize a crusade upon other States, the building up of a party for the purpose of extending the ballot somewhere else, for the purpose of enabling the majority to rule in other States, for the purpose of establishing qualifications and conditions which create and substitute a new power in and over the States in this respect in the place of the virtue and religion and character of their own people? That is the argument. The Senator from Massachusetts can make it, but he cannot escape in the eye of reason; he cannot escape in the critical and intelligent and reasonable processes of public opinion and in the educated opinion in the great institutions of learning in Massachusetts, by affirming a distinction where none exists, and saying that he does not question the right of any State to impose its own constitutional requirements and conditions, but that he does question the right of any State to impose such conditions and qualifications as will (not in their judgment, but in his or that of the people of some other State) fail to secure to every man the right as the law gives it to them, not as that State acting upon its own responsibility, not as the character and intelligence and virtue of its people may think fit and best, but as he or some others in their judgment may think best outside of them. I agree with the Senator that in Massachusetts and New York, in Florida, in Mississippi, in Texas, everywhere, the law should be administered to give full and perfect protection to every man, but I insist that under the Constitution of our country any qualification for voters and any means by which the voter shall have his right ascertained and secured to him must be by the State law, the public opinion of the State, the moral and religious character of the people, and her judicial tribunals, and these are the true and proper means by which those rights are both to be made and preserved.

The Senators therefore were wrong in their confident declaration that the statements which I read on the occasion referred to as to the number of people in Massachusetts who are not allowed to have any part in the government of Massachusetts are untrue, because their own census in direct terms, leaving no room for mistake, affirms the number to be exactly what I said, that is, in 1875 351,113 voters out of 449,000, the number of native-born voters being 281,842 and the foreign-born voters 69,271, making 351,115 as the real number as stated in the census; so that the statement of these gentleman that the foreign-born voters who are not naturalized have been taken out of that and that it included all sexes, ages, and conditions, is entirely incorrect.

Mr. President, what are the other tables which we find in this Mas-

sachusetts census? We find that there were, in 1875, 83,842 illiterate persons over the age of twenty-one years, and the native-born over twenty-one years were 6,075; that there were male paupers 2,388, convicts 3,578. (See census, page 94.)

The other day when I asserted that the ballot in Massachusetts was of necessity influenced by the character of the business, the pursuits, the occupations of the people, my honorable friend from Massachusetts denied the proposition. He asserted that the arm of labor in Massachusetts was more powerful than the arm of capital; that the employer was afraid to attempt to influence the employé as to his vote. I said that wherever there is a dense population, wherever capital is concentrated, wherever the people are dependent upon the arbitrary will of the employer, the ballot must be influenced and controlled largely by the dependence of the one and the power and independence of the other. Let us see how far this is probably true. My honorable friend said that in Massachusetts education was open to everybody; that the clause of illiteracy had comparatively little or no influence. I never questioned the propriety of laws looking to secure the power and control of the Government in the hands of the intelligent, the virtuous, and the tax-paying people, but I did question the Senator's right, standing here upon such laws, holding his seat by virtue of the disfranchisement of more than 139,000 citizens of Massachusetts who but for such laws would be voters, to declare another and a contrary policy, and to seek to build up another and a contrary policy resting upon a different philosophy and a different theory.

Let us see what is to be found upon that subject. I find in these statistics, which are very thorough and gotten up with ability, the following, to which I invite the attention of my distinguished friend from Massachusetts, for it is Massachusetts authority and it is upon the point of how far, what number of people, illiteracy affects with a disfranchisement in the State of Massachusetts. It is upon the point of the independence of the great and intelligent and virtuous laboring people of Massachusetts of her wealth and her capital. I will go with him in all sympathy for them. In our country there is a warm and cordial love and sympathy for the laboring-man. We sympathize with the laborer; we honor honest toil, and we respect and love dearly those people who do as all men ought to do, earn their living by the sweat of their brow. Let us see how it is in Massachusetts, a country which is the sixth in density of population of all the countries of the world, whose civilization is wonderful, whose public charities are worthy of great and most eminent commendation and praise. Let us see how the poor people, the laboring people, of Massachusetts are free from the power of wealth. Says the census of that State, page 266:

The average amount of minor children's earnings, for males, in the State is $227.65, a sum nearly one-half as large as the fathers themselves earn at their regular occupations. It is to be borne in mind that this sum is not the average earnings of *each child*, but is the amount which accrues to *each father or mother* from the labor of a child or children.

Mark how accurate are these statistics. Let us see now how power is built up in Massachusetts. I said we had a freer ballot and a fairer count and a more independent voting population than they had in Massachusetts. I do not object to her laws; I admire and commend with my feeble tribute of admiration her wonderful progress, her great civilization; but let us have the facts; and do not let gentlemen standing upon that system of things come here to reproach us and make a coalition with the Senator from Virginia for a fair count and a free ballot as the foundation of a new crusade against the good order, the peace and harmony of society, and all the business interests of many of the States of the Union, when they themselves deny a free ballot and insist on their own State authority to make the count.

The compendium of the census continues as follows:

It is, however, a great question whether the money brought into the family in this way subserves its best interests. The children thus put into the factory and workshop *are usually deprived of the school education* necessary to their highest success in after life. So *that the real interests of the individual and of the State are* thus sacrificed to the *immediate demand for subsistence.* It is a fact that *the most of the children working in mills*, who furnish the large proportion of the earnings exhibited in the table, *are growing up in ignorance.*

I commend that to the honorable Senator from Massachusetts taken from the Massachusetts census, not as a censure upon Massachusetts or upon her laws or upon her civil polity, but as one of the necessary and inevitable facts for which no science, social or political, has yet found a remedy in a dense population subsisting by the arts and manufactures.

The census goes on to say:

That they are *the nucleus of a class that is likely to expand gradually* into an *element unfit for self-government, and unmanageable by the purblind intelligence that in its haste to be rich has made use of their ignorance, there can be no doubt.*

The census further says:

Under school attendance is given the number of children attending school at least three months during the year ending May 1, 1875.

Mark you, we are wanting to know whether or not this reading or writing qualification disfranchises any large number of the people of the State of Massachusetts, the native or the foreign-born citizen, the man and the brother; not a new race of people newly enfranchised into freedom without education and dependent on the charities and the sympathies and the good judgment of their neighbors of another and a different race, but Massachusetts people of their own race, their own people. Let us see how they are affected by such a qualification.

Says the census in regard to school attendance, page 89:

The whole number of all ages (attending school three months in 1875) is 232,784; 1,969 being under five years of age, 254,568 between five and fifteen, and 26,947 above fifteen. From the returns made to the board of education contemporaneously with the census returns, there appear to be 300,834 children between five and fifteen years of age in the State, and this number is fully sustained by the census. These statements indicate that there were 46,266 children in the State between five and fifteen years of age who had not "attended school three months during the year ending May 1, 1875."

There are 46,266 children, notwithstanding the statute which the Senator from Massachusetts produced here the other day, who had not attended school during three months of that year, and the reason why is given—*because their labor was necessary to the subsistence of the family.*

Here is another fact for my learned friend. He says there are very few people affected by these qualifications. I stated from the report that there were 139,000, and it appears very clearly from the exact figures of the census that there was that number. Let us look at the question in a different way. Let us see how illiteracy affects it. I read again from the census:

Illiterates have been, in this census, classified as those persons who cannot read, but can write; cannot write, but can read; and can neither read nor write; of the first class there are 307; of the second, 26,656; of the third, 77,550; total 104,513—above ten years of age, or about 6½ per cent. of the whole population.

* * * * * * *

Of the whole number of illiterates, 6,041 are between the ages of ten and fifteen inclusive; 5,554 are between sixteen and nineteen, inclusive; 2,129 from twenty to twenty-one, inclusive, and the balance, or 90,789—more than 86 per cent. of the whole—are above twenty-one years of age. The native-born illiterates number 12,150 (more than half being above twenty-one,) or less than 1 per cent. of the native-born population; the foreign-born illiterates number 92,363.

So from a variety of sources it appears that there must of necessity be more than 136,000 adult white male people in the State of Massachusetts who are from one cause or another *denied the ballot.*

With all that large mass of laboring people, industrious and worthy the support of the State, with all this long list here of manufactures and arts which produce the wonderful wealth of Massachusetts, let us see what is their condition. This table is made from answers to a series of questions propounded under the authority of law, carefully prepared and covering the true ground and purpose of a census, the ascertainment of the industrial, material, and moral condition of the State and her people. I venture to say there are few works on this subject so unpretending and yet so thorough in its classification as that which I now hold in my hand, together with the public documents of Massachusetts, from 17 to 30, connected with it.

The facts which I shall state are obtained from a large number of answers to questions in writing. The whole number of answers received was 110,246. This statement is made from these answers. Of this number 63,263 were returns from males and 17,630 from females, and of the total number used 71,339 were from the "wage" class, and 9,554 from the salary class; of the 80,893 answering, 45,929 males and 1,935 females *returned* 142,385 *people dependent* upon them for support. The average number of dependents upon the males was 3.02, and on the females 1.76, while the average for both males and females was 2.97.

Let us see what these people received and what it cost them to live. We can inquire then whether the Senator from Massachusetts is right in his proposition that the more dependent men and women are upon others for food and clothing and shelter the more independent they are of the will of such person. The correlative of the proposition is that the more absolute the power and control of one class of people over another to withhold or give them food, clothing, and shelter, the less disposed they are to exercise such power. That is the argument.

I read again from the Massachusetts census:

The average number of hours per day employed for males is shown to be 10.21, and for females, 10.49.

* * * * * * *

The average daily wage is found to be $2.01.

* * * * * * *

We think it can be safely said that the daily wage of the male adult workman in this Commonwealth for 1875 was $2.01. * * * The average daily wage of females is seen to be eighty-two cents. * * * The average yearly earnings of the former is found to be $482.72, and of the latter, $198.76.

Of the eighty thousand and odd people here answering these questions, 14,046 males and 287 females are owners of the dwellings in which they live; that is an aggregate of 13,333 persons. Of those, 5,823 males and 116 females have an incumbrance on their houses in the shape of a mortgage. The yearly wages of the males is found to be $482.72, and of females is $198.76. The amount paid for rent is 22½ per cent. of this sum. The cost of living is $488.96 for the men; for the women, $182.86.

The Senator from Massachusetts can tell us how much independence there is where famine, hunger, and nakedness stand outside of an income received only in health and barely supplying the wife and children with the clothing and shelter and food which protects them from the severe and inclement winter and from starvation.

There are the figures of Massachusetts' own census, and, while standing with a restricted suffrage and a vote in 1876, 1878, and 1879 of only about two-thirds of her adult population, her Senators join a coalition to give Virginia a "free ballot."

In the census of 1870 Massachusetts is reported with 398,000 male citizens of twenty-one years of age and 312,000 voters, while Virginia

stands with 269,000 adult male citizens and 266,000 voters. I venture to say, not with disrespect to Massachusetts, for she is a triumph of civilization, but disrespect to the argument which asserts a greater independence and freedom from the influence of wealth and power for her people than the people of the Southern States, whose wants are fewer, who live in an agricultural country, where there is no density of population, however splendid may be your attainments in securing and in accumulating wealth; a people who are crowded in a small space, and who are the sixth in density of population in the world; who are a vast mass of laboring people, the skilled operatives of the country, producing enormous wealth, yet compelled to live on scanty wages, when you turn from this to see your statistics of pauperism, your statistics of crime, you may well follow Dickens and Victor Hugo and others into their descriptions of that vast mass of people who are the miserables, the unfortunate of humanity, those of whom fortune has made its buffets, and many of whom are driven against their will into crime and pauperism. You will find that you cannot maintain the proposition that by any laws that you may make you can defend and protect people in this condition from the silent, certain, and oppressive influences of power. Here you stand with 260,000 votes cast in three successive elections out of a population of 449,000 ratable polls and its increase.

In 1878 of the estimated 403,444 citizens she had a vote of 256,000. You may say, with the learned and distinguished Senator from Massachusetts, [Mr. HOAR], who is always capable of meeting any argument or any statement of fact, "The people staid at home." That accounts for a great many, but it does not account for the difference between 256,000 and 403,444 *in three successive important and exciting elections.*

Let us go further and see how these laws operate, not only in Massachusetts but everywhere else. You have an intelligence qualification. Upon this subject I depart from the census and speak only by the authority of the pamphlet of General Butler. He is responsible for this statement. He says:

> By an amendment to the constitution of Massachusetts, article 20, page 38, General Statutes, adopted the 3d day of May, 1857, it is provided as follows:
> "No person shall have a right to vote or be eligible to office under the constitution of this Commonwealth who shall not be able to read the constitution in the English language and write his name."
>
> * * * * * * * *
>
> This article was adopted by the Legislature of 1854-'55, and ratified by the people on the 23d day of May, 1857, by a vote of 23,833 in favor, and 13,746 against, out of some one hundred and fifty thousand of the then voters of Massachusetts.

Out of that whole number of 150,000 qualified voters in the State of Massachusetts here is a disfranchising clause cutting off nearly one-half of her resident male population by virtue of one qualification and another in its application and its terms, together furnishing the opportunity and the cause, adopted by 23,833 votes. I challenge the Senator from Massachusetts to deny that fact. If it be true, then the honorable Senators stand here to-day Senators of the United States under a constitutional clause adopted by 23,000 votes out of 150,000 in the State of Massachusetts which disfranchises, according to the figures of her own census, or withholds the ballot from nearly half of her adult males. I ask the honorable Senators how they can escape by saying that they recognize the power of any State to impose her own qualifications? I understand the honorable Senator from Massachusetts [Mr. DAWES] to say that he recognizes the right of Virginia to disqualify and disfranchise any portion of her people that she sees fit to do by her constitution or her laws passed under her constitution. That is in effect to say to the Virginians, "Strike hands with us for a free ballot and a fair count; all we ask of you is to go to your constitutional convention or legislature as we did in Massachusetts, where with 23,000 votes out of 150,000 we disfranchised about one-third or more of the male adult people, the man and the brother." The Senator will not deny it; there it is; here is your census; here are the figures which I have cited, and he cannot properly deny that they are true. He says to the Virginians, "Go and do as we have done, but do not restrict the suffrage in any other way; do not commit violence; do not intimidate anybody." For although the same State law makes you amenable and responsible for any wrong or violence to the voter the same State constitution guarantees the voter protection against violence in every locality; the public opinion, the enlightened conscience, the laws that must be passed and executed in response to that public opinion under your State constitution are sufficient for the voter's protection, and must be subverted by us before we can interfere with the ballot or the count under State law. Yet we must establish a party policy and a law for your States; but we will show you a better way. Go to your Legislature or your convention, and disfranchise as many as you please, without limit; impose, as you have the right to do, suffrage qualifications of intelligence and payment of taxes, of good moral character, quiet and peaceable behavior, and "I will sustain you to the end." Gentlemen, that cannot be the foundation for a party. Either the "man and the brother" and his equal and universal rights are true, or the limitations which laws and public opinion and the protection of property and the morality of the community may demand are true. Laws stand upon philosophies, upon theories of right or wrong, and are not mere arbitrary enactments. So, upon your proposition, a free ballot means that its freedom is to be prescribed and limited by the State law, but that the count must be limited and supervised and protected by Federal law, and has neither logic nor philosophy in it; it does not touch the point of either theory, or in any way address itself to the cure of any real or supposed evil.

Mr. President, let us look a little further at the States which honorable Senators on the other side represent. I say again I am making no criticism unfriendly to Massachusetts or any other States, to their wealth, to their power, and their great civilization. I am simply endeavoring to hold you, gentlemen, to the light and reason of that civilization and to prove that you cannot justify this coalition on fictitious grounds. I want to compare these States upon which you say there must be a crusade for a free ballot and a fair count with your own States in this respect. You have joined with the Senator from Virginia, you say that you have gone in with him to suppress a great evil in the South, a limited suffrage, a suppression of suffrage by violence. We deny that. Let us see, however, how you stand in your republican States on that subject. I wish to read a statement. The honorable Senators from Pennsylvania may answer whether it is true. It is a statement made by Mr. Ryon, of Pennsylvania, and I have here some figures in the census which look a little that way:

> In the State of Pennsylvania, where we have 407,428 democrats, it takes 50,928 to send a Representative to this House. These 407,000 electors in Pennsylvania are represented by eight men upon this floor. The republican vote in 1880 was 444,704. It takes 23,450 republicans to elect a Representative to Congress. These 444,000 republicans in the State of Pennsylvania are represented by nineteen men in this House. The city of Philadelphia has five Representatives on this floor. One is a democrat and four are republicans. It takes 75,000 democrats in that city to elect one democrat, and 94,000 republicans to elect four republicans.
>
> * * * * * * * *
>
> In the State of New York, in the State of Ohio, and in the State of Pennsylvania by this process of gerrymandering more white men are practically disfranchised than there are negroes in the South.

I have no doubt that is true. I have no doubt that under this process of what you call districting the country, which you think legitimate, to accumulate votes in one district by which you destroy all the excess over a majority and render those ballots entirely useless, and do it for that express purpose, that you disfranchise of their right to an equal ballot more white male citizens in these great States than there are colored voters in the entire South. Here stands the record, and it may be a subject of calculation, of specific and certain ascertainment about which there can be no doubt and no denial.

Let us see how the census stands. Here you are making a crusade for a free ballot. If you mean anything you mean an extended ballot, because you do not propose to subvert State authority directly; you do not propose to subvert the State governments; you do not propose to say that on any other than an election day the Federal courts may take cognizance of every act of violence, and there can be no interference with the ballot except by violence. You do not avow any purpose by laws of the United States to try and punish State officials for the manner in which they conduct their State elections.

As I said, Virginia, *with nearly double the population of Connecticut*, has 2,562 males above the age of twenty-one who are not voters, while Connecticut has 22,916 *who are not voters*. By the census of 1870 South Carolina has about the same population as Connecticut, and has only 1,413 males over twenty-one years who were not voters by law. Maryland has 184,000 males above twenty-one years and 169,000 voters; North Carolina, 217,000 males and 214,000 voters; South Carolina, 148,000 citizens above twenty-one and 146,000 voters; while Maine has 169,000 citizens above twenty-one and only 153,160 voters; Georgia, 237,000 citizens above twenty-one and she had 234,000 voters, being a difference of only two or three thousand. Vermont had 90,806 citizens above twenty-one years of age and she had only 74,867 voters. Connecticut had 150,415 males above twenty-one years and 127,499 voters. Florida had, in 1870, 39,907 citizens above twenty-one years of age and 38,854 voters. Alabama had 203,315, and she had 202,000 voters; Mississippi, 174,000 citizens and 169,000 voters; Louisiana, 174,000 citizens and 159,000 voters; Texas, 184,000 citizens and 169,000 voters. Ohio had 640,820 males above twenty-one years and 592,000 voters; Pennsylvania, 865,000 and only 766,000 voters; Illinois, 625,000 and only 542,000 voters; Minnesota, 114,000 and only 75,000 voters; Michigan, 315,937 and only 274,000 voters; Wisconsin, 255,000 and only 203,000 voters.

It may be said that a large portion of those are foreigners. Very true, but in some of your States West you have provided for these people voting under State laws in advance of the period of naturalization. I care not whether they do not vote because they cannot vote or because they do not feel interest enough in the suffrage to vote. Whether they are prohibited from voting or indifferent to its exercise, I say that, standing as you do in these States, with a very large portion of your population who do not vote who are not of the majority, you have not a majority rule or a majority power. Your proposition is not right. It matters not whether it be from one cause or another, but in all your States you have different grounds and causes of suffrage qualification, while in our Southern States the figures show and the fact is a suffrage far more nearly universal, and I challenge Senators on the other side to bring one solitary case on reasonable evidence of violence or repression beyond that which occurs everywhere.

Mr. President, I said upon a former occasion that the criminal statistics of the Northern States would exhibit exactly the same condition of crime and the same causes of crime that are to be found in every Southern State; that the proportion would be very nearly the

same; and that those crimes, committed in States where the people were nearly all of the same race, were therefore the natural outgrowth of humanity in their relations to each other, that they were crimes committed by citizens of the same race upon each other. I will add the table which I have here in my hand from the Massachusetts census, without detaining the Senate to read it.

[From Census of Massachusetts, 1875.]

Causes of imprisonment.	Under 10 yrs.		10 to 15 years.		Above 15 years.		Total.		
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Total.
Adultery	....	....	....	....	45	18	45	18	63
Arson and setting fires	....	....	2	....	33	3	35	3	38
Assault	....	....	....	....	86	3	86	3	89
Assault and battery	....	....	7	....	172	9	179	9	188
Assault, felonious	....	....	....	....	39	1	39	1	40
Assault, indecent	....	....	....	....	6	....	6	....	6
Assault on an officer	....	....	....	....	12	....	12	....	12
Attempt to break and enter	....	....	....	....	10	....	10	....	10
Attempt to commit murder	....	....	....	....	....	1	....	1	1
Attempt to commit rape	....	....	....	....	30	....	30	....	30
Attempt to commit larceny	....	....	2	....	12	....	14	....	14
Attempt to pick pocket	....	....	....	....	2	....	2	....	2
Attempt to rob	....	....	....	....	2	1	2	1	3
Bastardy	....	....	....	....	4	....	4	....	4
Bigamy	....	....	....	....	2	....	2	....	2
Breaking and entering	2	....	13	....	97	2	112	2	114
Breaking and entering, and larceny	....	....	6	....	312	....	318	....	318
Burglary	....	....	....	....	47	....	47	....	47
Burglary with intent to kill	....	....	....	....	1	....	1	....	1
Carrying concealed weapons	....	....	....	....	1	....	1	....	1
Circulating obscene papers	....	....	....	....	2	....	2	....	2
Common railers and brawlers	....	....	....	....	....	2	....	2	2
Counterfeiting coin	....	....	....	....	2	....	2	....	2
Cruelty to animals	....	....	....	....	2	....	2	....	2
Debt	....	....	....	....	2	....	2	....	2
Disorderly	....	....	....	....	2	....	2	....	2
Disobedience	....	....	2	....	5	....	7	....	7
Disturbing a public school	....	....	....	....	1	....	1	....	1
Disturbing the peace	....	....	....	....	16	2	16	2	18
Drunkenness	....	....	2	....	648	241	650	241	891
Embezzlement	....	....	....	....	16	3	16	3	19
Escaped convicts	....	....	....	....	3	....	3	....	3
Evading car-fare	....	....	....	....	3	....	3	....	3
Fast driving	....	....	....	....	2	....	2	....	2
Forgery	....	....	....	....	47	....	47	....	47
Fornication	....	....	....	....	6	8	6	8	14
Fraud	....	....	1	....	39	....	40	....	40
Furnishing liquor to prisoners	....	....	....	....	1	1	1	1	2
Having burglars' tools	....	....	....	....	1	....	1	....	1
Having counterfeit money	....	....	....	....	1	....	1	....	1
Housebreaking	....	....	....	....	1	....	1	....	1
Idleness	....	....	....	....	25	14	25	14	39
Idle and disorderly	....	....	....	....	75	100	75	100	175
Incest	....	....	....	....	6	....	6	....	6
Indecent exposure	....	....	....	....	4	....	4	....	4
Keeping a gaming house	....	....	....	....	2	....	2	....	2
Keeping a house of ill-fame	....	....	....	....	6	2	6	2	8
Keeping noisy and disorderly house	....	....	....	....	3	5	8	....	8
Larceny	5	....	110	....	738	76	853	76	929
Lewd and lascivious persons	....	....	....	....	19	7	19	7	26
Liquor nuisance	....	....	....	....	13	2	13	2	15
Maiming	....	....	....	....	2	....	2	....	2
Malicious mischief	....	....	4	....	23	3	27	3	30
Manslaughter	....	....	1	....	48	....	49	....	49
Murder	....	....	....	....	21	3	21	3	24
Neglect of family	....	....	....	....	1	....	1	....	1
Night-walking	....	....	....	....	....	57	....	57	57
Not given	....	....	....	....	113	119	113	119	232
Obstructing railroad track	....	....	1	....	3	....	4	....	4
Passing counterfeit money	....	....	....	....	3	....	3	....	3
Perjury	....	....	....	....	5	....	5	....	5
Prize-fighting	....	....	....	....	1	....	1	....	1
Procuring abortion	....	....	....	....	3	....	3	....	3
Profanity	....	....	....	....	1	....	1	....	1
Polygamy	....	....	....	....	5	3	5	3	8
Rape	....	....	....	....	16	....	16	....	16
Receiving stolen goods	....	....	1	....	20	7	21	7	28
Rescuing a prisoner	....	....	....	....	3	3	3	3	6
Robbery	....	....	....	....	123	2	123	2	125
Runaways	....	....	....	....	1	....	1	....	1
Sodomy	....	....	....	....	3	....	3	....	3
Stealing a ride	....	....	....	....	4	....	4	....	4
Stubbornness	....	....	12	....	38	1	50	1	51
Stubbornness and disobedience	....	....	18	....	9	4	27	4	31
Threatening bodily harm	....	....	....	....	4	1	4	1	5
Transferred from State primary school	....	....	2	....	....	....	2	....	2
Truancy	7	....	95	3	5	....	107	3	110
Vagrancy	5	1	63	4	137	50	205	55	260
Violation of city ordinance	....	....	....	....	3	....	3	....	3
Violation of license law	....	....	....	....	17	....	17	....	17
Violation of Sunday law	....	....	....	....	1	....	1	....	1
Totals	19	1	342	7	3,217	754	3,578	762	4,340

It appears here that in Massachusetts you have 4,340 convicts in your State annually.

Mr. SAULSBURY. In one year?

Mr. CALL. Every year; that is the average. Out of 4,340 you have 335 breaking and entering, including burglary; drunkenness, 891; murder, 24; manslaughter, 49; malicious mischief, 30; forgery, 47; disturbing the peace, 18. You may say what you will, gentlemen, about equal rights, but the doors of the courts of justice are in great part closed to the poor almost everywhere. Law to a great extent, except in its punitive sanctions, is a luxury for the rich. Almost everywhere outside of the holy precincts of religion and the temples and places of charity, poverty and want meet with that cold charity which is proverbial as applied to the poor. There is not much law for the man who is a beggar, whether in Massachusetts or anywhere else; quite as much there as anywhere else, no doubt.

The list further comprises: Larceny, 929; robbery, 125; truancy and vagrancy, 370; murder, 24; manslaughter, keeping a gaming house, burglary with intent to kill, bigamy, polygamy, rape, vagrancy, passing counterfeit money, felonious assault, attempt to commit murder, attempt to commit rape, arson, &c., the same crimes that are to be found in the Southern States precisely. I challenge gentlemen to the proof. Here are your records. Do not come with vain assertions. I challenge the honorable Senator from Ohio [Mr. SHERMAN] who sat by the disfranchising returning board of Louisiana to meet the proposition. That board was a board which by the electoral commission it was decided had the power to make the ballot and to count the vote or to reject it, when you said that the votes that were intimidated there should have representatives, and the Senator from Louisiana [Mr. KELLOGG] holds his seat by your vote and countenance here to-day upon the proposition that the returning board of Louisiana had the right to say that men were elected to the Legislature who did not receive a majority but would have received it but for intimidation and for outrage and threatened and committed wrongs upon voters who would have voted.

Now I hope Senators will meet the conclusion which results from these your own statistics showing exactly the same kind of crime committed upon your own people and in the same proportion, for the proportion in Massachusetts and elsewhere *per capita*, according to the census, is not very greatly different; if at all the advantage is not upon your side.

I have done. As I said before, I have no unkind feeling to any portion of the people of this great country. I honor and respect Massachusetts and her great history, her wonderful development, her great educational privileges, and her wealth. I see that upon that path of human progress and beneficence, which should be the object of all of us, she is making rapid strides to cure whatever may be subject to cure in the evils of a dense population and the unequal accumulation and distribution of wealth; but her Senators are here sustaining a coalition which affirms a constitutional power to do that which Massachusetts denies by her own laws to her own people, a constitutional power to do that which is destructive of the Constitution of the United States and of the States. Your argument as to a constitutional majority and its right and your argument as to your proposed purpose of "a free ballot and a fair count" are neither of them sincere; neither of them is real, neither of them justified by facts, neither of them can be sustained in sound argument.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the indefinite postponement of the resolution, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. COKE, (when his name was called.) I am paired with the Senator from Kansas, [Mr. INGALLS.] If he were here, I should vote "yea."

Mr. PLATT, of New York, (when his name was called.) I am paired with the Senator from California, [Mr. FARLEY.]

Mr. PLUMB, (when his name was called.) I am paired on this question with the Senator from Missouri, [Mr. VEST.]

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

The roll-call was concluded.

Mr. PLATT, of Connecticut. I am paired with the Senator from Oregon, [Mr. SLATER,] unless my vote should be necessary to make a quorum.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. HILL.] My colleague, if here, would vote "nay."

Mr. BECK. I am paired on all questions with the Senator from Maine, [Mr. HALE.]

The result was announced—yeas 18, nays 21; as follows:

YEAS—18.

Bayard,	Gorman,	Jonas,	Ransom,
Brown,	Groome,	Lamar,	Saulsbury,
Call,	Hampton,	McPherson,	Voorhees.
Cockrell,	Harris,	Pendleton,	
Davis of W. Va.,	Johnston,	Pugh,	

NAYS—21.

Allison,	Dawes,	Hill of Colorado,	Morrill,
Blair,	Edgerton,	Hoar,	Sewell,
Burnside,	Ferry,	Logan,	Sherman.
Cameron of Wis.,	Frye,	McMillan,	
Conger,	Harrison,	Mahone,	
Conkling,	Hawley,	Mitchell,	

ABSENT—37.

Anthony,	Garland,	McDill,	Slater,
Beck,	George,	Maxey,	Teller,
Butler,	Grover,	Miller,	Vance,
Camden,	Hale,	Morgan,	Van Wyck,
Cameron of Pa.,	Hill of Georgia,	Platt of Conn.,	Vest,
Coke,	Ingalls,	Platt of N. Y.,	Walker,
Davis of Illinois,	Jackson,	Plumb,	Williams.
Edmunds,	Jones of Florida,	Rollins,	
Fair,	Jones of Nevada,	Saunders,	
Farley,	Kellogg,	Sawyer.	

So the motion to indefinitely postpone the resolution was not agreed to.

The PRESIDING OFFICER. The question is on the resolution.

Mr. HARRIS. There is a motion pending to postpone the resolution until the first Monday in December next; and, pending that, I desire to move that the Senate proceed to the consideration of executive business.

Mr. DAWES. I should like to inquire who made the motion to postpone to December.

The PRESIDING OFFICER. The Senator from Tennessee, [Mr. HARRIS.]

Mr. DAWES. Can the Senator make two motions at the same time?

The PRESIDING OFFICER. Both his motions are pending.

Mr. DAWES. Can he make two motions at the same time while on the floor?

Mr. HARRIS. The Senator from Tennessee made one motion a month ago, and the other about two minutes ago.

The PRESIDING OFFICER. The motion of the Senator from Tennessee to postpone was pending, and he now makes another motion.

Mr. DAWES. I inferred that he made them both at the same time.

The PRESIDING OFFICER. Not at all.

Mr. CAMERON, of Pennsylvania. I desire to say a few words.

The PRESIDING OFFICER. Debate is out of order. The question is on the motion for an executive session.

Mr. CAMERON, of Pennsylvania. Will the Senator withdraw the motion for a moment?

Mr. HARRIS. Certainly. I withhold the motion if the Senator desires to occupy the floor.

Mr. CAMERON, of Pennsylvania. I wish to make a few remarks.

Mr. President, on the 4th of March last the Senate was convened in extraordinary session by the President of the United States. Since that date a controversy has arisen as to the organization of this body. A minority has arrogated to itself the right to control the action of a lawfully constituted majority—a majority recognized by the Constitution. What right has that minority, I demand, to dictate to the majority what their course of action shall be in this body? Are not the majority alone responsible to the people of this nation for whatever course they deem it advisable to pursue here? They are fully competent to take charge of their own affairs without the guardianship of the democratic party. I will tell you, gentlemen, in plain language what you are doing, for it requires no rhetorical metaphor or the weaving of fine poetical sentences to enable the intelligent and patriotic people of this country to understand you. It is simply a repetition, in a different form, of the shot-gun policy of intimidation, the so-called "Mississippi plan," which has proved so successful in most of the States south of Mason and Dixon's line. You want to inaugurate the same policy in the Senate of the United States. I do not believe that the people of the country will consent to it. It is simply another effort to revolutionize all parliamentary precedents to accomplish through political maneuvers that which you failed to do by precipitating this nation into a bloody war which cost it thousands of millions of dollars and many thousand lives of brave, noble men. Look at the crippled soldier as he hobbles along on his crutches; behold the empty sleeve of the heroic man who raised his arm in defense of the grandest nation the world ever saw; see the poor widows and orphans and the desolate homes caused by the *same* revolutionary proceedings that you are endeavoring to re-enact to-day.

Mr. President, if the gentlemen on the other side want the South to be prosperous, they must cease this mode of warfare. The South will never rise to a higher plane than that which it occupies now as long as this condition of things is permitted to go on. As long as intimidation and social ostracism are allowed to prevail there, it cannot expect to be respected. The Senator from Alabama, [Mr. MORGAN,] whom I admire so much, not only on account of his great ability and learning but on account of his frankness, amiability, and kindness, said in his speech on Thursday last that—

> The freedom of the government means the freedom of the governed; when the governed are free the people must govern themselves, and to do this they must be relatively and proportionately equal in the rights, powers, and privileges which the government is ordained to establish and protect.

I join hands with the honorable Senator in that doctrine; but let me inform my worthy friend that no such condition of things exists at the South; the governed are not "free," neither are they relatively and proportionately equal in their rights, powers, and privileges. If that were the true state of affairs, I should not for my part utter one word of complaint; but it is not. Intimidation and social ostracism do exist in the South, and as long as that is the case it cannot be prosperous. These curses must be eradicated and, in their stead, intelligence and labor, and the outgrowth of labor which is prosperity, must be encouraged and not discouraged.

The Senator from Florida [Mr. CALL] on the 7th instant is reported in the RECORD as having spoken as follows:

> Gentlemen, you talk about ostracism. *There has not been ostracism* except in cases where a man countenanced and upheld such wicked crimes, and then not because of his political opinions or his party relations, but because he was *particeps criminis* to these offenses against good order and public decency, against religion and good morals.

I have heard that same declaration made more than once on this floor. With all the assertions that no social ostracism exists at the South, I declare here most emphatically that it does exist; that pure-hearted, honest, faithful, intelligent, and learned men are to-day anxious to leave the South and to go North because they are ostracised. As evidence of what I say I will read a short extract from a letter which I received a few days ago from a gentleman now residing in Richmond, who was a classmate of mine at college and for whose reputation for veracity and probity I can personally vouch. As he has not given me the liberty of making public the contents of his letter, I shall withhold his name:

> RICHMOND, VIRGINIA, *April* 8, 1881.
>
> * * * * * * *
>
> If I cannot bother an old Princetonian and classmate, I do not know who I can. My partner (whom I brought up in my office) and I have determined in the summer to go to New York City to practice law. * * * I'm sick of Virginia. I've felt for some time that I was wasting my time here, tho' I've made a support and brought up my family purely by my brain alone since the war. I'll leave Richmond with regret, for it is a delightful place of residence and I've many warm friends here, but at my time of life I can't afford to stay. The Virginians are a pleasant but peculiar people. They look on me (a Marylander) as a carpet-bagger, an intruder, and think I've no right to make money here, and if they can prevent it they'll not let me.

As I have before remarked, you deny that social ostracism exists at the South. I have given you one instance, and that instance was of a southern man by birth. I have no doubt that many similar cases exist. You need not go to Virginia or to any other Southern State to seek proof of that fact. We have it right here in our midst—*it is in this Senate.* Is not the Senator from Virginia [Mr. MAHONE] ostracized by the democratic side of this body? Dare you deny his courage? Dare you refer to his past record? Dare you speak of him as a man not fit to associate with honorable Senators? Is he not your peer as he is ours? I ask you that question and give you time to reflect. Has it not been announced by one of their spokesmen that they will not even pair with him? Has he not been openly insulted day after day by that side? They have unblushingly boasted that not a democrat shall pair with him. They do not recognize him as a friend and brother Senator, and why? Because he has had the manhood to tell them that he dissented from their political opinions; because he has dared to tell them that he will act according to his own convictions and conscience, and not be dictated to by any one; because he had the hardihood to stand up and assert his rights as a freeman on the floor of the American Senate. For this offense you refuse to extend to him the courtesy that one gentleman extends to another. What is this but ostracism?

Gentlemen, these are stubborn facts that cannot be contradicted. The conclusion is evident that if it exists here in the highest tribunal in the land, it certainly does exist at the South.

Now, my democratic friends, I beg you to stop in your mad career and pause for an instant—pause before it is too late to retrace your steps. I beseech you to desist your filibustering tactics and to act like brave men, and allow the majority to do that which in its judgment shall be deemed best for the interests of the whole country and for which it alone is responsible. I beg you to act in harmony and peace with us and assist us to make this country not a little paltry body of subordinate States but to make it a nation that will command the respect and admiration of the civilized world. We want to make this a great nation; we want to make the South as prosperous as the North; but before we can accomplish that great end we must bury forever that which will destroy the best country that ever existed—ostracism, jealousy, and sectionalism.

Mr. HARRIS. I renew my motion for an executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business. [Putting the question.] The "noes" seem to have it.

Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. DAVIS, of West Virginia, (at four o'clock p. m.) Pending that motion, I move that the Senate adjourn.

Mr. HARRIS. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. HILL.] If my colleague were here, he would vote "nay."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. COKE, (when his name was called.) I am paired with the Senator from Kansas, [Mr. INGALLS.] I should vote "yea" if he were here.

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Bayard,	George,	Johnston,	Pendleton,
Brown,	Gorman,	Jonas,	Ransom,
Call,	Groome,	Lamar,	Saulsbury,
Cockrell,	Hampton,	McPherson,	Voorhees.
Davis of W. Va.,	Harris,	Morgan,	

NAYS—20.

Allison,	Conkling,	Harrison,	McMillan,
Blair,	Dawes,	Hawley,	Mahone,
Burnside,	Edgerton,	Hill of Colorado,	Mitchell,
Cameron of Wis.,	Ferry,	Hoar,	Morrill,
Conger,	Frye,	Logan,	Sewell.

ABSENT—37.

Anthony,	Garland,	Maxey,	Slater,
Beck,	Grover,	Miller,	Teller,
Butler,	Hale,	Platt of Conn.,	Vance,
Camden,	Hill of Georgia,	Platt of N. Y.,	Van Wyck,
Cameron of Pa.,	Ingalls,	Plumb,	Vest,
Coke,	Jackson,	Pugh,	Walker,
Davis of Illinois,	Jones of Florida,	Rollins,	Williams.
Edmunds,	Jones of Nevada,	Saunders,	
Fair,	Kellogg,	Sawyer,	
Farley,	McDill,	Sherman,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Missouri, [Mr. VEST.]

The roll-call was concluded.

Mr. HARRIS. I desire to say that my colleague [Mr. JACKSON] is necessarily absent. He is paired with the Senator from Iowa, [Mr. MCDILL.] If my colleague were here, he would vote "yea."

Mr. PLATT, of New York. I am paired with the Senator from California, [Mr. FARLEY.] If he were here, I should vote "nay."

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. PLATT, of Connecticut. I desire to announce my pair with the Senator from Oregon, [Mr. SLATER.]

The result was announced—yeas 20, nays 20; as follows:

YEAS—20.

Bayard,	Davis of W. Va.,	Harris,	Pendleton,
Brown,	George,	Johnston,	Pugh,
Call,	Gorman,	Jonas,	Ransom,
Cockrell,	Groome,	Lamar,	Saulsbury,
Coke,	Hampton,	Morgan,	Voorhees.

NAYS—20.

Allison,	Conkling,	Harrison,	McMillan,
Blair,	Dawes,	Hawley,	Mahone,
Burnside,	Edgerton,	Hill of Colorado,	Mitchell,
Cameron of Wis.,	Ferry,	Hoar,	Morrill,
Conger,	Frye,	Logan,	Sewell.

ABSENT—36.

Anthony,	Garland,	McDill,	Sawyer,
Beck,	Grover,	McPherson,	Sherman,
Butler,	Hale,	Maxey,	Slater,
Camden,	Hill of Georgia,	Miller,	Teller,
Cameron of Pa.,	Ingalls,	Platt of Conn.,	Vance,
Davis of Illinois,	Jackson,	Platt of N. Y.,	Van Wyck,
Edmunds,	Jones of Florida,	Plumb,	Vest,
Fair,	Jones of Nevada,	Rollins,	Walker,
Farley,	Kellogg,	Saunders,	Williams.

So the motion was not agreed to.

Mr. DAWES. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and ten minutes p. m.) the Senate adjourned.

WEDNESDAY, *April* 20, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution until the first Monday in December next, on which motion the yeas and nays have been ordered.

Mr. PENDLETON. I move to postpone the resolution until the second Monday in December next, and on that I call for the yeas and nays.

Mr. DAWES. I should like to say a word or two. I believe the motion is debatable.

Some days ago, in a debate with the Senators from Mississippi, I took occasion to make a statement in reference to a gentleman who had passed through this city on his way to Massachusetts, and who had encountered trouble in Mississippi. I made it at some length; and the junior Senator from Mississippi [Mr. GEORGE] expressed great indignation that such a grievous charge should have been brought against any portion of his State, and was sure that nothing of that kind had happened in his State. The Massachusetts papers received this morning bring for the first time the statement of this man himself. While it corroborates everything else which I said in reference to the matter, it does not corroborate my statement that the events transpired in Mississippi; they transpired in the parish of Caldwell, Louisiana, on the other side of the river. I am very glad to make this correction. I intimated at the time that if I found myself in error in any matter pertaining to the case I would make haste to make the correction. This is my first knowledge, when the papers came this morning, except a telegraphic statement in the New York papers of yesterday, that I had mistaken the locality. I held in my hand, as I stated then, a paper telling me where this occurred. It was furnished me by one of my colleagues in the other branch, who was personally acquainted with this gentleman before he went South, with whom he had had an interview the night before, and who had by appointment with me agreed to relate these occurrences to me the next morning, but was obliged to leave in the cars, and I failed to see him personally, though I took the statement of my colleague, who I have not the slightest doubt was entirely sincere. He furnished me while I was on the floor the paper which I then had, and which I now have, in which he stated the gentleman's name to be "Charles Heath, of Malden, Massachusetts, Caldwell Parish, Mississippi." He was entirely honest in his statement, and I feel it is due to myself to state that in the debate with the Senator from Mississippi I supposed I could speak with entire confidence that these things transpired in Mississippi.

The story of this gentleman so corroborates everything that I have stated with this exception, that I desire as a part of my remarks to have it printed in the RECORD. I would not take up the time of the Senate in having it read at the Clerk's desk, because it is long. If there is no objection I should like to have it as a part of my remarks embodied in the RECORD, and then any Senators may see it and comment upon it as they please.

I take great pleasure, so far as I am able to do it, in making the reparation to the Senator from Mississippi which this correction requires at my hands. I certainly should not have brought this charge against the State of Mississippi if I did not believe that it properly belonged there.

The facts, however, as detailed are a serious matter, deserving the candid and fair consideration of those Senators who represent that condition of society which is described in this communication. That they are surrounded with difficulties, as has been suggested here, no Senator can doubt for a moment; and I hope they may understand us at the North to appreciate those difficulties, and to ask nothing more at their hands than to invoke an earnest and honest effort (I do not mean to say by that that I doubt their disposition to do it) to restore order and respect for law and life and property in the communities in which they live. It affects the whole United States as well as those communities. It is a serious drawback not only to the growth and development of the States themselves but to that general prosperity and peace and good-will and respect for the laws of the land so essential to the continuance of our institutions.

If there be no objection I will ask that this communication be embodied as a part of my remarks in the RECORD. I will have it read if that is preferred. I only ask to have it appear in the RECORD.

Mr. JONAS. I ask to have it read.

Mr. DAWES. Very well; let it be read.

The Chief Clerk read as follows:

"The Fool's Errand"—A northern man as a southern planter—The recent assertions of Senator Dawes confirmed—Statement of Mr. Charles Heath, to whose case he referred—The northerner's practical efforts and the reception they met—A graphic story of "bulldozing" and interference.

The northern man who has for a number of years been running a plantation in Louisiana, and whose property there was recently burned by an incendiary fire, whose case was lately referred to by Senator DAWES in the Senate debate, is Mr. Charles Heath, at present in Malden. Below is a graphic statement furnished by Mr. Heath in regard to his individual experiences, culminating in the destruction of his property, and to the general condition of society in the district in which he was located. His plantation was in Caldwell Parish, of which Columbia is the parish seat. It is on the Ouachita River, forty miles below Monroe and ten miles below Columbia. The plantation contained between nine hundred and one thousand acres. Mr. Heath and his brother, who is a New Orleans merchant, bought the place thirteen or fourteen years ago, and had established upon it a gin-house, grist-mill, and repair shop, fitted up with improved machinery. For several years they ran the place under a white overseer, and were not seriously interfered with by their neighbors. The first difficulty that occurred there, says Mr. Heath, was along in 1877 or 1878, and was on account of a decision we came to that we would not employ white men as overseers, as we had done in previous years. We had found by experience that we could not use them to advantage. They would quarrel with the hands and ruin my prospects each year. I could not make a crop with an overseer; the negroes felt that they were free, and they were not willing to be ruled by a white man as they had been in slave times. We had worked in almost every way, and we had come to the conclusion that the only way to get the negroes to work was to give them an equal chance with ourselves, and hold up the picture of a future homestead before them—something that they might work for. Well, when we told them that we would sell them a piece of land when they should convince us that they were capable of managing for themselves, and were making a reasonable effort to make a living and pay for their land, the white people got hold of the idea, and they said it should not be done. The sheriff of the parish

came to me and my brother and said something like this: "We understand you are to divide up your land among the niggers, for them to work it without a white overseer. The niggers are stealing everything they can lay their hands on in the way of stock, even when they have a white man to oversee them, and what will they do if left to themselves? The white people are not going to let you do it. We cannot afford to do it, and you cannot afford to do it, and we don't mean that you shall start out in that way." Well, we didn't say to him what we would do. We said to him like this: "This place belongs to us; we have paid for it; we don't owe our hands a dollar, and don't owe anybody a dollar in the parish." We had about eleven families on the plantation. I suppose we must have had fifty or sixty working hands, perhaps seventy. Taking men, women, and children, I think there were about one hundred. We said: "We don't feel that you have any right to come here and dictate to us how we shall pay our hands, what inducement we shall offer them to work for us, as long as we pay our taxes and don't violate the laws of the State in any way. The negroes know they are free, and they want to work for us, and we want their work, and we are willing to pay them all we agree, and give them a fair share of the profits." "Well," he says, "it is no use in talking with me, for the people won't permit you to do this thing." "Well," I said to him, "I don't intend that the people shall dictate to me how I shall settle with my help or how I shall work them—whether I shall keep a white overseer or let them oversee themselves. If any of the negroes on my place are caught stealing stock or doing any other unlawful act I will go just as far as you will in bringing them to justice and punishing them according to the laws of your State, but until they do some act of that kind I think that you have no right to dictate to me or to them how we shall transact our business;" and we left it there. But before this, while we were discussing this plan of dividing the land among the hands and dispensing with an overseer, a Mr. Fielder, my overseer, with whom my contract had about expired, caught up and hitched in the yard one night every horse and mule on the place. In the morning he got up with great bluster, and said the mules were all stolen. He got a couple of the neighbors to go with him, and they tracked the mules over towards Franklin Parish across Deaf River, and finally gave up the chase and came down to New Orleans, and told me that if I would offer a reward of $75 or $80 apiece for the mules, about what it would cost to buy new teams, he thought he could bring the mules back. This, together with the fact that Mr. Fielder had tied up the mules the night before they were stolen, instead of letting them run loose, as was customary, caused me to suspect that he was connected with the men who had stolen them. That transaction led to my arming all the negroes on the place and employing a colored man named Harris, who went up from New Orleans to work a portion of the place and look after my interests there.

We went on quietly and furnished Harris with his supplies, and he installed himself at the plantation. One day, about this time of the year, a man came over to the plantation. He said he was one of the Franklin boys, but the negro knew him, and knew that he was boarding with one of my neighbors, Mr. Blanks, and, indeed, he was on one of Mr. Blanks's horses when he came up. He told Harris he was from Franklin Parish, "one of the Franklin boys," and that he had been detailed to come over and see what the negroes on the place were doing. "Why don't you, instead of working for this man Heath," he said, "find an honest man to work for?" "Who is an honest man?" asked Harris. "Why, this man Banks down here," he says, "I believe that is his name." "Blanks, you mean," said Harris. "Yes," says he "Blanks"—he was boarding with Blanks and knew his name just as well as the negro did—"or Mr. Sisemore, the sheriff, he is an honest man, or Mr. Wade," naming over several of the neighbors. "We are going to break up this place; we ain't going to allow no Yankee to run a place here with negroes without an overseer." He wound up by saying, "Now take the advice of a damned fool, and get out of here as quick as possible, for if you remain here you will be killed"—something to that effect. As he said this Harris supposed the man was going to assassinate him then, and took up his gun to defend himself, but the fellow rode off and that was the end of that. Shortly after that Harris came down to New Orleans to see me and get his supplies. He didn't think much of the threat because he had been threatened before; but when he saw me he related the conversation in substance as I have given it to you. I took him around to Governor Warmoth to let him make his statement to him. Well, Warmoth said, "I don't know, Mr. Heath, that I can do anything to protect him; I have no military, and if I had it would take the whole State to defend all these cases that we have. I wish you would go and see Mr. Morgan"—that was Judge Morgan, who was, I think, the district or State attorney then—"and let him state his case to him." So we went around to Mr. Morgan's office and Harris told his story again. Mr. Morgan said, "I don't see what you can do, Mr. Heath. I don't see how you can make an action lay. This man hasn't committed any trespass, any act of violence." I replied, "I don't know what you can do here, but in Massachusetts if a man should go on to another's place and make such threats as that to do violence he would be put under heavy bonds." "Well," said he, "we can do that here, but if you should do it you would have everybody in the country down on you, and then they would upset you, probably." Said he, "I would let the fellow go back and go to work; I don't believe a man who is going to do any mischief would make such bold threats as he has made." I replied, "I don't want to advise the man to go back; I don't know what they will do; I only know what they say they will do, and if they do half as bad as they say they will, I would not send him back for anything. I will tell you what I have a mind to do: I have a mind to get Mr. Harris and each of them a double-barreled shot-gun and a sack of buckshot and a keg of powder, and instruct them to put two men in the mule-lot to watch the mules nights, and that each one go well armed, and if any one comes to drive away their mules or molest them in their cabins, first ask them to go away, but not to let them enter, and if they then persist in breaking into the mule-lot or their cabins, to take good aim and mark them so they will know them when they meet them again." "Well," said Mr. Morgan, "that is good advice; that is just what I should recommend; every man's cabin is his castle, and he has a perfect right to do that, and the laws of our State would justify it." The negro expressed his willingness to go back, and I bought him his supplies, $300 or $400 worth, and he took the boat and went back on to the place. He got back Tuesday morning and landed his supplies at Hogan's landing. He didn't have time to get much of it home that night. Between ten and twelve o'clock that night a party of men on horseback, masked, both men and horses, went to the cabin and called Harris out. Harris asked who was there, and the man replied, "William Faulkner." Faulkner was a colored Baptist minister, who lived four or five miles below on Colonel Faulkner's place. Harris was expecting a call from him about some business, and supposed he had been to Columbia and was on his way back. So he got out of bed and stepped to the door of the cabin. As he stepped out the man said, "Harris, is that you?" Harris then knew by the voice that it was not Faulkner, and sprang back into the cabin. At that instant the man fired, and the shot broke Harris's arm in two or three places and two of his ribs, and he fell, as he supposed, mortally wounded. The men then poured kerosene on the corn crib which adjoined the cabin and set fire to it. They then rode through the colored settlement, yelling like so many Indians, and discharging their revolvers into the cabins as they rode by. There were about a dozen of these masked men and horses. As soon as the negroes dared, they went to Harris and bound up his arm, and laid him on his bed. There were three or four physicians at Columbia, three at least, and, although they were sent for, not one of them would come to attend to Harris, and he laid from Tuesday night till the next Saturday morning without medical attendance. He was then put on a boat and sent to New Orleans, four hundred miles away, and I took him to the Charity hospital. He lived, but is a cripple. He has been before the congressional investigating committee. After the attempted murder of Harris a notice was posted up on the plantation which read something like this:

> "All the people of this plantation, both colored and white, are notified to get off before Saturday night next. For all that remain here will be dealt out something to which that which is dealt out to Harris is not a circumstance. So get out of here if you want to live, both black and white."

On the reverse side was written:

> "Particularly Old Gould."

Gould was a white man. The whole was embellished with the skull and cross bones, and was signed "K. K. K."

This was the beginning of my troubles. I was frequently threatened with death and destruction of my property. Two years ago a man came to me to get me to gin some cotton for him, and because I would not let him take his cotton away without paying for it he threatened to kill me. He said I should never get out of the parish alive. Three or four years ago a report came to me of a plan to burn me out, arranged by a young man who had appeared to be a personal friend of mine. I had done him a favor, and he had wanted me to employ him on my place. He was coming down from Columbia one night in company with a friend of his and mine, and when he passed my place he said to his companion: "There is a nest that ought to be cleaned out, and I am going to propose to you to come here some night and touch off the whole shebang and clean them out. We want to get rid of this concern. I want you to go with me and keep watch, and I will take a can of kerosene oil and go into the building and I will touch it off, and I won't ask you to do anything only to stand watch." Well, his companion, who had had a good many favors of me first and last, and wanted to get into my good graces so that he might stand a chance of being overseer if I ever wanted one, went up to Columbia and told the whole story to Dr. Squires. Dr. Squires felt a little friendly to me because he had considerable practice on the place, and I had helped him collect some of his bills, and he came down to the plantation and saw a man who married a former servant of his and told him to let his daughter Sally, who had attended the school I had started there and learned to write, to write me a letter and tell me of the project which was on foot. As soon as I got the letter I telegraphed to New Orleans and got an insurance effected, but before the young man could carry into effect his project he was taken sick, and died about the time he proposed to burn these buildings up.

One of my neighbors, an elderly man, who is one of the best farmers in the parish and who I had thought was tolerably friendly to me, once harbored a half dozen men, who were detailed to come over from Franklin and waylay me, for over a week. I got word of their being there through the negroes, but I thought it was a sort of scare to drive me away from my place. The negroes have a wonderful way of getting hold of these things, and if there was any mischief brewing they would generally come and tell me of it. The man himself afterward told of it, thus corroborating the statement of the negroes.

Now I will come down to this present winter's trouble. I got along pretty well; I had no particular opposition till about Christmas time. Just before Christmas a man came there, the same man that threatened to kill me, Nathan Davis, and told my superintendent, Mr. Fersing, something like this: "I always considered you a nice, honorable man, but now I believe you are just as big a scoundrel as Heath. You have got to get away from here, this whole place has got to be cleaned out." We got through Christmas day all right. Christmas night, about midnight, I was awakened by the cackling of the fowl in the chicken-house, and on opening the shutter of my room I saw that the whole place was in a blaze. My whole establishment was burned up. The negroes saw the fire when it was no bigger than a bushel basket, but they did not dare to come out, because they were afraid they would be shot. The whites all appeared to be friendly to me when they met me. Last year a young man from Boston went up to the place with me to look it over, with a view to buying me out. He represented himself to the people there as being a native Louisianian. They welcomed him very kindly and said, "We are glad you are coming here to take Mr. Heath's place. Mr. Heath is a good man, we don't have anything against him, he is a good man enough, but he is a damned Yankee; we don't want that kind here, we want our native men."

I had been for some time trying to effect a sale and get out of the country as easy as possible. While the neighbors showed no enmity to my face, always treating me with the greatest apparent respect and friendship, they were at the same time exhibiting the greatest enmity behind my back. I had had interviews with one or two parties about selling out, and I would have sold out at a very great sacrifice if I could have seen a shadow of a chance to get any money. I could have sold out fast enough by letting them take my property, taking back a mortgage and letting them pay for it from the proceeds as fast as they could earn it. In the West, or New England, one would not hazard much in letting a good, clever man take a place in that way, but the difficulty there is that you take a place of that kind, equipped as that was with the very best of machinery for doing business, perhaps one of the best equipped places in the whole State, and let one of these men take it and he would run it two or three years and baffle you in law till he had made something off it, and then throw it back on your hands in a depreciated condition. I was holding off and trying to find somebody that had some money. When they burnt me out I had no place to stay, and I had to get out then. We had about forty-two hundred dollars insurance. I have nothing left there but a half dozen pair of mules and the land. The whole place with improvements was worth $25,000. They burnt up my tools, wagons, grist-mill, blacksmith shop, repair shop—everything clean. I got out about four hundred or five hundred dollars' worth of goods in about twenty minutes we had to work in, and we came within an ace of being burned up alive. The only thing that saved us was that the wind blew the flames away from the building in which we were sleeping.

Now, why they should want to injure me was more than I could divine, for I felt that I ought to be considered a benefactor rather than an enemy to the parish. I put in the very best machinery into my place that there was in that whole country for ginning cotton and doing the work there was to be done there. There was not another as good a grist-mill within forty miles of us. I carried from Boston a nice set of French buhr-stones, and put in steam-power and ground for everybody. I used to grind seventy-five or a hundred bushels a week there for my own hands and anybody else that came. They would come from half-way across to Red River, a distance of forty miles, to mill. Now they have burned the place up, there are no mills that can make as good meal as we could. There are a few little horse-mills that will grind corn not as fine as you do your horse-feed here, and they have to get along with that. Then I had a public gin. I had teams, I had wagons, strong and new. I could send out and haul in any man's crops. If a man raised a crop of cotton within five or six miles of my place and wanted a team to haul it in, I could take my team and haul it cheaper than he could himself. Instead of charging $5 a bale, which used to be the price for ginning cotton, I put the price down to $3; and then to make it easier for the negroes or white people, any of them, I would let them come in and do the work, I furnishing the machinery and power and charge them only $2 a bale. That gave them good pay for their labor in ginning. I thought by doing that kind of business, and letting them have the use of my machinery, it would make them friendly to me, but it didn't seem to do it. The negroes said to me when I left: "Mr. Heath, while your loss is a big one, it is nothing compared to ours. We are left here with none of the improvements which have made our labor valuable to us."

The murders are not confined to negroes and new-comers. A man that will murder me will murder his neighbor if he falls out with him. To show the state of society there I will relate several affairs that have taken place there as reported to me. Some seven or eight years ago a man by the name of Cain, a Baptist minister, and the son of a deacon, gave currency to some report derogatory to a sister of three brothers named Duke. Two of the brothers with a neighbor called upon the minister for satisfaction. They found him splitting rails in the woods and some loud talk ensued. The father, who was a little ways off, heard the talk, and, taking his double-barrel shot-gun—everybody in that country carries a double-barrel shot-gun with them when they go out—came down to where the son was. When the old man came up to the son he listened a moment and then said: "My son, say what you please to these men, but don't you take back anything." The young man said: "Pa, if I do the talking you will have to do the shooting." The old man says: "I will do that if it is necessary." One of the Dukes replied: "Shoot and be damned." The old man leveled his gun and shot him right through the heart. He dropped. His brother, not being armed, ran up to this one that fell and tried to draw a revolver out of his belt, and the old man shot him through the shoulders and commenced reloading his gun. The third man jumped on to his horse and rode away. The old man gave himself up after a few days and was put into an iron cell in the parish jail. A week or ten days after the jail was set on fire and the old man was burned alive. These men were all southern-born.

A man named Fife and his son-in-law went up to Columbia one Christmas day, two or three years ago, as everybody in the parish almost does on holidays, to celebrate. They had a few drinks, and finally went into a saloon. The proprietor gave Fife his left hand, and Fife was very anxious to know why he did that, and persisted in demanding an answer. The proprietor went into the house and got a revolver, and then came back and said to Fife: "Now you get away from here; I don't want any more of your fooling around." But the old man was one of those kind who didn't care very much for a revolver even when he was sober, and less when he was in liquor. His son was afraid he would get shot and tried to get him away, but the saloon-keeper drew his revolver and shot the young man. After he was wounded the young man drew his pistol, and shot the saloon-keeper. This was a signal for the boys, and fifteen or twenty of them joined in what they afterwards called a "Christmas frolic." It resulted in the death of the old man's son-in-law, who was shot in twenty places, and his son, and the old man himself was shot through the shoulder. He was not so badly wounded, however, but that he put the dead body of his son and his mortally wounded son-in-law into an ox-cart, and drove sixteen miles home with them that night. That was another of the little affairs that occurred there. A young man was shot there last fall as the result of a little quarrel. He was confined to the house for several weeks, and when he got out he came over to my place to sell his stock. He said, "I haven't got anybody to stand back of me," as the expression is down there; "no father, no brother, nobody to avenge my death, and I will be killed if I stay here; so I have got to go away." He was said to be one of the most inoffensive young men in the parish. He had to leave his home, and go away.

I will repeat one more short story, out of which I got an expression of the district attorney that is worth something. Two years ago I furnished a man off my place, which was an unusual thing for me to do, about sixty dollars' worth of supplies—shoes, clothing, &c., such as he needed—a colored man by the name of Compare. He said: "Mr. Heath, when you come up next fall I am going to fetch my cotton to your place to gin, and out of my cotton I will pay you whatever you let me have." A few days after I returned he came over to see me. He said, "I have got my cotton picked, and I would like to have a pair of shoes for myself and a dress for my wife," &c., amounting to about eleven dollars; "and," said he, "if you will let me have them I will weigh my cotton right to you and let you have enough to pay you." It took 3,500 pounds of seed-cotton to pay his bill. He weighed it out and left it in one of his little buildings for me, and says: "Now, Mr. Heath, I want you the first of the week to send over and get your cotton, and then send and get the balance of my cotton and gin it out for me, and take your pay out of the cotton for ginning." He left my place about four o'clock in the afternoon, and went up the road to a blacksmith's shop, and got to playing cards there with two or three others. While they were playing, along about eleven o'clock, somebody rattled at the door as though they wanted to get in. Any little disturbance like that will frighten a negro about as bad as anything you can think of. Compare, who was a young, active man, very strong, got up and said: "I reckon it's nobody who wants to do me any harm; I'm not afraid to go to the door." He started to go toward the door, and a charge of buckshot through the window struck him in the temple and killed him—almost blew the top of his head off. When anything of that sort occurred among the negroes of course their first resort was to run to my place and tell me of it. So the blacksmith, Charley Hamilton, and a fellow by the name of Mattox came down to my place about midnight. My practice was not to let anybody into the house unless I knew who it was and what they wanted. He announced his name and I asked him what he wanted. He said that John Compare was shot in his blacksmith's shop—killed—and he wanted to come to tell me about it. I let him in, and asked him if they had any suspicions on anybody. He said no. I told him they had better wait till daylight, and then go right up to Columbia and inform the people there of the facts, and ask them to come down and hold an inquest. He did so. We waited all day Sunday, and no one came down. Monday morning we went up again, and we waited till Monday evening, and nobody came down to hold an inquest or make inquiry, and we then went to work and buried him. The next day, Tuesday, I went over to look after my cotton, and his wife told me that a Mr. Davis had sent over for the cotton and hauled it all off. In the course of a week, or such a matter, I went up to town and called on Mr. Davis, and told him that I understood that he had taken my cotton from John Compare's. He said, "Mr. Heath, what are you going to do about it?" Said I, "Mr. Davis, I didn't think it would be necessary to do anything more than to tell you the facts, and you would release it." "Well," said he, "I think you and I can have just as pretty a fight over that, if you want to fight over it, as the next two men." This was a young man, twenty-five or twenty-eight years old. Said I, "Mr. Davis, I am not a fighting man, and I don't propose to make a fight over a bale of cotton; but I suppose that you are aware that a man who commits a trespass of the kind that you have becomes liable for all the debts that that man owes?" "Well," said he, with an oath, "what are you going to do about it? I have got the cotton." Well, I went to Mr. Ware, who is now district attorney—he was not then—and I told Ware about it, and asked him what I could do. "Mr. Davis has got about sixty or seventy dollars' worth of my cotton, and what shall I do about it?" "Well," said he, "Mr. Heath, you had better pocket your loss; you can't do anything about it. What you say about his trespass rendering him liable for all the debts the man owed is true. He has committed a criminal offense, and in the first place, in order to avail yourself of any redress, you would have to fetch him before the grand jury, and if they found a bill against him, then you could prosecute him; but you couldn't get a grand jury that would find a bill against him. You don't stand very well in the community here yourself, did you know that?" Said I, "I think I do know it, and will you please tell me why it is that I don't stand well here?" "Well," said he, "I don't know; they don't seem to relish having you come here and trade with the negroes, and so forth." "Well," said I, "I think I have a right here; I own my place; I don't meddle with anybody else's business; why should they meddle with me?" "Well," said he, "They have got kind of down on you, that is the substance of it."

I never knew of a prosecution of any kind that amounted to anything on account of the murders committed there. I think it is because the people themselves are afraid of the consequences of interfering. The very man whose son, I have been told, was engaged in taking my mules, was convicted two or three years ago for hog-stealing, and after he had been convicted a couple of neighbors, young men, made a remark like this: "Since Dan Wade has been convicted of hog-stealing and sentenced to the jail, our sows can have pigs and we can get them." One of the other Wade boys, (there were three of them,) when the remark came to his ears, said in reply: "My brother Daniel is no more of a hog-thief than they"—the men who made the remark. It went back to them, and then there was a fight right square off. They met him about four o'clock one afternoon, just across the river from Columbia, and told him he must take it back and apologize. He said he would not do it, and then each of them, as report has it, emptied a barrel of buckshot into him, and he fell, groaning and gasping for breath. The men started off, but turned back and discharged the other two barrels of their guns into him. They then rode home. The next day they went over to Columbia and arranged their business with their merchants there and made over their crops, and after getting all their business fixed up put out. The sheriff, after they had been gone long enough to get out of the way, started in pursuit. He came down to my place and went as far as the river, asking everybody if they had seen them, but nobody knew anything about them. Finally, the chase was given up. About a year afterward they came back and asked for a trial, but for some reason they were not tried, and were bound over in $5,000 bonds each. They went right into town and the merchants signed their bond—I guess every one they asked—and they waited till the next year for the trial. The next year the case came up again, but no witness appeared against them and the thing was dropped. That was the end of that. That is the only case I have heard of where there was any approach to a trial. The trouble is, in all these courts, to get a grand jury that will find a bill, unless the man charged with crime is a colored man. If a colored man does anything, they will find a bill against him and send him to the penitentiary. They have the penitentiary full of colored men, and they let them out to the planters to work; but if there is any charge against a white man, unless it is some poor fellow that hasn't any money, he will be pretty likely to get off without a sentence. That is about the way the thing is in Caldwell Parish, and what is true of that particular place is true of the other parishes.

When the investigating committees of Congress have been down there they have not got at half the facts. You take a negro off my place quietly, and he will tell you about the outrages there, and put it a good deal stronger than I do, because he has been there all the time; but you go to New Orleans and send up there for these men and bring them down, and they know their statement is going to be published, and you could not get the facts out of them, because they know they would not live twenty-four hours after they got back into the parish if they told what they knew. You ask them if they have the privilege of voting as they wish, and they would say yes; but if you were behind the door, and they were talking to me, they would tell me all sorts of bulldozing stories, because they know that what they say to me is in confidence and would not be used to injure them. The officers of my precinct, ward 7, Caldwell Parish, urged me very strong at the last election to go down and register and vote. I told them no; that if I went I should vote against them, and it would not amount to anything; but I said, "If you will let the negroes vote as they have a right to vote, that is all I ask." The result of the ballot was 67 or 68 republican and 11 or 12 democratic votes. I suppose they thought I would tell of it when I got home. But when it came to the other wards, which were quite as strongly republican as ward 7, with the exception of in Columbia, there was scarcely a republican vote thrown. One of the negroes from the place above me was down to my plantation the day after the election, and he said: "Mr. Heath, they had a death-list at the polls up there, and the name of all the negroes who voted the republican ticket were to be registered on that death-list, and we were to be shot or assaulted on our way home. I made up my mind that if I could not vote as I wanted to I would not vote at all, and so I went home, and the others did too." I have no doubt a white man, a native born, can go to the polls there and vote the republican ticket without being maltreated, but I don't believe the negroes can.

I shall go back to New Orleans this fall. I have business there and some real estate. I probably shall not go on to the plantation again more than to look after my mules and rents. The negroes who are on the plantation now pay me a very moderate rent for the land and mules, and are getting what they can for the products of their labor. They are trading with the merchants at Columbia. The trouble is that the native southerners are envious toward anybody that comes into their neighborhood, particularly a northern man who is opposed to the solid South. They knew what my politics were, although I never have talked politics there or advised the negroes, beyond telling them what I thought was for their interest. I never advised them who to vote for and who not to vote for, and tried to keep aloof from politics altogether. A few days before I came away the district attorney of Caldwell Parish was in New Orleans, and I took the trouble to hunt him up, and had a long talk with him. I said to him, "Mr. Ware, you cannot afford to have me burned out and driven out of your parish without taking some notice of it." "Well," he said, "I think likely our folks will notice it." This was a month after the fire and more, and nothing has been done. I said to him, "I have got a letter that I received last summer from the post-office just above me, Hogan's Landing, telling me if I returned to the parish they would pay me a visit. I am going to mail you that letter, and you may make such use of it as you think proper." I told him if he would advise the parish to offer a reward of one, two, or five hundred dollars that I would offer as much more to thoroughly investigate this thing. I have made no secret of these matters in New Orleans, but have told them openly. No allusion has been made to the fire in any southern newspaper that I have seen. Whenever a negro is murdered up there in my parish they take no more notice of it than though it was a dog shot. They don't even hold an inquest. They don't give publicity to anything of this kind. When a public man like Judge Crawford is shot everybody finds that out; but if I was to be killed they would be as whist as mice. It would never be known outside the parish unless my brother or somebody that was interested should tell of it.

Caldwell Parish is located between the Mississippi and Red Rivers. Very often my friends in New Orleans, some of whom are strong democrats, would say: "Mr. Heath, you have got into the worst part of our State." Well, I would tell them, "I hope I have, but I hear the reports from the other parishes, and they seem to be about like the place I am in." There are not many northern men there. There are some in the country above my place, but they are all good democrats. There is no objection to them if they go for the solid South. But a man who will not go for the solid South had better keep away from there. My brother went to New Orleans in 1848. He was appointed mayor of the city under General Sheridan. When General Sheridan went there he cast about for somebody that hadn't anything to do with politics; that was not a politician. My brother had been there for a good many years as a merchant, and never had been identified with politics at all, and General Sheridan pitched upon him and appointed him mayor of the city. I don't want to do any injustice to the southern people, but I want the facts to be known. I met one of the most prominent lawyers of New Orleans down at Poland Springs last summer, and as we were sitting out on the piazza, looking over the surrounding towns clustering in the valleys, he said, "Mr. Heath, I have been thinking what a beautiful country we have down there in Louisiana, and how, if we had these people down there, they would make it the finest State in the Union in ten or fifteen years." I said, "That is so." "Now," said he, "you ought to talk this thing among your people here. You are acquainted with them; you have been down into our country and know how rich the land is and all that sort of thing." "Yes," said I, "but there is one drawback; they may ask me how I have succeeded, and if I should tell them how I had got along and been treated there, how many of them do you think would leave their quiet homes here? It is just as you say; the land is as fertile as the sun ever shone upon, but what of the people?" "Well," he said, "you are in the worst part of the State." "That may be so," I replied, "but if all I hear from

the other parishes is true, where is there a better?" And I mentioned to him the other parishes, and recited the murders that had been committed in Franklin, in Saint Mary's Parish—one a few years ago, when a Government officer there was shot, and his wife was obliged to sit and watch over her dead husband's body for twenty-four hours, and not a lady in the town came in to sympathize with her or offer her any assistance in any way. "Now," said I, "who would want to move into such a place?" "Well," said he, "they must go in colonies, then." Said I: "Now I will tell you how you can do something; you can advise the people of Louisiana, the better class of people, as you call them, instead of harboring these outlaws and murderers, to endeavor to do something to bring them to justice. But as long as they wink at crime and do not prosecute the criminals, and say they will not meddle with them because they fear their vengeance, you cannot expect that your State will grow and prosper."—*Boston Daily Advertiser*, April 19, 1881.

Mr. JONAS. Mr. President, I asked to have that article read because I had not seen it and because I had understood from the remarks of the Senator from Massachusetts that he had transferred the scene of his cock-and-bull story from Mississippi to Louisiana. Perhaps it may be hereafter located in Texas or transferred to Alabama or Georgia, and go on perambulating through the whole South in case its statements or misstatements may find denial and contradiction from the various localities.

I am unable at present to answer, of course, the allegations made in that article so far as this person's alleged loss and damage to property is concerned. I can only say that I hear of it to-day for the first time, and that his statement is entirely untrue when he says any such circumstances could have been suppressed and kept out of the papers in the State of Louisiana. If not published in the democratic press it would have received wide publicity in the independent and the republican press of the city of New Orleans. The outrages of which he speaks, the destruction of his property, could not have occurred in that parish or in any parish in Louisiana without having been thoroughly ventilated and thoroughly understood by the people, and without, if the charges were unfounded, having met with proper contradiction.

But the honorable Senator the other day when he made these charges against the State of Mississippi charged that this man was driven from his home and his property burned because of his political opinions, because he was a republican, because he took part in politics as a republican. Now, there is nothing in the long article which has been read to-day which shows or in which he claims that he has received any persecution whatever on account of his political opinions, or even that he has taken that part in the politics of the country which he was entitled to do and ought to have done as a citizen feeling an interest in good government.

The most of the alleged outrages of which he complains occurred, according to his own statement, over nine years ago, during the time when Warmoth was governor of the State of Louisiana, and Governor Warmoth went out of office in 1873. Therefore it is not a new story which he now for the first time publishes to the world, for much of it he charges occurred years ago when the State of Louisiana from well known causes was in a turbulent condition compared to what it is at present.

His property, he says, was burned during last winter; it was burned, he says, by incendiaries. That may or may not be true. I shall defer an answer to that part of the statement until I am able to obtain information from that parish and hear the other side; but if his property was burned by incendiaries does it follow that it was because of his political opinions? The property of the honorable Senator from New Hampshire, [Mr. ROLLINS,] not now in his seat, was burned the other day by incendiaries, but I presume it was not because of his political opinions. This property may not have been burned by incendiaries at all. Fires are very frequent, especially upon plantations and in villages, when they are not the act of incendiaries; but I reserve any remarks that I may have to make on this point until I shall be able to obtain local information.

The rest of his article is made up of a tissue of charges which he has gained by hearsay, of assassinations, of fights, of outrages, of troubles in that parish, which he has heard from this man, and that man, and the other man, and of none of which he has any personal information. If they were true there is nothing to show that they are other than such as might have occurred in any border or frontier parish or county of any State in this Union; there is nothing to show they had any relation whatever to the political opinions of this gentleman, or any other person.

The honorable Senator from Massachusetts has sent up this article and had it read in its entirety; he has made it a part of his speech. I say as a person who knows the people of that parish, and the people of the State, that the greater portion of it is a calumny upon a respectable, reputable, hard-working, intelligent, and industrious people. He has made it a part of his speech; he has published this calumny against the people of Louisiana; and he has indulged in a long homily based upon it, giving advice to those people to change their modes and manners, to profit by this statement which has been made public before the good people of New England, to reform and make their country such that it will be fit to receive emigration from the State represented by the honorable Senator, a State where the people bask in the sunlight of education and morality, where the church and the school-house are open to all alike, and where it is to be supposed all the people of that Commonwealth derive benefit from the benefi cent institutions which it has provided for their education and their moral culture.

Without any intention of saying that what I am about to send to the Clerk's desk and have read as a part of my remarks applies to all the people of Massachusetts, without my intending to charge upon the people of Massachusetts that the crime committed in Massachusetts which is recorded here is a crime at all common to that people or for which that people collectively can be held responsible, I say that whatever crimes may occur arising out of violence, out of intemperance, or out of angry feeling among the people of some portions of my State or the people of the South, no such crime as is here recorded could ever have occurred in the State of Louisiana. I ask the Clerk to read the article, and I make it a part of my remarks.

The Chief Clerk read as follows:

FATAL ADVENTURE OF BURGLARIOUS STUDENTS.

LAWRENCE, MASS., *April* 13.

Early this morning Abiel Wilson, residing on the Salem turnpike, was awakened by footsteps in his house. Soon after his chamber door was burst open by two persons, when Wilson discharged a rifle, shooting one of the intruders. Both fled, but the dead body of the one shot by Wilson was found a short distance from the house, and proved to be that of Arthur Foster, a student at the Phelps Academy. His accomplice was his twin brother Luther, also a student. The latter, after the shooting, appeared and made a full confession. They were residents of North Andover, Massachusetts, and have most respectable connections. Three weeks previously they had attempted to enter the same place.

Further investigation of the crime and its tragic result shows that Arthur Foster was a theological student studying for the ministry, and that upon completing his studies at the Phelps Academy he intended to enter the Andover Theological Seminary. By the confession of the surviving brother it appears that the pair entered and robbed Wilson's place six months ago, securing $1,000 in money and gold watches. Mr. Wilson had in his room some seventy-five thousand dollars' worth of stocks, bonds, and other securities, the property being under no other protection than the owner's rifle. The object of the men was to secure if possible all this booty, intending to resort to violence if necessary to accomplish their end. Both had previously been in Wilson's employ, and had no difficulty in passing the watch-dog on the premises. The dead burglar was only twenty-one years old. It is thought now that other robberies hereabouts were committed by the Fosters.

Mr. JONAS. I desire to say only, in reference to that paragraph, that it records an incident of recent date occurring in the last three weeks, not nine years ago. I desire further to say that no man in Louisiana has ever been known to commit a murder or a robbery for the purpose of procuring the means necessary to obtain a theological education.

Mr. DAWES. Mr. President, the Senator from Louisiana [Mr. JONAS] says that very likely the facts stated in the account which has been read at the Clerk's desk may be transferred to other States in the South. I hope he does not mean to say that they are as applicable to other States as they are to Louisiana. I think that is a more serious charge against the condition of society in the other States than anybody has been disposed to make.

So far as the Senator delighted himself with the account of a very sad and deplorable crime committed in Massachusetts, I have no remarks to make. The Senator seeks such food as is acceptable to him. The Senator is delighted with the idea that some newspaper said that the burglar in that case was a theological student. I am sorry that the Senator does not read more extensively; he would have been disabused of that delightful idea, that sweet part of his communication, some time since if he had read all the newspapers. This poor burglar was not a theological student.

I want to call his attention to another distinction between that offense and those related at the Clerk's desk in the paper I sent there to be read. He says that no such offense has ever been recorded about Louisiana. I want him to understand that when men commit such offenses in Massachusetts they are tried and punished for them, and the poor survivor of that burglary is now in jail awaiting a trial, and will be tried fairly before an impartial jury, and there will be no mob that will lynch him. There will be no juries that will refuse to convict him; there will be no officers that will refuse to execute the mandate of the court. He will be tried, and tried fairly. If he has a word to say in his defense, it will be listened to. And when the trial is through, if the jury find that he is guilty, he will be condemned and suffer punishment. When that state of things shall be true in Louisiana it will be all that anybody can ask at their hands.

Mr. FRYE. Mr. President, being the junior member of this Senate, perhaps a reasonable degree of modesty should have kept me silent during this session—simply a "looker-on in Vienna"; but I find that unexpectedly I am obliged to leave on Saturday next for a protracted absence to attend to some legal business which I accepted when I knew nothing about this session; and there are some things which it seems to me ought to be said that are still unsaid, and therefore I hope the Senate will excuse me, even if it does seem to be a slight breach of modesty on my part.

Some Senator on this side yesterday, in the progress of the discussion, I think it was the Senator from Pennsylvania, [Mr. CAMERON,] exhorted the Senators on the other side to be brave men. Now, sir, I have been sitting here looking on, and it seems to me that those words of the Senator from Pennsylvania are mere idle words; they are wasted words. I never saw in all my life, I never read of braver men than are to-day on that side of the Senate Chamber.

Here we are, sir, in this extra session, with the Constitution over us, with duties before us, the democratic party in the Senate clearly in the wrong, knowing themselves to be in the wrong, knowing the Constitution to be against them, and we on this side undertaking to do the very duty which the Constitution prescribes, and instead of the Senators on that side putting themselves on the defensive, they stand up here and "carry the war into Africa" day after day, and I

find republican Senator after republican Senator driven to a defense; they on that side wrong, these gentlemen right. Ah, gentlemen, there is bravery enough on that side of the Chamber; there is bravery enough in the distinguished Senator from Georgia [Mr. BROWN] when he rises in his place, and, with great dignity and with the Constitution of his country in his hands, reads day after day lessons to the republican Senators on their duties under it. Confession is sweet for the soul, and yet confession to the public, to the world, sometimes requires a higher degree of bravery than anything else; and it was a brave act on the part of the distinguished Senator from Georgia when he in open Senate admitted that he had been within a few years past a republican in the State of Georgia, that his life had been in peril as a republican, that he then became a democrat, and from that day to this has enjoyed perfect safety.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. FRYE. Certainly.

Mr. BROWN. I hope the Senator from Maine will permit me to interrupt him a minute. I said no such thing. I do not presume he intends to misquote me.

Mr. FRYE. I understood the Senator from Georgia to say that there was danger when he was a republican in Georgia.

Mr. BROWN. No, sir, I did not say that.

Mr. FRYE. Will the Senator kindly tell me what he did say? I so understood him.

Mr. BROWN. If I had a copy of the RECORD containing my remarks I would tell you exactly what I said. The substance of it, however, was this: I was asked by a Senator on that side whether there was not a time when I had republican proclivities—I believe that was the language he used—when it was not safe for me to go without a guard, or some language to that purport. I replied that there was a time just after the war, when I had taken my position on reconstruction, when it was probably not safe, but that that period ceased two years before I reunited with the democracy, and I was as safe as any one was.

Now, I have no objection to telling the Senator, if he will permit me to interrupt him long enough——

Mr. FRYE. The Senator has replied to the question, and has made the correction which he desired to make, and I will proceed.

Mr. BROWN. I ask the Senator to permit me to add this: I said nothing about having been in danger when I was a republican, and that when I returned to the democracy I was safe, for I distinctly stated that two years before I returned I was as safe as I had ever been, and I have been ever since. My return to the democracy had nothing whatever to do with the want of safety. There was but a single occasion, if the Senator will allow me to state it, where I was unsafe that I knew of. There was one meeting I attended where I was informed that my life was in danger. I went on and spoke as usual, however, saying that I had made the appointment, and intended to fill it, and I was not assailed, and there may have been no real danger, though I had reason to believe there was on that occasion. That was the only one.

Mr. FRYE. Well, Mr. President, it is brave even to admit as much as the Senator from Georgia does now. As to his republicanism, I know myself he was a republican, for I had the pleasure of hearing him deliver a very fine speech in 1868, I think, in the republican convention.

Mr. BROWN. I have not denied that I acted with the republicans in 1868.

Mr. FRYE. But, Mr. President, there was one other thing which required courage on the part of the distinguished Senator from Georgia, and that was the attack he made upon the Commonwealth of Massachusetts and the admission that there were 139,000 men twenty-one years of age in that State, spendthrifts, paupers, men who could not read and write, who were excluded from the ballot by her laws, who if those laws were repealed would vote the democratic ticket. What an admission! The spendthrifts, paupers, and ignorant men of Massachusetts all democrats!

It required courage to make a confession like that before the world. It was true, undoubtedly, and the distinguished Senator might have gone one step further; he might have declared that in the State prisons, in the reformatory institutions, in the penitentiaries of the great Commonwealth of Massachusetts there were thousands more of adults, that the doors of the prisons were closed against them on election day, that if the State would have opened these doors, they, too, would have voted the democratic ticket, and that would have been true.

Sir, it required courage on the part of the distinguished Senator from Florida [Mr. CALL] to make a two days' attack upon Massachusetts, and the greater part of it an attack upon her industries. Why, sir, I was always delighted with the story in the Bible of that contest between David and Goliath. I watched David picking his pebbles, placing them in his sling, and with such courage and confidence hurling them at the mighty giant before him, and it was boyish delight to see the giant tremble and fall. But, sir, while there was courage on David's part, yet he knew that the Lord was on his side. The Senator from Florida fights this Goliath of Massachusetts, hurls his pebbles, and knows that the Lord is not on his side. That requires infinite courage.

Now, sir, let me tell the Senator from Florida that I do not rise here to defend Massachusetts against him. Her schools and school-houses, her colleges and universities, her great philanthropic and charitable institutions, her mechanical and manufacturing industries, her intelligent and prosperous people make a Commonwealth the grandest that the sun shines upon to-day in this world, and she needs no defense even at the hands of her own Senators.

But the Senator from Florida charges upon Massachusetts and Rhode Island and Connecticut that they deprive people of the ballot. How deprive people of the ballot? Why, he has the boldness to say that they require men to be able to read their ballots. It took courage to make that declaration on the part of the Senator, for he did it in the face and eyes of the fact that Massachusetts to-day raises for her schools $5,000,000 a year, opens school-house doors in every hamlet, and then enacts laws to compel parents to send their children to school, while the State of Florida raises but $134,000 a year for the same purpose. Massachusetts, which put that limitation of education upon her voters, raises $16 a head for children between five and fifteen years of age, while the State of Florida only raises fifty cents per capita of population; and the Senator from Georgia was bold enough when he made the same attack if he remembered that Georgia raised but sixty cents for white and but fifteen cents for black scholars.

Mr. BROWN. Mr. President, will the Senator permit me again? I do not recollect having made any such statement in the Senate.

Mr. FRYE. I have not said that the Senator from Georgia made any statement.

Mr. BROWN. I certainly understood him to say this moment that the Senator from Georgia was bold when he made a statement that we raised sixty cents per head——

Mr. FRYE. I did not say that, Mr. President. I said the Senator from Georgia was bold to make that charge that Massachusetts did wrong when she put a qualification of education upon her voters, while in Georgia, the gentleman's own State, they raised but sixty cents for white scholars and fifteen cents annually for black ones, and Massachusetts raises $16 annually per capita for hers, regardless of color or anything else.

Mr. BROWN. Will the Senator permit me to ask if he says there is any distinction in the laws of Georgia between the amount raised for black and white.

Mr. FRYE. I so understand it certainly in the appropriation of the funds after they are raised.

Mr. BROWN. Then you entirely misunderstand it; there is no such thing.

Mr. FRYE. Now, Mr. President, I wish to call the attention of the Senator from Florida to a little comparison between his State and Rhode Island, for he had the bravery to attack Rhode Island, too. I have here some comparative school statistics of Florida and Rhode Island for the years 1877 and 1878, taken from the reports of the Commissioner of Education.

Rhode Island, 41,000 pupils; Florida, 36,000—very little difference in the number of pupils. Teachers employed in Rhode Island, 1,312; in Florida, 970. School property in Rhode Island, $2,634,000; Florida, $116,000. Whole receipts for public schools in Rhode Island, $709,444; in Florida, $183,311. Whole amount expended in Rhode Island, $679,771; in Florida, $134,880. Per capita expenditure in Rhode Island, $11.54; in Florida, $3.64. And yet the Senator from Florida undertakes to criticise the State of Rhode Island for an educational qualification when Florida hardly keeps up the semblance of an opportunity to educate her voters, and Rhode Island furnishes $16 per capita every year to educate her children and give them the opportunity to become voters.

Take Florida and Colorado, because Florida may say that she has recently got back into the Union and therefore ought not to be so judged. Colorado has just come into the Union, only three or four years old. Colorado has about one-third the number of pupils of Florida; 16,000 in Colorado, 36,000 in Florida. Valuation of school property in Colorado, only a few years old, $474,771; in Florida, $116,934. Whole receipts for public schools in Colorado, $281,674; in Florida, $183,000. Expenditures annually in Colorado, $243,850; in Florida, $134,880; and so on.

Mr. President, I make these points in order that the country may understand this: The complaint made by the Senators on that side is that in the North we put an educational qualification on the ballot; but, Senators, I wish to show you that at the same time we open the school-house doors everywhere. While you raise a dollar per capita for the education of your voters, we raise all the way from $8 to $18 per capita in the States of New England and in other States of the North. If we require education, we furnish the opportunity to every man to acquire it.

The Senator from Florida also had the courage to call the laboring-men of the North, especially of New England, serfs, "hungry, starving employés of our mills, working out a weary existence under the cruel hand of the hard-hearted task-master." Well, Mr. President, I live in one of the New England States; I live in a manufacturing city; I know something about the manufacturing employés of New England—more, evidently, than the distinguished Senator from Florida knows. Why, Mr. President, the South does not know anything about the labor of the North. There is no more comparison between the laboring men of the South and the laboring men of the North than there is between white and black. On the one hand, labor has been

disgraced by a hundred years of slavery; on the other hand, it has been honored, free, independent; and when Senators from the South talk about the serfs in New England manufactories they do not know what they are talking about.

I say to the Senator from Florida I can take a factory in my own city with a thousand adult employés, men and women, and he may select the best village in the whole State of Florida, having one thousand adults, men and women, as its inhabitants, he may exclude every colored person from that number, and then I will take those mill operatives, commencing with the agent and going down through, compare them man to man and woman to woman, and in dignity of character, in intelligence, in education, in every manly and womanly virtue, in property, in prosperity, the employés of that mill can discount the thousand selected from Florida.

Serfs? Men to be bulldozed and intimidated! Ah! if the Senator from Louisiana had had the operatives of Massachusetts down there during the bloody history of that State, and the conservatives had undertaken to intimidate and bulldoze them by the methods then prevailing in Louisiana, there would not have been enough conservatives left to-day to form the decent nucleus of a party.

Ah, it is easy to shoot labor when it has been ground down for a hundred years by slavery; it is a different thing to point the pistol and look at the eye of a free white man and bulldoze such an employé! Starving and hungry employés! Let me tell the Senator from Florida that the factory operatives and mechanics of Massachusetts to-day have laid by in the savings-banks of that Commonwealth money enough to purchase the whole State of Florida, real estate and personal property, five times over, and then have $50,000,000 left. [Laughter, and applause in the galleries.] The valuation of Florida is only about thirty million dollars, real estate and personal property; and the laboring men and women of Massachusetts have to-day on deposit over two hundred million dollars. Starving and hungry employés! Oh, it required courage to say it.

I live in a city of twenty thousand inhabitants. I speak within bounds when I say that the men and women at work in the mills of my city have more money on deposit in the savings-banks to-day than all the laboring men and laboring women in Florida have anywhere. Starving and hungry serfs!

The Senators on that side show courage when at once they attack Senators on this side by charging that we had forgotten all the principles of our lives and had joined with repudiators and adopted the infamous doctrine of repudiation. One by one we have declared that we have adopted no such doctrine. Repudiation finds no resting place in New England; but it was charged upon us, and Senators on this side thought they had made reply enough when they charged back that every Senator who urged it represented a State which had repudiated all the way from $5,000,000 to $20,000,000, and then courage was shown again by Senator after Senator rising in his place and declaring that in his State there had been no repudiation, not a dollar of repudiation. Oh, the infinite courage of the distinguished Senator from North Carolina, [Mr. VANCE.] No repudiation in North Carolina!

Then the distinguished Senator stated the facts in relation to the debt, and I kept running through his figures to see what the facts would show. I find that they had bonds out in 1860, and if the Senator from Massachusetts [Mr. DAWES] in 1860 had purchased a one-thousand-dollar bond issued by the State of North Carolina which then commanded I think one dollar above par—we will leave the one dollar out—he would have paid $1,000 cash for a bond. The day it was issued it was worth $1,000. He would have put it in his safe, waited year after year, would not have received one single dollar of interest, then in 1866 he would have found the State of North Carolina giving him a new bond bearing 6 per cent. interest for $360, being the interest from 1860 up to 1866, then in two years another bond for $120 for the interest unpaid on the principal for two years bearing 6 per cent. interest, and as time rolled on he would have found that he got no interest on his one-thousand-dollar bond, no interest on his $360 bond, no interest on his $120 bond, even down to now; and what happens? He has had his bond of $1,000; he had his next bond $360; he had his next bond $120. Add to that the interest unpaid on the one thousand-dollar bond from 1868 down to now and there is $780; the interest on $360 from 1866 to now, $324; the interest on the $120 from 1868 to now, $93.60, which makes in all that Mr. DAWES's bond represented to him $2,677.60, and then the State of North Carolina gives him for it one bond bearing 4 per cent. interest—40 per cent. of his original bond of $1,000; that is, a bond for $400, and she gives him another bond for his interest, a bond for 25 per cent. of it; that is $120; and thus the Senator from Massachusetts has bonds to the enormous extent of $520, and he has not yet got any money, but the discovery was made the other day that this new bond could be sold for eighty-five cents on the dollar, and the distinguished Senator, if he has financial thrift about him, will send to New York to-day and order that North Carolina bond to be sold for eighty-five cents. It is the only way I think he will ever get anything. Thus you will find he gets $442 cash, and the net loss is $2,235.60, and there is no compound interest about it either. That is no repudiation! And yet some Senator said on this side that Senators on that side must be brave men. Ah! a braver man than the Senator from North Carolina cannot be found in the wide, wide world when in the face of that, looking right into the eyes of the American people, he declares that North Carolina has never repudiated a single dollar, her escutcheon is as bright, as glorious, as glittering as the constellations above us!

Mr. President, Senators on the other side again charge us on this side with simply being engaged in a game of trying to get a few offices for the republicans. There is not a Senator, I think, on the other side of this Chamber who does not know that if the republican administration was pleased it could to-day turn out from every Department of this Government—any one of them, I do not care which one you name—more democrats and give their places to republicans than we can possibly do in this Senate by passing this resolution. Hunting after offices!

Mr. President, much has been said in the progress of this discussion in relation to the rights of the majority. I do not propose to discuss that point at all; it has been debated here for weeks by abler men than I. It is not the ground on which I make this fight for myself and in part for my State. I recognize its force; I recognize that the minority must yield to the majority ultimately or that we have no Government; but there is another ground which appeals to me with infinitely greater strength than that.

Mr. President, the ground on which I make this fight is this: that there is a solid South, and that a solid South is a constant menace to the prosperity, to the safety of the American people, and, in my judgment, a gross, wicked usurpation of rights, a deprivation of rights among its own people. And when I talk about the people of the South I mean blacks as well as whites. When Senators on the other side talk about "our people" they seem to me to mean no man except the man who has a white skin, but we at the North recognize a black man as one of the people. I say the North to-day, in my judgment, places this fight upon this ground and sustains it upon our declaration that that solid South shall be broken if its solidity depends upon the deprivation of any right of any citizen of the United States happening to reside there.

When that charge was made, Senator after Senator on the other side had the boldness to rise and deny, some of them, that there ever had been any political outrages, such as have been alluded to, in the South since the war. The two Senators from Georgia both admitted that there had been outrages; I heard no other Senator on that side admit it; but each one who has spoken has declared emphatically and distinctly that to-day those outrages have ceased entirely; that to-day the angel of peace has settled over the whole South; that to-day elections are as free, as fair, as peaceable there as anywhere in the United States; and, says the Senator from Georgia, more free than they are in Massachusetts or Rhode Island or Connecticut.

Sir, I desire to say that I cannot give credit to any such statements as those, by whomsoever they are made and wheresoever, and I am not going to deal in idle stories either. I will give names and places. I am going to select a few specimen bricks from the South, and my information comes from the records of the courts there and from records in Washington, to which any Senator here can appeal any day that he pleases for information. I will give facts that cannot be disputed successfully, and try you, and see whether your elections to-day in the South are as free and fair as in New England.

I did not intend to trouble Florida much, but I have a word or two to say about her. The Senator from Florida declared that that State above all others was perfectly peaceable, perfectly free, every man had a right to vote, and vote as he pleased, and his vote was counted just as he cast it, and when he was saying it the cry came here from the other House in the case of Bisbee *vs.* Hull, "Testimony cannot be taken because murder stalks abroad and witnesses dare not testify." I take up the reports of the courts. I will take, for instance, Madison County. I find in Madison County, at the last election, that the county canvassers refused to count the votes at two polling places, the inspectors colluded with them, thus counting out republican members of the Legislature and counting in democratic. Citizens of this county were arrested on precepts issued by the United States court. The precepts were put in the hands of deputy marshals. They arrested their prisoners, they summoned their witnesses, and, with prisoners and witnesses, took a train of cars to go to the court. They had not gone more than one mile before a body of armed men, men with masked faces—they did not disguise their democracy—came into the car, stopped the train, with pistols in their hands, compelled the passengers to keep their seats, took the prisoners away from the deputy marshals, and then stampeded the witnesses for the woods. That was after the last election.

Again, it was shortly afterward rumored that the porter of the sleeping-car on that road knew some of these men who had appeared in mask, and almost every night afterward that train was fired into as it passed along its way, and the railroad officers seriously considered whether or not they would be obliged to stop running that train through that county in order to save the lives of their employés and protect their property.

Again, a deputy marshal went down there to arrest prisoners and summon witnesses. They attacked him in a hotel and pitched him over the balustrade, and after choking him until they thought he was dead, left him. He lived, but he came near dying. That was after the election, and he was arresting for election offenses.

Again, a deputy marshal was there trying to summon witnesses and arrest prisoners; a mob of armed men followed him and his posse from place to place, and finally drove them into the woods for safety.

Mr. CALL. Will the honorable Senator allow me? I hope the honorable gentleman, while he is narrating these facts as of his own knowledge, will be so kind as to state the names of the persons as well as the place and time of occurrence.

Mr. FRYE. If the distinguished Senator from Florida will go up to the Attorney-General's office and take the reports of marshals and district attorneys, he will, I doubt not, find a hundred times more than I have stated here.

Mr. CALL. Will the honorable Senator pardon me for asking him another question? I should like to ask the honorable Senator if it is not proper, where he is stating facts as of his own knowledge, which he has either derived by the examination of the records or otherwise, that he should state them with such particularity in regard to names, time, and circumstance as will enable them either to be verified or the contrary?

Mr. FRYE. Mr. President, I do not regard it my duty. Every statement that I make can be verified if the Senator will go to the Attorney-General's office for verification, or if he will go to the courts of his own State and take the records there. They will be found in one or the other.

I should like to incorporate in my remarks a method they have in Florida of electing primary county officers. With the permission of the Senate I will do so without reading it here.

Mr. CALL. I desire to hear it read. I think it is due to me that it should be read.

Mr. FRYE. I have no objection to reading it.

Mr. JONES, of Florida. Will the Senator permit me to make a statement? He referred awhile ago to a murder having been committed in Madison County in connection with the Bisbee election. I will say to the Senator now that that murder was one perpetrated by a black man on a white man.

Mr. FRYE. That is the first murder I ever heard of in the South of a white man by a black man. It always turned out the other way in my reading.

I will omit this document from my speech rather than take the trouble of reading it.

I did not intend to say a word about Florida, but in looking for something else my eye fell upon this bit of history at the last November election in that wonderfully peaceable State. I should like to have the gentlemen hunt over Rhode Island and Connecticut and Massachusetts and New Hampshire and Vermont and Maine and find anything of that kind. Peaceable! more peaceable than in New England!

Now, Mr. President, for South Carolina. South Carolina in 1870 had a population of 705,000 in round numbers; in 1880, 995,000. The white population in 1880 was 361,000; the colored population 604,000—almost two colored men to one white man in the State. In 1875 the registered white vote was 74,000, the colored 110,000; total white population in 1870, 289,000; colored, 415,000.

Mr. BUTLER. Did I understand the honorable Senator to say that was the registered vote of South Carolina?

Mr. FRYE. I do not understand the Senator.

Mr. BUTLER. The honorable Senator was giving the registered vote of South Carolina.

Mr. FRYE. The registered voters in 1875 only.

Mr. BUTLER. There is no registry law in South Carolina. That is a specimen of the Senator's accuracy.

Mr. FRYE. I will simply say in relation to that that I sent to the Librarian of Congress and he informed me that you had no registration law, but that in 1875 either by a State enumeration or in some other way you did ascertain the exact number of men twenty-one years of age, colored and white, residing in South Carolina, and I have given the figures of those.

Mr. BUTLER. All I have to say to that is that I know nothing about registration. I only state as a fact that there is no provision for registering votes in South Carolina—by law, I mean.

Mr. FRYE. The Senator from South Carolina will notice that I did not give the registered vote for any year except this of 1875, and I give my authority for that; it was taken under a State law.

Mr. BUTLER. That is not true, Mr. President; that is all; the Senator is mistaken.

Mr. FRYE. I am not mistaken that it was taken.

Mr. BUTLER. No, I say the Senator is mistaken in saying it was a State law. There has been no law of the State providing for a registration of votes. That is a mistake, I think.

Mr. HAMPTON. If the Senator will allow me, I think that I can explain how he has fallen into the mistake. There is, as my colleague says, no registration law in the State; but by a census that was taken there previous to the time named it was estimated that there were 75,000 white voters and 110,000 colored voters. I think those are the figures that the Senator used. That was estimated at that time.

While I am up, if the Senator will allow me, I will state one fact in reference to that, which I think is of some importance. Those figures, as he will recognize, made the vote of South Carolina at that time 185,000. In that election there were 183,500 votes cast, and in that same election, the election of 1876, Mr. Hayes, who was the presidential candidate, received nearly 20,000 more votes than General Grant received in 1872. So there certainly could have been no restriction upon the vote there, as they polled the largest republican vote that had ever been cast in the State.

Mr. FRYE. I am obliged to the gentleman for corroborating what I said in relation to 1875; but there has been a census of the people of the State, and the colored and the white population bear just about that proportion of voters in the State. In 1868 Grant had 62,000, Seymour 45,000; republican majority, 17,004. In 1870 Scott, republican, received 20,000, and the democrat 12,000; republican majority, 8,014. In 1872 Grant, 72,000; Greeley, 22,000; republican majority, 49,587; and Moses, the republican candidate for governor, had 35,945 majority. In 1874 Chamberlain had 80,000, Green 68,000; republican majority, 7,000. In 1878 the distinguished Senator, Mr. HAMPTON, received 119,550 votes for governor, and scattering 213. In 1880 Mr. Garfield received 58,071, Hancock 112,312, and the democratic candidate for governor received 117,482, there being no republican candidate. Gentlemen may say that colored men have been converted; gentlemen may say that colored men vote the democratic ticket: I tell you the people of this country, at the North at any rate, will give no credit to any such pentecostal conversions as those.

Mr. HAMPTON. May I make a suggestion? I do not wish to interrupt the Senator without his permission. Is it disagreeable to him?

Mr. FRYE. I will yield for a question.

Mr. HAMPTON. I wish simply to make a very short statement.

Mr. FRYE. I would prefer, if the gentleman will allow me, not to be interrupted for a statement. I do not wish to seem to be wanting in courtesy, but I have talked longer now than I intended to have done.

How has this change been accomplished in South Carolina? Have the colored men been permitted a free ballot there? If they had, would they not have voted the republican ticket? Sir, I have been through the South. I have had the privilege and the painful duty of investigating elections through the South. I have seen some of the democratic conversions down in Louisiana. I remember a few of them were put on the stand by the democrats as members of democratic clubs, and I remember on a cross-examination it turned out that each one of the democratic black men who belonged to the democratic club had a little ticket of safety given to him, issued by the club. The democrats on the witness stand said it was a ticket of safety against their own black brothers, but on cross-examination it proved to be a ticket of safety against the democracy, the conservative gentlemen of Louisiana.

The black men perhaps can be converted, but if the black men know anything they know that under God and the republican party they have been made free. If they know anything they know that the whole power of that party for twenty years has been devoted not only to making them free but to securing their rights as freemen. Who can be led to believe that of their own accord and free will they to-day will vote the democratic ticket when the issue is a national one?

Sir, just before the last election "the feeling on both sides in South Carolina was most intense and on the democratic side extreme, desperate, and bitter. They forced into the question the race issue, declared it a question of white civilization and supremacy, and, forgetting the black code and ku-klux outrages denounce, the attempt to restore a republican administration as treason to the State and a crime against humanity, deserving of any execration and justifying or excusing any means by violence or fraud to defeat it."

Again, after election, "the particular acts of fraud throughout the State, the number of which is simply incalculable, are merely the result of a deliberate and desperate conspiracy of the whole democratic organization to defraud the acknowledged republican majority of the use of the suffrage because they denounce the result as 'nigger domination.' The jury laws, the statute itself, force open the doors of the jury-room to members of the very conspiracy and furnish both its opportunity and protection against the Government."

Again, methods: "There was violence in Greenville, Laurens, Hampton, and one or two other counties, and of fraud everywhere, from voting twice to stuffing and counting out by wholesale. The election process is, by three managers at each polling-precinct, all democrats, who receive, immediately count, and make return to a board of county canvassers, all democrats, who aggregate the votes, and of course where the returns on their face show by accident a republican majority, sufficient boxes are thrown out upon whatever plea to tabulate a majority the other way. This tabulation, with returns, poll-list, &c., is forwarded to the State board of canvassers, composed of highest State officials, who, upon the certified statements of the county board, make the official declaration."

Again, in the case of the United States *vs.* Webb there was testimony as to the method of ballot-stuffing in South Carolina:

> The stuffing was done here and elsewhere in this county in two ways: by wrapping small tickets in a large one and cramming them in, and by having wooden ballot-boxes with sliding lids, on the inner surface of which packages of forty or fifty tickets were loosely fastened by strings pressed by knife-blade into surface of .id over the package. Polls were required to be open at six o'clock a. m. The managers, who were all democrats, would open the polls before the republican supervisor or anybody reached there and lock the box. When the supervisor came and demanded to inspect the box he was flatly denied on the ground that he was too late, and they would then outswear him on the stand. At the close of the polls they would unlock the box, draw the lid sharply off, the packages would fall and scatter and cover the top of the interior. They then counted them. The proof was clear, as the excess of ballots over the names on their own poll-list showed.

Mr. BUTLER. Will the Senator permit an interruption just there

for the purpose of correcting a mistake into which he has fallen, if not inconvenient?

Mr. FRYE. I will yield for a single moment.

Mr. BUTLER. I simply desire to state in regard to the case to which the Senator refers, the United States *vs.* Webb, that I understand the facts to be briefly these——

Mr. FRYE. If the Senator will pardon me, I wish to say that I made a mistake in the name of the case, and I was just going to correct it myself.

Mr. BUTLER. Webb is a Connecticut man who voted the republican ticket, and he was convicted for his act in the United States courts. Those are the methods to which the Senator refers.

Mr. FRYE. Webb was a man who cast, after the South Carolina plan, twenty-one ballots, twenty tissue ballots inside of one large one, and if he was a republican it shows this remarkable fact——

Mr. BUTLER. He was a Connecticut man, I said, and voted the republican ticket.

Mr. FRYE. If he voted the republican ticket, it discloses the remarkable fact that in all the ballot-stuffing in the whole State of South Carolina for the last three years, where the world knows that thousands and hundreds of thousands of democratic ballot-stuffers have carried on that devilish work, he is the only man who ever was convicted of ballot-stuffing in a South Carolina court before a South Carolina jury.

Mr. BUTLER. Will the Senator permit me one moment? Those cases have all been tried in the United States courts.

Mr. FRYE. Were not the juries South Carolina juries?

Mr. BUTLER. Certainly they were.

Mr. FRYE. And do they not say whether the accused is guilty or not guilty?

Mr. BUTLER. The republican judges and prosecuting officers have something to do with it.

Mr. FRYE. I say I will accept that man as a republican; it only adds to my argument, because I was going to add, when the Senator interrupted me, that I had mistaken the Webb case. The Webb case was where there was a conviction, and in the one to which I was referring the jury disagreed. The Webb case was the only conviction ever had before a South Carolina jury for ballot-stuffing; and the gentleman discloses to me why he was convicted—that he was a republican following democratic examples.

In the fourth district of South Carolina—the election in this district would have been a more stupendous farce than elsewhere if it had not been a tragedy. One colored preacher, a respectable man, a republican, was called to his door by red-shirts and eighteen bullets left in his corpse. Another colored man, about eight miles from Greenville, was shot just before the election. All night before election the whole county resounded with reports of cannon and fire-arms, and the most outrageous bulldozing and fraud prevailed everywhere.

How came it that South Carolina had such a peaceful election? How came it that black men voted the democratic ticket in South Carolina?

The Senators from Texas declared that elections in Texas were as peaceable and as honest and as fair as anywhere in this country. Let me give the Senators from Texas a little history of their own State. It is cruel to be obliged to instruct the gentlemen about their own concerns. They seem to have eyes, but they see not; they have ears, but they hear not, unless it be about our peculiar people. I want to call the attention of the Senators from Texas to Harrison County as a specimen brick. The whole vote of Harrison County as counted gave Garfield 444 majority. He was entitled to over 2,000. The republican candidates were all on one ticket, down to the constable, with the Garfield electors; there was not a split ticket in the whole lot; and yet while Garfield had 444 majority the democratic canvassers and counters gave the democratic candidates in the county 2,434 majority. How is that for a fair count? Understand it, the republican ticket was an entire ticket from electors down to constable; and yet when the democrats knew that the State was perfectly safe for Hancock and did not care a snap of the finger about a vote for Hancock, Garfield had 444 majority and the democratic candidates for county offices had 2,434 majority.

Mr. COKE. Mr. President——

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) Does the Senator from Maine yield to the Senator from Texas?

Mr. FRYE. For a question I will yield with pleasure. Perhaps the Senator from Texas had better wait a moment or two longer, because I have got considerably more for him.

Mr. COKE. I should like to ask the honorable Senator to state the evidence upon which he is making these statements.

Mr. FRYE. I have stated in advance, and before I finish I will state again, where I get my evidence. I think the Senator will not contradict it if he will wait until I get through.

At one precinct in Fort Bend County the officers of election refused to make any return whatever. They did not make any.

In Harrison County supervisors were denied access to the voting precincts; men supposed to have republican tickets in their possession for distribution fired upon by masked men in broad daylight; prominent republicans wantonly assailed; republican majority of 1,500 changed to a democratic majority of over two thousand; voters intimidated, their lives threatened if they voted for republican candidates; attempts made to kidnap and kill persons carrying republican ballots to polls; republican speakers insulted, assaulted, and their lives threatened; a supervisor of election compelled to surrender his commission by armed men, and to armed men, and then the managers of election refused to recognize him because he had lost his commission.

"On the evening of Sunday, October 31, 1880, two days before the election, one Peter Choice, a colored man, was traveling from Marshall in Harrison County, Texas, to election and voting precinct numbered 6, a voting place in Harrison County, about seven miles from Marshall, the county seat of Harrison County, to the voting precinct aforesaid, in which he resided. Choice on the day referred to had in his possession a large number, estimated at about three hundred, of republican tickets or ballots, which he had received from the republican executive committee of Harrison County, in Marshall, Texas, for use and distribution on the day of election at the aforesaid voting precinct, (which has always given a large republican majority.) While he was so traveling, and about a mile and a half outside the corporate limits of Marshall, two persons, whom he recognized as one Walter Jennings, a publisher of a newspaper called the Marshall Messenger, and one Wallace Rudd, stopped him on the highway and told him they wanted the tickets he was carrying from him, threatening to kill him if he refused to give the tickets up. Rudd and Jennings were disguised at the time but pulled the disguises from their faces when they accosted Choice. As Choice refused to give up the tickets in his possession, Rudd and Jennings fired with pistols four times at him, and Choice's life was saved mainly by the fleetness of his horse.

"Again, on the night of November 1, 1880, the day before the election, some six or eight persons went in disguise to the residence of one Charles Welsh, who had been appointed and qualified as a supervisor of election for precinct numbered 11, in Harrison County, and told him (Welsh) that if he would not then and there surrender to them his commission as supervisor of election they would kill him. Welsh entreated them to let him alone, but they persisted in their demands, and after some time, *in order to save his life*, Welsh surrendered to them his commission and was denied the right to act as supervisor on the day of election by the managers and officers thereof because he did not have his commission as such supervisor with him."

Again, at the general election held November 2, 1880——

Mr. COKE. Will the Senator state the locality, what the county is?

Mr. FRYE. I will give it exactly now. At the general election held November 2, 1880, and at voting precinct numbered 15, in Harrison County, in this judicial district, 156 republican votes were polled. No return of any of these votes was made by the judges and officers of election at the precinct referred to, who were indicted, tried, and convicted under section 5515, Revised Statutes of the United States. Does the Senator doubt that?

At another voting precinct in the same county no return was made of 150 republican votes polled thereat. The judges and officers of election were indicted, and although the "best citizens" (in their own estimation at least) in the county, and although they were represented by the ablest counsel in Northeastern Texas, they in open court plead guilty to the charge.

Mr. COKE. Will the Senator permit me to interrupt him? What was the judgment of the court? What was the penalty?

Mr. FRYE. I do not know, sir.

Mr. COKE. I can tell the Senator. I think they were fined $1.

Mr. DAWES. I think that would be about the estimate down there.

Mr. COKE. That perhaps will explain why they plead guilty. It was wiser to pay their fine and go home than to stay there.

Mr. FRYE. But the Senator forgets that down at that court where the judge fined them $1 it was done at the earnest pleading of these respectable citizens of Texas, these leading lawyers of Northeast Texas, and the plea they put in was that these men would not put the Government to the expense of proving them guilty but had confessed themselves guilty; and again, that there were hundreds of witnesses brought long distances to that court to appear against these men, and when the costs were divided between the defendants it would be found that a pretty heavy fine had been put on southern democrats, considering the frequency of the crime.

Mr. COKE. I will state to the Senator that the judge of that court is a very true republican, and that he is not in the habit of granting favors to democrats or being lenient with them.

Mr. FRYE. I know the judge gave as a reason that the costs were very heavy.

At voting precinct No. 2, Harrison County, 150 republican votes were polled at the election. No return made. Judges and officers of election indicted under section 5515, Revised Statutes, defended by same counsel, plead guilty in open court to the charge.

At voting precinct No. 3, in Harrison County, 60 republican votes polled on day of election. No return made of any of them. Officers of election indicted, plead guilty in open court to the charge.

At voting precinct No. 5, in Harrison County, on the day of election 150 republican votes were polled. No return made. Officers of election indicted and plead guilty to the charge.

At voting precinct No. 6, in Harrison County, on the day of election, 193 republican votes were polled. No return of the votes made. Officers of election indicted and plead guilty to the charge.

At voting precinct No. 7, in Harrison County, on the day of election 63 republican votes were polled. No return made of any of these votes. Officers of election indicted and plead guilty to the charge.

At voting precinct No. 16, in Harrison County, on the day of election 135 republican votes were polled. No return made of any of these votes. Officers of election indicted and plead guilty to the charge.

At voting precinct No. 17, in Harrison County, on the day of election 140 republican votes were polled. No return made of any of these votes. Officers of election indicted and plead guilty to the charge.

At voting precinct No. 19, in Harrison County, on the day of election 135 republican votes were polled. No returns of any of these votes were made. Officers of election indicted and plead guilty to the charge.

At voting precinct No. 20, in Harrison County, on the day of election 170 republican votes were polled. No returns of any of these votes were made. Officers of election indicted and plead guilty to the charge.

Total number of persons convicted, 40; total number of votes failed to be counted and returned, 1,502; all republicans. How is that for a fair, peaceable, free, honest election and a fair count?

Mississippi came to the rescue. It was bold on the part of the Senators from Mississippi. It required brave men to stand up here and in the presence of the country declare that in Mississippi there is a free ballot. There is no free ballot in Mississippi and never has been since the war. Hear this: At the December term of court for the northern district after the November election there were fifty or sixty convictions for election fraud and violence and hundreds of warrants that were not served. Go into the State of Rhode Island and find a county where there is one conviction for fraud and violence. It cannot be done. Go into all New England and find one conviction for an offense against the right of suffrage. It cannot be done. Yet here in one term of the court there were fifty or sixty trials and convictions or sentences on the plea of guilty, and many warrants that were not served.

In Lowndes County Mr. Randall was United States supervisor. He was driven away from the polls with pistols at his head. That was a common occurrence in Mississippi. In Tchula, Holmes County—I think the Senator from Mississippi [Mr. GEORGE] lives in Holmes County—the democrats had a cannon at the polling place. Only think of that! A free ballot in the South; and the democrats had a cannon at the polling place and fired it from time to time at the fences! It was loaded with gravel and stones, and they showed the "Garfield niggers" how it stove the fence to pieces, and the "Garfield niggers" took to the woods. Mr. Hull was born in Mississippi, the editor of a greenback paper, and Mr. Perry was a republican, both of them white men. They came early to the polls to distribute ballots. The democrats refused to open the polls while those two men were there distributing ballots, and they did not, but on the contrary they made a mob, they seized those two white men, dumped them into a buggy, and drove them off. No republican ballots were allowed to be distributed at that free poll.

Again, in Holmes County, where the Senator from Mississippi [Mr. GEORGE] lives, I think, early in the day a colored man offered his vote. I suppose southern Senators understand perfectly well that there are many cases where two colored men have the same name. If there is one John Brown there may be three or four John Browns. This man came up and offered his vote.

Mr. GEORGE. If the Senator deems it material where I reside in Mississippi, I will inform him that I do not reside in Holmes County.

Mr. FRYE. A colored man came and offered his vote; his name was John Brown. After he had voted, in five or six minutes another colored man came and called his name; it was John Brown. They challenged his vote at once and told him that he had voted. He told them that he had not. They insisted that he had, and it was enough to let a "damned nigger" vote once. We would regard that as enough up North. There was an intelligent, educated colored man by the name of Hill, known to everybody, standing by. Mr. Hill picked out the colored man who had just voted and brought him up, and then the other colored man who said his name was John Brown, and he said to them, "Gentlemen, here is the man who voted; there is the John Brown who now wants to vote." They did not wait; they seized him; they beat him on the head with the butts of their pistols. He just escaped with his life, and lay concealed all day long. They took the colored man who wanted to vote down in this free, beautiful, peaceful Mississippi, went to a barn near by and got an ox-chain. They had a loaded anvil. What was that for at the polling place? They took the chain, put it around that black man's neck, chained him to the anvil, and kept him there all day long. No more "niggers" tried to vote twice, I tell you, at that precinct.

At Canton, Madison County, there were two democratic judges and one republican judge, a bright colored man by the name of Garrett. They tried to get him to leave; they ordered him to leave; he refused. Then a democratic mob headed by the democratic circuit clerk by the name of Yandall beat him about his head with their pistol butts. He escaped, and they run the election as they pleased. Yandall was tried for it and the Mississippi jury disagreed, although the evidence was overwhelming. Then Yandall was arraigned again and he pleaded guilty to the charge.

Mr. GEORGE. I should like to ask the gentleman what authority he has for stating that the evidence was overwhelming in that case?

Mr. FRYE. I have the authority at any rate of the fact that Yandall, when brought up before the court, pleaded guilty to the charge. I do not think he would have done that if there had not been overwhelming evidence; does the Senator?

Mr. GEORGE. He might have pleaded guilty upon some sort of idea that was common, I believe, at that time there, that if he would plead guilty it would cost him less than it would to defend his case. I remember hearing something of that sort at the time, there that men who were indicted, who brought their cases in the courts when there was a mistrial, were advised that the court would be lenient with them and it would be cheaper to confess and plead guilty than to go on with the prosecution. But the gentleman said that the evidence was overwhelming against him and a Mississippi jury refused to convict; that was his statement. I want to know where is your authority for the statement that the evidence was overwhelming. Was there a bill of exceptions taken? Was the evidence given before the jury reduced to writing and certified by anybody who heard it, or is it the opinion of somebody that the gentleman has succeeded in getting from the Attorney-General's Office?

Mr. FRYE. I said it required no further evidence than the fact that Yandall pleaded guilty, and the people of this country will require no further evidence.

Mr. GEORGE. But you said, sir——

Mr. FRYE. I decline, Mr. President, to be interrupted now.

The PRESIDING OFFICER. The Senator from Maine declines to be interrupted.

Mr. GEORGE. Allow me to say one word, if you please. The confession of this man was not before that jury; the confession was made after the mistrial. Your statement was that the evidence before the jury was overwhelming, and you undertook to impeach the honesty and the fairness of the jury by saying that notwithstanding the evidence was unimpeachable to them they disagreed. I say that of the two statements one does not sustain the other. The fact that the man afterward had pleaded guilty is not to be considered as proving that the evidence before the jury was unimpeachable and overwhelming.

Mr. FRYE. Now, Mr. President, I will resume the floor. I only repeat I did not suppose that he pleaded guilty to the same jury that tried him before. We do not do it in that way in our country.

Mr. GEORGE. He pleaded guilty to the court——

Mr. FRYE. I decline to be interrupted again by the Senator unless he asks for the interruption in proper form and order under the rules.

Mr. GEORGE. All right.

Mr. FRYE. That jury disagreed, and immediately the man was arraigned for trial again and pleaded guilty, and the people of this country will not question the statement that I made that the evidence was overwhelming. The gentleman says in explanation that there in that country they plead guilty when they are not guilty; that sometimes they plead guilty when the evidence is not overwhelming. Think of it. Here is a white man, a gentleman because he is white and because he is a democrat, an officer elected to a responsible position in Mississippi, the clerk of the circuit court, who is charged with the infamous crime of taking a poor black man and beating his head with the butt of his pistol, and he, forsooth, for some reason which nobody knows, pleads guilty! There is no testimony, and yet he pleads guilty! If those are the gentlemen in Mississippi it is very singular, to say the least; and I do not believe the gentlemen of Mississippi will thank the Senator from Mississippi for undertaking to get them out of it in any such weak way as that.

At Raymond, the shire town of Hinds County, after the voting had commenced, the democratic officers suddenly got up a sham fight; they fired their pistols into the walls and ceiling of the room. The democrats outside hearing it began to yell, "Riot, nigger riot," and rush toward the voting precinct, and the negroes rushed for the woods.

Again, in Hinds County, Captain Kerr, register in the land office, and a Captain Estelle, a lawyer—the Senator will know these men; he was a captain in the Mexican war; both were white, both were confederates, and both residents of Jackson—went to Dry Grove the night before the election to distribute republican ballots. An armed body of white democrats surrounded them and escorted them nine miles, placed them on board the train, and sent them back to Jackson. No republican ballots were distributed at that polling place. There the jury disagreed because conspiracy was charged, and that gave a chance for them to disagree on what the word "conspiracy" meant.

Again, in Enterprise, Clark County, there were twelve convictions on trial and pleas of guilty of violence to republicans. All were democrats. There were twenty-four democrats under arrest for violence.

At Chahuta they had anvils, an anvil at one side of the polling-place, loaded, and an anvil at the other side of the polling-place, loaded. After they had been voting a short time, a gray-headed, respectable gentleman, a democrat, took his cane and marked with it a line from one anvil to the other anvil in front of the polling-place. Then he declared in a loud tone of voice that "that line was the dead-line, that no Garfield 'nigger' could cross that." Did the Garfield negroes know what the dead-line was? Did the respectable southern

gentleman know what the dead-line was? Had those colored men ever heard that when our brave boys from the North, down there in your cursed prisons, starved day by day, had, in their hunger and weakness from starvation, dared on bended knee to crawl across the dead-line to pick up some bone that some southern dog had dropped, they were brained on the spot? Dead-line! Ah, that line meant something, and no Garfield negroes crossed the dead-line that day.

Again, in the northern district of Mississippi, at the December term, three plead guilty to ballot-box stuffing; three plead guilty to returning the vote of one precinct as the vote of the whole county; five plead guilty for expelling by force supervisors of election; one was convicted of the same offense; two commissioners plead guilty of erasing names of voters from the poll-list; three plead guilty of driving the supervisor from the polls with pistols. There were about seventy other indictments, as near as I can learn. There were others indicted for aiding this pistol business, and they were let off. Election commissioners were tried for fraudulently making up a poll-book; the jury acquitted them, and then the district attorney discontinued all the rest of the cases.

In this court the evidence showed that crimes of every kind against the franchise were committed during the last election; in fact the anti-democratic vote was suppressed, names were fraudulently taken from the poll-book, others were allowed to vote, their votes either not counted or were counted for the other candidates. At one precinct a large majority of republican votes were cast, but the inspectors returned a solid democratic vote; armed men were at the polls to intimidate, and every sort of fraud was common. In all counties having large colored majorities fraud ran riot. It was impossible to proceed with the trials of some election cases; witnesses were driven off, they were prevented from going to court, the defendants and their friends, armed with bludgeons and pistols, in large numbers, beat witnesses, completely demoralized them, and finally the district attorney gave up at that court in despair and stopped the trial of causes.

Again, there is a district in Mississippi called the "Shoe-string district." It has been represented in the other House several years by Mr. Lynch, a colored man, and for the last four or five years by General Chalmers. I wish now to give the exact registered vote of that district, county by county: Adams County, white 1,274, colored 3,635; Bolivar County, white 1,080, colored 3,606; Claiborne County, white 727, colored 2,566; Issaquena County, white 371, colored 2,870; Jefferson County, white 951, colored 2,419; Quitman County, white 199, colored 217; Sharkey County, not given, very small; Tunica County, white 451, colored 2,055; Warren County, white 2,217, colored 5,238; Washington County, white 1,726, colored 5,604; Wilkinson County, white 855, colored 2,567; total, 10,837 white in the district and 33,940 black, not counting Sharkey—over 23,000 majority of colored men.

In 1869 the republican vote of that district was 20,949, the democratic vote 3,374. At that time I think there were four or five more counties in this district. In 1872, when the district was the same, Lynch, the colored man, had 15,101; Cassidy, the democratic candidate, 8,509. Lynch's majority, 6,592.

Mr. FARLEY. Will the Senator allow me to ask a question for information? Are there not other States in the Union besides the Southern States where as great changes as that suggested by the Senator have taken place? Did not the State of Maine, in 1876, give the republican candidate for President about 16,000 majority, and did not the State of Maine in 1879 defeat the republican candidate for governor there by a small majority? Why this great change?

Mr. FRYE. I have not got through with this yet, Mr. President. There are changes, of course, in all States.

Mr. FARLEY. I was about to suggest further to the Senator that in my State, the State of California, in 1864 and 1865 the republican candidates received 18,000 majority. In 1867, Mr. Gorham, your nominee for Secretary of this body, was the republican nominee for governor of that State, and he was beaten 10,000 votes. Two years before that the State had gone 18,000 republican.

Mr. FRYE. Mr. President, the Senator will pardon me for not mixing with this statement any changes in other States. I am going to show that there has been no real conversion or change in this district in Mississippi before I get through.

In 1875 and 1876 "the Mississippi plan" came in. In 1876 Chalmers's majority was 3,381. In 1878 the whole vote cast was less than 8,000, democratic 6,663 and republican 1,370. That is a change with a vengeance. Chalmers's majority 5,293. In 1880 Chalmers had 9,172, Lynch, the colored man, 5,393; Chalmers's majority 3,779.

Now let us look at 1880, the last election; I am going to take a few counties, seven counties in that district—and I do not pick them out for any special reason except that the elections in those seven counties were quiet and peaceable and reasonably fair. There is the same relative proportion of blacks and whites in all of them. In these seven counties, where the election was fair this last year, the registered proportion of white democrats and black republicans was three to one in every one of them. Let me give you some of them: In Warren County the registered black vote was 5,238, the registered white vote 2,217; Lynch's vote 2,086, Chalmers's vote 1,034. Issaquena County, registered black vote 2,870, registered white vote 371; Lynch's vote 1,118, Chalmers's vote 173. Bolivar County, registered black vote 3,606, registered white vote 1,080; Lynch's vote 1,715, Chalmers's vote 403; and so on through the seven counties, they giving Lynch nearly 5,000 majority. The other five counties with the registered vote in the same proportion of white and black they voted under "the Mississippi plan," and those five counties overcame Lynch's majority of between four and five thousand in the seven counties, and actually gave Chalmers, by the count, 5,000 majority in the district!

What do Senators think about that kind of a conversion? Can that be found in any other State of the Union? Even a democrat, a southern democrat, who does not believe in negroes being permitted to vote—and very likely I should not either if I lived down there; there is a good deal of human nature about this—a white democrat, a member of the House, admitted to me—no, he did not admit it, he said it plainly—"the election in that Shoe-string district was an infamous farce, and when it comes to the vote I shall vote so." He was a confederate, and is a democrat to-day.

But the democratic Senators say that these negroes are converted—that is the plea they put in—converted to vote the democratic ticket! They are sometimes, as I have told you. Let us see if there is any chance of a pentecostal conversion here. They have had them in Louisiana. Oh, yes! down there in the parish of Orleans, in 1868, in the spring there were 14,000 republican votes cast, and in the fall Grant got 1,178. That was a pentecostal conversion. In Caddo Parish the same spring, 1868, there were 2,987 republican votes, and in the fall Grant got 1. In Saint Landry Parish the republican majority in the spring of 1868 on the registered vote was 1,071; the actual majority 678. In the fall Grant did not get a single vote in Saint Landry Parish, and the democratic candidate for President got 4,787 votes, being just exactly the whole registered vote of that whole parish, white and black. That was a conversion! No real conversion took place in Lynch's district, as I will proceed to show you.

Vicksburgh, the principal city, is in Warren County. Mr. Chalmers claimed to live there; his partner does live there, and was chairman of the committee to run the contest on the democratic side. In Mississippi, as they say down there, they did not care "shucks" about the electors. They knew Hancock was all right, the electors of Hancock would be elected anyhow, while members of Congress and county officers must be looked to. Chalmers was in great danger. He lived in a district where there was about fifteen thousand republican majority, and even in Mississippi with 15,000 republican majority the democratic candidate was in some danger, to say the least. So they undertook to take care of him; and this partner took charge of Warren County, determined to give Mr. Chalmers a heavy majority over the Hancock electors. They went to employing negroes, large numbers of "loafing negroes" around in the city of Vicksburgh. They employed every man they could; they put them to work; they made out a Garfield ticket with Chalmers on it. They did not dare make a Hancock ticket. Even a loafing negro would not vote a Hancock ticket; but they thought if they could get Garfield tickets into the hands of colored men with Chalmers's name on them they might forsooth get them to so vote, and they labored "in season and out of season," with money and without money, with threats and with cajolery, in every possible way known to the white democrats of the South to run Chalmers's majority up in Warren County. How did they succeed? The highest vote for the Garfield electors was 2,129 in that county. Lynch fell just 43 short of it. So with their six weeks' work they cut down Lynch just 43 votes below the highest vote for any Garfield elector. How far did they run up the vote for Chalmers? That is a question somewhat important. Hancock's highest elector received 1,034 votes, and Chalmers's vote was exactly 1,034. They did succeed in getting 43 negroes to cut the name of Lynch; they did not, with their money, with their threats, with their cajolery, with all the machinery in their hands, succeed in getting one single black man to vote for Chalmers. And yet the Senator from California talks about reform in other States! Will the honorable Senator ascribe this election of Chalmers with 5,000 majority obtained in five counties besides overcoming Lynch's 4,000 majority in the seven other counties to a reform, when all the attempts at reform in Warren County with that city in it did not succeed in reforming a single colored voter?

No, Senators, it is no use. The North understands this thing. You cannot blindfold us; you cannot blindfold the people of this country. The elections in the South are not fair, are not free, are not without fraud, and even to-day are not without violence.

Senators, we said to you when this contest started here that we intended to fight on this line until a solid South, made solid in these devious ways, lost its solidity. We recognize in the fight in Virginia the entering-wedge; and because we recognize that as an entering-wedge, and for that reason alone, we have determined to stand by it, to give it our amen and amen, hoping that sooner or later the South may rise up to the dignity of free and independent States and yield to every man, white or black, his rights. Senators from the South, we shall make that fight forever unless victory comes before forever ends. It is certain. Though the mills of God grind slowly, yet they grind exceeding small.

Sir, the gentlemen may smile at the expression of the Senator from Pennsylvania [Mr. CAMERON] of warning; but they need not. They should remember history. It has been written in this country for our benefit and for the benefit of men aspiring to freedom the wide world over, and the man for whom history is written who reads it not and learns no lessons from it is a fool. There were, unfortunately, two civilizations in this land of ours: the one the civilization of the North, founded upon the school-book and the Bible; the other the civilization of the South, planted upon slavery; the one a pure

democracy, the other an aristocracy maintained on barbarism. They could not live side by side in the same country; there was an irrepressible conflict sooner or later to open up between them and God was to give the victory to one or the other. Both could not live forever in a free country. Barbarism grew and grew, oh, so fast, so strong! grew so powerful that she seemed to have her grasp upon the whole broad country of ours. Instead of freedom being the corner-stone it was slavery, it was barbarism. It grew so strong that you swallowed up the great parties of the country, so strong that it bought great territories to strengthen itself; still more, so strong that it made laws even for a free people; so powerful that it put on the statute-book the most infamous laws that were ever recorded on the statute-books of any country, civilized or uncivilized, in the wide world. It grew so strong that it enacted a law and forced the freemen of the North to submit to it, which, in the old Commonwealth of Massachusetts, right in sight of Faneuil Hall, where liberty was said to have been born, compelled Massachusetts men to shoulder the musket and 2,000 strong hunt down one poor black man, and then was so insolent and wicked that when the poor fellow was brought home to bondage it built bonfires on every hill all over the southern land and made the southern heart rejoice with joy exceeding. It grew so strong that finally it reached out its poisonous hand to seize upon the free territories, and then for the first time seemingly the civilization of the North, born of the Bible and the school-book, woke up; it started into power, called a halt, and said to barbarism, "Thus far and not one step farther forever." Then barbarism was so insolent that it levied war, tried to destroy the country, but civilization, now alive to its duty, raised armies, built navies, equipped both, fought for four years, made the rivers of the South run red with blood; finally conquered, conquered secession, conquered the infamous doctrine of secession, and then the war was over. Suppose barbarism had triumphed, what would this country have seen? Would not estates have been confiscated? Would not great cities have been pillaged and burned? Would not men have been hung in the North? Ah, but, thank God, civilization, born from the Bible as well as the school-book, prevailed, and not a dollar was confiscated, not a man was hung, not a man was punished, and when the great commander said to the conquered men, "Go home in peace, be good citizens, and I will take care of you," the great heart of the North said, amen and amen. In the mean time we had made four million men, women, and children free. While you were carrying on your war they staid at home, worked your farms, and took care of your wives and your little children; they were faithful, they were kind, they were tender; they never betrayed you—not once.

Northern civilization thought that with that record for the colored man, his chivalrous master, the white man of the South, would give him every right he was entitled to out of gratitude, if for no other reason, and it left the colored race in your hands; and then the very first Legislatures you called together, with the spirit of barbarism still hovering over them, enacted the infamous laws reducing the black man to a serfdom worse than slavery, the laws the Senator from Massachusetts [Mr. HOAR] read here in this distinguished presence the other day. When the story of these laws came to us at the North we could not believe it. But we were forced to believe, and then determined that the black man should have his rights, and to that end we put the ballot in his hands. We made him a citizen of the United States, your equal in the eyes of the law, and then you commenced the cruelest, the bitterest, the savagest history that ever was written on the page of any history in the wide world, pagan, barbaric, or civilized. The gentlemen may deny as much as they please, but the country knows that thousands and tens of thousands of black voters were killed in cold blood in your Southern States. You men know it in Mississippi; the Senator from Louisiana knows it in Louisiana.

Ah, gentlemen, the pen of history with its iron point has written the terrible story of those few years in your bright southern land, and your children and their children reading it will hide their faces in their hands and their hands in the dust. I have no desire to recall or to recite it. The North determined that it should stop. We sent our armies down there, and it did stop. Boys in blue were scattered through the South, and the black man exercised his right of suffrage. Then time wore on. Mr. Hayes was elected President; you went to him; you made him brilliant promises, and, allured by those promises, he withdrew the soldiers, and from that day to this you have had a solid South; from that day to this you say it has been peaceable. Ah, so is the graveyard peaceable. From that day to this you say it has been free, fair voting, and an honest count. I put upon record here evidence contradicting that. We in the North know to-day that you are refusing the black man the rights which have been accorded to him; and now, impelled by our civilization, we come once more and we say to you solemnly that every citizen of the United States, white or black, foreign-born or native-born, shall have and enjoy all the rights guaranteed to him by the Constitution of his country. Ay, more, we say to you now, compelled by that same civilization, that the laws of the United States upon this statute-book shall be enforced in every inch of territory over which floats the Stars and Stripes; and, Senators from the South, by the help and in the name of almighty God we will accomplish that purpose. [Applause.]

Mr. BROWN. Mr. President——

Mr. ANTHONY. The Senator will allow me a moment. Mr. President, I am glad to take the occasion after this speech which has been made upon our side—and a very admirable speech, too—to give notice that if this applause or if any signs of disapprobation are ever again heard in the galleries, I shall move that the galleries be cleared.

Mr. COCKRELL. Mr. President, I insisted the other day, in the absence of the Senator, that the audience in the galleries should not be disturbed by the Presiding Officer rapping upon the desk and trying to keep silence. It seems that it is for the entertainment of the audience, and our guests should certainly have some privileges. [Laughter and applause in the galleries.]

The PRESIDING OFFICER. Order! order! The Senator from Georgia is entitled to the floor.

[A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. BROWN. Mr. President, the honorable Senator from Maine [Mr. FRYE] commenced his rather extraordinary speech with a statement that he was the youngest Senator in this Hall, and made some apology, stating that probably modesty ought to have required him to have remained silent. I do not think so. While the honorable Senator who has delivered the very extraordinary harangue we have just heard may be and probably is the youngest Senator in the Chamber, he occupies a very important position. He is the successor on this floor of the premier of this Government, and he may reasonably be supposed to speak from inspiration. We have heard intimations occasionally that the South was to expect a great deal of fair play and fairness and liberality from the present Administration. I have hoped it would be so; but if what we have just heard here is inspired by the Administration I think we understand it. We should be at least a little dull of comprehension if we should misunderstand it.

The honorable Senator started out with the remark that a great deal of boldness had been displayed on this side of the Chamber; that we had been bold enough to make attacks upon New England as not having dealt quite fairly with the suffrage question. New England has had in this Government the right it seems—I do not know that she claims it as a divine right—of attending to everybody else's business, and censuring everybody else without reply, so long that it no doubt is considered a great degree of impertinence for any one to mention any of the defects in New England history.

I shall not be misunderstood in reference to my course toward New England. I have repeatedly stated upon this floor the reasons why I admire her for her industry, her enterprise, her educational institutions, her wealth, and various other qualities and characteristics that I might mention; but I never thought New England was entirely faultless. They may be the best people on the face of the earth; I do not deny that; but there is something in poor human nature that necessarily is a little defective; in other words, there are weaknesses in it. They are of divine origin, but they are not divine; at last they are of the human family.

The honorable Senator from Maine, however, made one important admission that I was glad to hear him make, because I believe it is true. As to the 130,000 or whatever the number of the male citizens of Massachusetts over twenty-one years of age who are excluded from the ballot-box, he stated that the Senator from Georgia, referring to myself, had said the other day that if they were permitted to vote they would vote the democratic ticket, and he promptly admitted it, as I understood him. He went a little further and gave us the number of convicts in the penitentiaries and the prisons of Massachusetts, and told us they would vote the democratic ticket if they had an opportunity to vote. I think it is very possible that a large proportion of them would.

The issue made here has been in reference to suffrage. "A free ballot and a fair count" has been at the bottom of this discussion. I have said that it is fairer in Georgia than it is in Massachusetts. I have said that if you will permit the same classes to vote in Massachusetts who vote in Georgia, or as large a proportion of them, Massachusetts would be democratic. You drive them away from the polls because you dare not let them vote, because you cannot retain your domination if you do it. And I now have the strong corroborative testimony of the honorable Senator from Maine, a neighboring State, lying side by side with Massachusetts, knowing as he does well the history and character of her people, that these men driven from the polls would vote the democratic ticket if they were permitted to vote. Then, if you will give "a free ballot and a fair count," according to that admission, there is no question about it that Massachusetts falls into the column of democracy with "the solid South" that so much is said about.

But the honorable Senator went further and stated that in the South there was a class of people not permitted to go to the ballot-box who were entitled to vote. I do not pretend to quote his language, but you all remember the idea. I have admitted on this floor—and I make no issue about that—that there have been times when there has been violence and wrong. I have no doubt there have been occasions when all were not permitted who were entitled to vote. I of course know less about other States than I do of my own, but I say now in the recent elections there was no driving any one from the polls on account of race, or color, or any cause where they were entitled to vote and desired to vote.

But it has been said that there are large numbers kept away, and the inference is that if they were permitted to go to the polls the democrats would be defeated. It is already admitted that there is a very

large number in Massachusetts who are driven from the polls by your election laws and your constitution who would vote the democratic ticket if they were permitted to vote. As Senator ANTHONY says, an intelligent and distinguished citizen of Massachusetts has stated that 100,000 are excluded from the polls by the educational and tax qualifications. I quoted the Senator's language the other day in my speech. Others have put it at a different figure. It is very certain that there is a large number driven away by your election laws; but that is not all.

There is a large number who are legal voters who do not get to the polls, and it is an alarmingly large one. It is not enough that you drive from the polls in Massachusetts 50,000 or 100,000 or 138,000 or whatever the true number is. It is admitted by the Senators from Massachusetts themselves to be over eighteen thousand driven away who are citizens, naturalized and natural born, because they are disqualified. That number or some large number are excluded who as the Senator from Maine says would vote the democratic ticket if they could vote. There is a large number of legal voters in Massachusetts who in your most excited elections, where they are contested with the greatest energy, zeal, and earnestness, never get to the polls. I do not say there is bulldozing, as that term has been used here, and I do not say the leading manufacturers will not permit their operatives to go. I do not say the capitalists who employ them use means to keep them from the polls. I do not say they are kept away by force, by undue influence, by fear of losing their positions. But I do say according to your own records in Massachusetts they do not go to the polls on election day; and with probably a hundred thousand who would vote the democratic ticket disfranchised, you keep more than another hundred thousand of your regular legal voters away from the polls on important elections. I will not do exactly as the Senator from Maine did in reference to Florida, make statements without referring to facts or figures or giving names or dates, but I will read the figures from your own books, and you will not deny them.

In 1875 the State of Massachusetts had a State census taken. I have the result of that census before me as published by the authority of the State of Massachusetts, and I have made some memoranda from different pages in that book. I have another little book before me here called the Manual of the General Court of Massachusetts, published by authority of that State, which I propose to make an extract or two from.

In 1875 the census of Massachusetts, taken by the State authorities, showed that you had a population of 1,651,912 people. Of that number, as the same book shows, there were 351,113 legal voters, and there were 449,686 ratable polls. That census, bear in mind, was taken by the State authorities of Massachusetts in the year 1875. In the year 1876 there was a presidential election held in this country, and in Massachusetts, as in all the other States, there was high excitement aroused, there was earnest effort on both sides to carry that election in all the States. The reasonable supposition is that in each State under these earnest efforts the voters who desired to go to the polls if not hindered would have been there, and it is reasonable to suppose that most of them who were not hindered did go. Now, how did it stand in Massachusetts at that election? The republican candidate, Mr. Hayes, received 150,060 votes; Mr. Tilden, the democratic candidate, received 108,777 votes, making a total of 258,840 votes polled in that exciting presidential election.

Mr. HOAR. There were several thousand votes for other candidates.

Mr. BROWN. I do not see in your manual other candidates for President?

Mr. HOAR. Yes. Cooper was one.

Mr. BROWN. Who were the other candidates for President who received the other votes? I take the statement as I find it in the manual, and I am going by the Massachusetts book now. As already stated, the aggregate vote polled was 258,840 for the republican and democratic candidates for President of the United States.

Mr. HOAR. There was a greenback party. I do not remember how many votes they had.

Mr. BROWN. I do not see it.

Mr. HOAR. And a temperance party.

Mr. BROWN. I am not able to see it in the book. The whole voting population being 351,113, as already stated, there seems to have been a very remarkable absence of 92,273 of the legal voters of Massachusetts from the polls. Can you show as large a number in any Southern State who were absent at that time? It is not enough that Massachusetts drives from her polls by her constitution and her statutes probably more than one hundred thousand voters who would cast their ballots for the democracy; but it is reasonable to suppose, as the Senator from Maine proposes to class the humbler part of her population, that these other 92,000 of the humbler class, who might vote democratic, are by some shift kept away; I do not know how. It is a significant fact, though, that they did not appear and did not cast their votes.

There was another notable occasion in Massachusetts. In 1879, if I recollect aright, there was a very excited contest over the election of a governor in that State. I think there were three or four candidates. At that election Mr. Long, the republican candidate for governor, received 122,751 votes, according to this manual; General Butler received 109,149 votes; Mr. Adams received 9,989; Mr. Eddy received 1,645; and "all others," as the manual says, received 108 votes; making a total for all the candidates in that excited struggle of 243,642 votes polled, less by 107,471 than the number of legal voters in Massachusetts, according to your own census in 1875. But your population had increased since that time and the number of your legal voters had increased, I presume. The book from which I read states that the population of Massachusetts had increased from 1865 to 1875 30 per cent. and a fraction. Now apply that rule, for we have no other data to go by that I am aware of, to the remaining years from 1875 to 1879, 1875 being the date when your last census was taken by the State, and the gubernatorial election coming on in 1879, and you would have, under the 30 per cent. rule that obtained the ten years previously, 198,228 increase, making at that time, if the increase of population was in the same proportion with the previous ten years, the whole population of Massachusetts 1,850,140 persons. Now, applying the same rule to that number that is applied under the census of 1875, where, in round numbers, one in every five was a voter, and you have as the total number of voters in the State of Massachusetts in the year 1879 370,028. The whole number of votes cast for all the candidates for governor, as already stated, was 243,648, leaving 126,380 who never got to the polls.

There were, say, one hundred thousand that, as the Senator from Maine says, would vote the democratic ticket debarred from the polls, and by some means over one hundred and twenty-six thousand who had a right to go there did not get to the polls. If we are to infer coercion or fraud in the South from the fact that the whole number of voters do not get to the polls, is it not fair to reverse the picture and infer it in the case of Massachusetts when so large a number do not get there? If it were not for that sort of divine right claimed by Massachusetts to do as she pleases and make others do as she tells them, it would not be an unfair mode of reasoning to say that if because 126,000 should be kept away in a Southern State you would imply coercion and bulldozing and murder and every sort of improper conduct, the keeping of a like number away in Massachusetts must mean something wrong also. The fact is at least very significant that they do not get there. Now, under the important admission made by the Senator from Maine, how much would we have beaten you if everybody could have gone to the polls in Massachusetts who can go there in Georgia?

But the honorable Senator from Maine this morning defends Massachusetts again under her constitution and laws for driving these people away from the polls who are disfranchised. He says she has an educational qualification, that she provides for the education of all her children, and she has a right therefore to claim that the voter shall be able to read his ballot before he puts it in the box. If the safety of society and property and all that is dear to the State of Massachusetts requires that each voter shall be able to read his ballot before he puts it in the box, what rule ought to apply to Georgia for the like safety of society and protection of all that is dear to a people? Suppose we plead the same excuse or adopt the same rule and drive from our polls by a statute or a constitutional provision everybody who cannot read the constitution in the English language and write his name, how many republican colored men would vote then? A much smaller number, I apprehend, than vote now.

But we have not acted upon your rule. You determined under the reconstruction acts that they should vote for the time. When we adopted the State constitution we thought it unfair to them, as they had been faithful to us, as stated by the Senator from Maine, in our trying emergency, to drive them from the polls by an educational qualification, and we did not do it. But the idea is that we ought to educate them; that was the charge thrown at us by the Senator from Maine when he taunted us with our poverty. Why, the honorable Senator said the operatives in Massachusetts had money enough in the savings-banks to buy the State of Florida several times over, and he referred to the fact that she has about thirty million dollars' worth of property. Yes, it is so. We are poor and you are rich. How came it so?

There was a period in the history of Massachusetts and New England when the slave trade was very profitable. Georgia never engaged in it; slavery was prohibited in her original charter, and she manfully resisted for a time. And as I noticed the other day in a book in the Library that I think good authority, in the convention that framed the Constitution of the United States, Georgia and South Carolina made it a condition-precedent to the Union that the importation of slaves within a reasonable time should be prohibited. New England I do not think made that a condition-precedent. Those who made the trade profitable insisted on a longer time to import. When you imported the slaves their labor was not found to be very remunerative on the barren and bleak hills and shores of Massachusetts and New England. There was a more congenial clime; there was a place where the cotton grew and the tobacco grew, and various productions that you could not raise in New England, and your ancestry brought them down and sold them to us and our ancestors bought them from you and gave their money for them, and you took that money and I presume you put it into brick and mortar and into fisheries, and factories, and shipping; and you went to work building upon it. It was substantial wealth to you, and you knew how to take care of the dollar.

But there is another reason why you are rich and we are poor. During the time we held slave property guaranteed to us by the Constitution, and since that time, the farmers and planters, the mechanics

and the laboring classes of this country generally have been taxed under the tariff laws of the United States to build up and maintain New England factories and New England interests. With the money which you have received from that source and from the fisheries at the expense or under the protection of the Government, and from the importation of slaves and from other sources, you have grown rich and powerful, while we by the loss of slaves purchased from you have grown poor. Hence you are able to appropriate large sums for educational purposes while we are not able to raise like sums.

You grew rich first by the importation of slaves and by selling them to us, and you invested your money well. We held them for two or three generations and we made their labor profitable; but some time after the trade had ceased to be profitable and we were prosperous those high moral ideas that the honorable Senator from Maine referred to where he contrasted civilization in New England founded on the Bible and the school-book with barbarism in the South, as he termed it—these moral ideas quickened the conscience of Massachusetts and New England to such an extent that they saw the horrors of slavery, and a wail went up over it and they were so shocked that they absolutely violated the compact of the Constitution, and their Senators will not deny it, in refusing to carry out the agreement of Massachusetts when the Constitution was formed, that she would render back to the owner his fugitive slave when he went into your States. And the honorable Senator from Maine tells us of a very disgraceful scene there, as he considers it, where the troops had to be called out to the number of 2,000 or some other large number, to execute this law and return a poor negro back to slavery again.

In the days when your fathers called them blackamoors, and when they were proper traffic, that sympathy was not so lively, conscience was not then so quickened. But though we had bought the property, and paid you for it, and owned it, and though it had been a condition-precedent to the formation of the Union and the adoption of the Constitution that you would agree to surrender fugitives to us when they fled, and though you had agreed to this, yet those high moral ideas of civilization as contrasted with barbarism rose to such a sublime height finally that you could not carry out the compact, and your conscience would not permit it.

Allow me to tell you that we charged that broken compact on your part as one of the reasons which we thought at the time justified us in taking the steps we took to try to defend slavery by our strong arms, when you would not keep that compact with us that you had solemnly engaged to keep. The war did ensue, as the Senator said, and it resulted in the abolition of slavery. Your high moral ideas prevailed. I have again and again said that outside of the immense loss we met there; I am glad it is so; but bear in mind we are taunted with our poverty now because we cannot educate the negro. Take your part of the tax on your shoulders and pay us the two billion dollars that were lost in the negro, after we had bought him from you, and we will then be able to educate him. As a necessity of war you sweep slavery from existence, you take from us our property, you confiscate it, so to speak; for if the abolition of slavery which was legal property under the Constitution of the United States was not confiscation, if the destruction of two billion dollars' worth of property was not confiscation, when you destroyed it without paying for it, what do you call confiscation? True, you left us poor, very poor. We are not able now to educate the poor negroes as they ought to be educated and as we desire to educate them. Pay us for them by taxing yourselves and we will agree to appropriate every dollar of it to their education.

I know we cannot be paid under the Constitution of the United States, and I do not ask it. I am asking for no impossibility; though, as I stated the other day, Mr. Lincoln, in the kindness of his heart, at the Hampton Roads conference, did state that he would then be willing for the appropriation of $400,000,000 toward paying for the slaves if the war could then cease and the Union be restored. I know it is out of the question; but I do say it does not come with a very modest grace, to say the least of it, from a New England Senator on this floor to get up and tell us that a citizen of Massachusetts should not vote until he can read his ballot and that you have made provision there for the education of all the people, and then refuse to apply the rule to us because we are not able to educate them and taunt us with our poverty. We were as rich as you were before you robbed us. I mean robbery in no offensive sense personally; I simply mean that you had sold the negroes to us, and under the necessities of war you took them from us and left us poor. We cannot educate them: we are not able to do it.

The Senator from Maine taunted us with a statement as to the number of dollars per head appropriated annually in Massachusetts to educate your children and the small amount with us. Contrast the amount of your property with ours, and I apprehend you will find we are acting as liberal a part toward the children as you are. When we have the ability that you have we will be able to educate them; but I never expect to see the day in Georgia when we will drive any man from the polls because he cannot read the constitution of his State in English and write his name. We will not do it, but you do it, and you have to do it, according to the admission of the Senator from Maine, to save your State from becoming a democratic State. We will not do it there if Georgia becomes a republican State.

One of the honorable Senators from Massachusetts the other day referred to the fact that everybody was being educated up there. I do not find it quite so according to the record made by Massachusetts. This little book of the census of 1875 has a great many very interesting things in it. Here are some tables in reference to your schools, and the comment under the table as is made in each case is this:

> Under school attendance is given the number of children attending school at least three months during the year ending May 1, 1875, and from the recapitulation, on page 88, it is learned that the whole number of all ages is 282,784; 1,269 being under five years of age, 254,568 between five and fifteen, and 26,947 above fifteen. From the returns made to the board of education contemporaneously with the census returns there appear to be 300,834 children between five and fifteen years of age in the State, and this number is fully sustained by the census. These statements indicate that there were 46,266 children in the State between five and fifteen years of age who had not "attended school three months during the year ending May 1, 1875."

I stated the other day before I had seen this book that there was a good deal probably of unfair play about these general allegations as to educating everybody; that the poor class of your people had not the ability to educate themselves, and could not spare their children from labor at home to send to school. It was insisted then that all were being educated, or so nearly all that it amounted to nothing. Your own book states that during the year ending May 1, 1875, there were 46,266 children between the ages of five and fifteen who did not attend school three months that year. There is where the ignorance comes in. It is the children of these excluded democrats not sent to school and not able to go to school who get no education, and when they grow up they are not quite able to read the constitution of Massachusetts in the English language or to write their names, and as they will vote the wrong ticket any way according to the Senator from Maine, you drive them from the polls, and then you turn round and cry "barbarism," if all of the same class were not permitted to go to the polls in the South.

But the Senator from Maine I think was drawn into another error when he was commenting so excitedly over the number who did not get to the polls in some of the Southern States, or rather over the number of votes that the democratic candidates get in excess of what they ought to have had, drawing the color-line. Permit me to tell you that while the claims for the colored people as republicans and all that sort of calculation are made up on that supposition there is a large number of them who are not republicans, and there is annually going to be a much larger number still. Judging from the treatment they receive at the hands of the republican party, as I stated it the other day in the remarks I made on this floor, that number will continue to increase, and the wails of agony will have to continue to go up that "here is a large district with large numbers of colored people in it and still republicans do not carry the elections."

No, you have done nothing for them but given them the ballot, and you keep up a fire upon us all the time upon the question, "What appropriations have you made for them?" Where they have stood faithfully by you, and voted with you, and given you the offices of this Government, a minority of the people now being the republican party, having the hundred thousand Federal offices, how many have you given to them? What Cabinet appointment has one of the number had? What high position have you given to them? What justice have you done? But yet we are to hear chapter after chapter here about the injustice done to the colored voters because you do not carry the elections where there is a majority of colored people over white. Those complaints will increase, let me tell you, and you will find year after year that larger and still larger numbers of them will not only make speeches for the democratic party, as some of them did in my State in the last gubernatorial campaign, openly and squarely, but they will come up by thousands and vote the democratic ticket. They may be misled for a time, but their instincts are rather sharp, and they soon find who are their friends and who are using them simply for selfish purposes.

In the remarks that I have made here I have intended to be respectful to everybody. I have intended to do New England no injustice. I have stated again and again my admiration for certain great qualities she has; but I cannot stand here from day to day and be lectured by the New England Senators about our shortcomings South when I can turn and from her own records prove that she does greater injustice to the Irishman in her State, or the foreigner who cannot read the English language, than we do to the colored people in the South. Your records prove it. It is a source of no pleasure to me to rehearse it here, but I cannot sit still and be assailed or have my section or my State assailed from day to day and not remind you of the old homely adage that those who live in glass houses ought not to throw stones. Sometimes those who do it get hurt, and they ought not to complain.

I had no idea of engaging in this discussion when I came here this morning. I had no expectation that I should hear the extraordinary speech that we have heard from a gentleman occupying the position he does, where there is so much significance attached to his utterances; and I have felt it my duty, even at the expense of being as he terms it a bold man, to get up here and repeat from the record the charges that we have already made in reference to New England. As the Senator from Maine did not think proper to put any other State of New England into the discussion except Massachusetts, I do not care for the present to examine the record of any other; I am simply replying now to his argument; but I do desire to say that I think the phrase might apply very well in this case, "Physician,

heal thyself," before so many assaults are made current here from day to day upon us about driving people from the polls. Whenever you will let those disfranchised democrats in Massachusetts go to the polls as we let the republicans of the same class of intelligence go in Georgia, I will cordially do justice to you, as I do now, for I quote from your records. I do you no injustice, but I will cordially commend you then for the justice and propriety of your course, and then in my State if any entitled to vote are kept away I will bear your censure and say it is just.

Mr. INGALLS. Before the Senator from Georgia takes his seat and leaves this question, I should like, if he will oblige me, to interrogate him upon one point. I have heard from him notably, and from other Senators from the South during this debate, the statement repeatedly made that the Southern States had been impoverished and pauperized by the confiscating act of the United States Government in abolishing slavery. If I understand the condition of affairs upon that subject, at the time when slavery was abolished there were 346,000 slaveholders who owned or claimed to own four million human beings. When slavery was abolished by the proclamation of the President and when that act was sanctioned by the adoption of the thirteenth amendment to the Constitution, those slaves were not removed from the South; they were not maimed, or killed, or deported. The ownership of those human beings was transferred from the 346,000 men who had enjoyed their labor for generations to the men, women, and children who were entitled to the custody of their own individual selves. They are there, with their descendants, to-day. Instead of being slaves they have become productive citizens, taxable so far as their property is concerned, and adding to the resources of the South.

The Senator himself has repeatedly said that the prosperity of that region of the country had been enhanced by the abolition of slavery. Now, I should like to have the Senator from Georgia state to the Senate whether he means to have it understood that he believes the negro as a slave was worth something and that as a citizen and a freeman he is worthless, because unless that is the ground he takes the assertion he makes that the South was impoverished and pauperized by the abolition of slavery is a fallacy and a sophistry. They are there to-day as they always have been. Their ownership was transferred from those who illegally held them to the men, the women, and the children themselves, and they have become productive citizens and members of society.

Mr. BROWN. I note the remarks of the Senator from Kansas and will very cheerfully reply. He says that we owned these 4,000,000 human beings or slaves at the commencement of the war; the ownership has now been transferred to themselves and we are no poorer.

Mr. INGALLS. The community is no poorer; the State is no poorer, I said.

Mr. BROWN. Suppose the Senator owned in Kansas a valuable house and lot in the city and large real estate, and somebody took it from him and transferred it to somebody else, is he no poorer?

Mr. INGALLS. Is the community poorer?

Mr. BROWN. Yes, the community is poorer when you destroy property. We had paid New England the money for these slaves.

Mr. INGALLS. Now, Mr. President——

Mr. BROWN. Never mind, I am answering you now.

Mr. INGALLS. You are not answering me.

Mr. BROWN. Yes, sir, I am legitimately on the line of your inquiry. We had bought these people from New England and paid our money for them.

Mr. INGALLS. Does the Senator pretend to say that they bought 4,000,000 slaves from New England?

Mr. BROWN. No, sir; we bought the ancestry of those we had, as you bought the cows from which you may have grown a large herd.

Mr. INGALLS. We never sold our own posterity.

Mr. BROWN. You raised them up with your means, and they were your property. We bought the slaves originally from New England and paid our money for them. New England took our money and put it into her brick and mortar and ships and factories, &c. Our money was in slaves. It was estimated as money, because we had the right to sell the slaves for money at the time. The wealth of every man who owned them was estimated by the value of the slaves. Really the money value was in New England, however. The slaves having been set free we lost the money that we had in them; and the very classes who once owned the wealth there and paid the tax cannot now do it because they have lost their property. A man who owned fifty thousand dollars' worth of slaves paid a tax on $50,000. Now the slaves are set free and he does not pay it, and if the colored man is unable to pay anything but a poll-tax, which is usually the case, nobody else pays it. The citizen who had his labor then and supported him paid a tax upon his value and put it into the treasury of the State. Now the citizen who owned him pays no tax on the fifty thousand dollars' worth of property, and the former slave does not pay it, because it is all he can do to work for his living, and he is not able to pay. Therefore the money does not go into the treasury to educate them. That is on the line of the argument that I made. We cannot do it; we have not the means to do it.

To tell me that a country is not impoverished because you destroyed to the owners of property two billion dollars' worth of what was constitutional and legal property, taxable value, and to tell me that a community can pay tax just as well after the destruction of that property as it could before, it seems to me is to tell me a very strange story.

Mr. INGALLS. Then I suppose the Senator logically must say that if these human beings could be remanded to slavery the South would be rich again.

Mr. BROWN. No, sir; that is not the question. I am glad they cannot. I would never vote to remand them again, if there were no restrictions in the way; but I do say that the South has been impoverished by the loss of two billion of value in property that was guaranteed to us by the Constitution of the United States and every State in this Union was a party to the compact. You said it was property; you agreed to treat it as property; we relied on your faith; and Massachusetts did not treat it as property when our property went there. When our property went into Massachusetts, in the face of her contract, in the very teeth of her agreement to deliver it back, she refused to do it. You had as well say that when a fugitive slave left Georgia and went to Massachusetts, and they refused to keep faith and return him the owner did not lose a thousand dollars, because he was only a human being.

But throwing all our loss of right to the property we held in slaves out of the question and still we sustained heavy loss by the demoralizations attending the abolition of slavery which prevented the population who had recently been slaves from performing the labor necessary to assist in building up and enriching one section.

Mr. HAMPTON and Mr. INGALLS addressed the Chair.

Mr. INGALLS, (to Mr. HAMPTON.) Go on, sir; I would be glad to hear from you.

Mr. HAMPTON. I do not propose to speak on the point that the Senator from Kansas has been just alluding to, and if he wishes to ask any more questions I will yield the floor to him until he gets through.

Mr. INGALLS. I had another observation to make on that subject, but if the Senator desires the floor I will yield to him.

Mr. HAMPTON. I do not desire the floor except for a very few minutes.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Senator from South Carolina.

Mr. HAMPTON. Mr. President, I do not propose to detain the Senate at this very late hour by a reply to some of the statements in the very extraordinary harangue of the Senator from Maine, [Mr. FRYE,] but I do desire that when his speech appears in the RECORD one or two points on which he has fallen into error may be corrected and the correction go along with his speech.

In reference to the case of Webb, to whom the Senator from Maine alluded as having been convicted in South Carolina, I will state simply the facts, for I had the honor of presenting his petition for pardon to the late President, and I am glad to say that President thought there was so much merit in the case that among the very last acts of his official life was the issuing of a pardon to this man. Webb was a northern man, a man from Connecticut, a Federal soldier who had served in the Federal Army, and had married subsequently in Georgetown. On the day of election, as it was proved afterward, he unfortunately got drunk, and he rolled up openly some tickets without any effort at concealment, and attempted to put them in the ballot-box. They were seen and immediately ejected, and did not go into the box. He was not voting the republican ticket; he was voting the greenback ticket; he was one of the five hundred men in South Carolina who voted the greenback ticket. Upon the representation of very good citizens and of the district attorney I presented the application for pardon, and it was granted. That is all there is in that case.

One other point that I take issue with the Senator from Maine upon is this: he seems to think that where there are colored people they are necessarily republicans. Facts speak stronger than words, and I simply want to make two statements. In the last election in South Carolina the candidates were nominated in some counties by primary votes, and in others by county conventions. In the county of Barnwell they nominated their ticket by convention. That convention was formed on the basis of one delegate for every twenty-five enrolled democratic voters, and when the convention assembled there were forty-five colored men in the convention, representing therefore more than 1,100 enrolled democratic votes in that one county, and so strong was their representation there that they dictated the democratic ticket in that county and elected it. So much for that.

One other instance fell under my own observation during the last canvass. There was a large meeting in Chester County and the ladies of the place offered a flag to the club which would bring in the largest number enrolled. A very large number were present, fifty clubs, I suppose. After a very careful examination by a committee appointed for that purpose the flag was given to a club which came from the strongest colored portion of the county, and that club won the democratic flag because they had enrolled more colored men in it than any other club in the county. When I presented the flag, as I had the honor of doing, I called the attention of the white citizens who were present to the fact that the flag had been won by the cooperation of the colored men, and I hoped it would always be a symbol of peace and good-will between the two races, for it would show both that the prosperity of the country depended upon that.

As I said just now, facts speak stronger than words; and I wish

to make a proposition to the Senator from Maine or the Senator from Massachusetts, or to any republican Senator upon this floor. If in the next election canvass in South Carolina or in any election canvass in South Carolina any of these gentlemen will come down and enter into that canvass, I promise them as large and respectful audiences as they will find anywhere, and I will pledge myself to have them met upon any stand where they will speak in South Carolina by a colored democrat, and if I do not place there a colored man who will meet them and refute the slanders and calumnies that have been denounced upon our State, and meet them satisfactorily, and if they do not give good reason for the faith that is in them, I will join the republican party.

Mr. BUTLER. I simply desire to say that at the proper time if upon reading the remarks of the Senator from Maine [Mr. FRYE] I shall think it necessary to notice what he has said about South Carolina, I shall do so; but I want to remind that Senator that the *ruse* which he has adopted here to-day is a very familiar one. The cry of "stop thief" to divert public attention from the real issue in the Senate Chamber does not deceive anybody. It is the old familiar dodge of politicians and lawyers to raise the cry of "stop thief," something away off, down in South Carolina or Mississippi that is very bad, when he with an industrious and studious purpose avoids the real issue before the Senate and rushes back into the past and into old newspaper charges.

The point in the Senate is not so much "a free ballot and a fair count" in the South, in Virginia and elsewhere. When that question does come up, I shall have something to say. The real question here is, Has there been a disgraceful bargain in the Senate by which the offices of the Senate are proposed to be turned over to somebody else?

Mr. BURNSIDE. It is as to whether a majority shall rule or not.

Mr. BUTLER. No, sir.

Mr. BURNSIDE. That is the question. That is it to a dot.

Mr. BUTLER. That has nothing to do with it.

Mr. BURNSIDE. I say there has been no bargain; and any man who says there has been says what is false. That is the doctrine. I say any man who says that says what is false.

Mr. BUTLER. The Senator from Rhode Island of course may characterize it as false as much as he pleases.

Mr. BURNSIDE. I do, distinctly and positively.

Mr. BUTLER. I say, inasmuch as the Senator has seen fit to say that—no, I will not say it in this Chamber——

Mr. BURNSIDE. Say anything. I declare that any man who says there has been a bargain says what is false. That is the argument exactly. Now the Senator from South Carolina can say what he likes.

Mr. BUTLER. No, sir.

Mr. BURNSIDE. He can say just what he likes. I say it is false, false, false, in every word and every letter. I have heard this thing long enough, Mr. President, and I do not as an honorable man propose to sit here and listen to it any longer. I declare that any man who says there has been a bargain on this side of the Chamber with anybody, a corrupt bargain, tells a falsehood.

Mr. BUTLER. Of course the Senator from Rhode Island has a perfect right to say what he pleases.

Mr. BURNSIDE. I will say what I know to be the fact.

Mr. BUTLER. I shall not be betrayed into any excitement.

Mr. BURNSIDE. Not a bit; I am not the least bit excited. I am just giving emphasis to what I propose to say.

Mr. BUTLER. I see that the Senator is uncommonly equable.

Mr. BURNSIDE. I am in perfect good humor and perfectly calm. Mr. President, I beg pardon for talking in my seat.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Chair will remind Senators that they must address the Chair. The Chair cannot recognize Senators unless they address the Chair.

Mr. BURNSIDE. I shall do so in the future.

Mr. BUTLER. I congratulate the Senator from Rhode Island for being cool. I am delighted to see him so cool.

Mr. BURNSIDE. I did not talk quite so loud as the Senator from South Carolina—I simply wanted to drown his voice—but I reiterate my statement that any man who says there has been a bargain on this side of the Chamber says what is false.

Mr. BUTLER. That is another case of coolness which I shall not discuss with the Senator here. I have not the slightest idea of doing it. I shall not be betrayed upon this floor into any language which is unparliamentary to begin with, I hope, but I want to say to the Senator from Rhode Island, and I want to say to all the other Senators upon that side of the Chamber who adopt the tactics which the Senator has adopted, if he supposes that by the use of such language as that he can deter me from the full, complete, unqualified discussion of a public act, the Senator is simply mistaken.

Mr. BURNSIDE. Will the Senator allow me to say that I do not think there is a member on this floor who would say for one moment that I desire to deter any man from anything like a fair discussion? I merely mean to meet this charge that has been so often made on that side of the Chamber, and that has stirred me to the very bottom of my soul every time it has been made, and which I know to be false. I merely mean to say that any man who makes that statement states what is false; that is all. I do not want to check discussion; I am delighted to hear all Senators on that side of the Chamber, and every man knows it. There is not a man on that side of the Chamber who does not know that I am delighted to have him get up and indulge in fair debate; but not on a little suspicion that is running around through the air, for one Senator to get up and talk about a corrupt bargain. Does the Senator suppose that there is any man on this side of the Chamber who would engage in a corrupt bargain? Does any one on that side of the Chamber suppose there is a man on this side of the Chamber who would engage in a corrupt bargain? If we would not engage in a corrupt bargain, how can there be such a bargain? As I said the other day, I do not think there is a man on that side of the Chamber who would be guilty of going into a corrupt bargain. Not one, not a single man of you, would be guilty of corruption. I do not like to hear such things.

My friend knows the high regard I have for him. There is no man in the Senate Chamber for whom I have a higher personal regard on either side than I have for the Senator; but I do say this thing ought to stop. I do not say it must stop because I cannot stop it, but I say it ought to stop; that in all decency, in all propriety, in all honesty, in all fair dealing, the thing ought to stop. If you can bring the evidence, bring it and I will vote to expel any member of the Senate who has been guilty of any such thing. If the Senator from South Carolina or any other Senator on that side will move for the raising of a committee to investigate and put every Senator on this floor upon oath, I will vote for the resolution, and so will every member on this side vote to call every single Senator before a committee and place him under oath. Mr. President, I do not say this thing must be stopped, I say it ought to be stopped in all decency and fairness.

Mr. BUTLER. I am very much afraid the Senator from Rhode Island will lose his temper if he keeps on.

Mr. BURNSIDE. No, I am perfectly cool; I do not think I talked quite so loudly as the Senator from South Carolina; I certainly did not talk as loudly as I have heard him talk on this floor.

Mr. BUTLER. Precisely; but I hope if my voice jars upon the ears of my brother Senators they will bear with me.

Mr. BURNSIDE. Not at all; I am always delighted to hear it.

Mr. BUTLER. I am glad to hear that the Senator from Rhode Island is not shocked by what I have said.

Mr. BURNSIDE. Not at all; I never was.

Mr. BUTLER. If the Senator now will pardon me and permit me to go on, recurring to what I was saying in reply to the Senator from Maine, or rather some observations that I was making about what he said, I wish very much that the gallant, the kind-hearted, the valiant Senator from Rhode Island had risen with one-half the indignation that he manifested because I was simply making a few brief observations, when the Senator from Maine was indulging in anathemas and charges far more disgraceful, if true, than anything that I could say with reference to a bargain by the republican Senators. When the Senator from Maine minute after minute, almost hour after hour, was pouring the vials of his wrath and denunciation upon southern Senators as having been guilty of everything disgraceful in the catalogue of crime, the Senator from Rhode Island did not deign to open his lips.

Mr. BURNSIDE. I do not think I heard the Senator from Maine make one single charge against a Senator on that side of the Chamber.

Mr. BUTLER. The Senator sat there and heard that tirade; but when I rise and attempt to vindicate myself, the Senator comes to the front and declares that whoever says there was a bargain in this Chamber, has uttered a falsehood.

Mr. BURNSIDE. Well, I do say so yet.

Mr. BUTLER. I have made no such charge; but, Mr. President, if I do not demonstrate it by irrefragable testimony I will resign my seat in this Senate. [Applause in the galleries.]

Mr. BURNSIDE. If the Senator does, I will give up my committee right off and I will say you have a majority on that side of the Chamber.

Mr. BUTLER. If I do not demonstrate it by proof——

Mr. BURNSIDE. That is what we want—proof.

Mr. BUTLER. Proof irrefragable, I will resign my seat in this Senate and not ask the Senator from Rhode Island to give up his committee.

Mr. BURNSIDE. Let us have it.

Mr. BUTLER. That is the question and that is the only question before the Senate. The Senator from Rhode Island says the question is whether the majority shall rule. I will meet him upon that point and show him that the enunciation of such a doctrine is absolutely monstrous—the doctrine unqualified, that the majority has the right, the inherent right and power to rule. It is a doctrine, I submit, absolutely subversive of the principles upon which this Government was founded; it is a monstrous doctrine. Ours is a Government controlled by law, by a written Constitution, which was made for the protection of minorities, and when the Senator gets ready to discuss that issue, I will discuss it with him.

Mr. BURNSIDE. Well, Mr. President, I shall be ready for it, or I can leave it to others.

Mr. BUTLER. The Senator from Maine arraigned the entire South almost; he arraigned every Senator from the South, charging that we are here the representatives of States that have repudiated their public obligations, as an excuse for something that is being done in this Senate. I challenge the Senator—and I use that word in no offensive sense—I ask him to name a single Senator from the South

who has ever advocated repudiation, either of State or national obligations. Speaking for myself, Mr. President, I desire to inform that Senator that in my own State I have "in season and out of season," early and late, rebuked upon the stump, in correspondence, private conversation, and in every way everything that looked even towards repudiation of the State or national debt; and I believe the same may be said of every other democratic Senator on this floor. I have never favored it for one instant; and if I had, it would be no excuse, I submit respectfully, for encouraging repudiation in Virginia. And let me say to the Senator from Maine, he who claims to be the special advocate of the recognition of public obligations and their payment, that when he tampers with repudiation in Virginia, he is dealing with dynamite all over this country; and pardon me for saying that admitting all he says to be true, it ill becomes him and his great party to throw its powerful weight on the side of repudiation in the State of Virginia.

But, Mr. President, I simply rose to say that I did not think and I do not now think that the tactics and the course pursued by the distinguished Senator from Maine are going to succeed; they will not divert public attention from the real issue before this Senate; they will not dissolve "the solid South;" and, if he will pardon me for saying so, I tell him that just such speeches as his will weld the South more solidly than ever and drive the good people of that country together. The South will not be dissolved by Federal patronage; it will not be dissolved by abuse, vituperation, and misrepresentation; it will not be bullied into a dissolution. I for one am frank to say—I have said it before—that I would to God there was a division in the South; I shall rejoice in the day when there is a wholesome, healthy division; and I think I am not arrogating anything to myself when I say that I know better than the honorable Senator from Maine does, or any Senator that far away, what will divide it. If he supposes that he is going to dissolve what he chooses to call "the solid South" by abuse and misrepresentation, he is mistaken; if he supposes that the methods which he and his friends have adopted as to Virginia will dissolve "the solid South," he and they have adopted, of all others, the very plan to bring together in one solid mass for self-defense and self-protection the very elements when there were all over the South evidences of disintegration. In my own State it is so; in Virginia I have no doubt it is so; in Georgia it is so; in North Carolina I have no doubt it is so.

Mr. President and Senators of the republican party, you made a faulty diagnosis of the condition of the South when you established your reconstruction measures down there, bringing so much of wrong and ruin and distress and heart-burning and loss. The Senator from Maine talks about the statutes passed by southern Legislatures at a certain time being worse than in any barbaric country. I say to him I will invite him into the field of history, and if he can find a government in any country in any age that would compare in infamy and wrong and cruelty with what were known as the republican governments in the South, I will abandon the field and say that he is right. I heard nothing then about "a free ballot and a fair count" at the South when the South was solidly republican, with every office from governor to constable in the hands of the republican party. I heard nothing then from the honorable Senator from Maine, with his powerful and eloquent voice, about "a free ballot and a fair count." I have myself stood in view of the ballot-box under republican rule, and every principle of civil liberty and government was trampled under foot with as much contempt as if it had been a piece of blank paper.

Those days are gone. A new era has dawned upon the South, and I want to live to see the day, and if they will let us alone we shall all live to see the day in a short time, that every symptom, every remnant of those dark days which immediately followed the war will have passed away. I want to see the day when the law will protect in his humble cottage the humblest man, when it will stand with a drawn sword over his cottage-door, threatening to disturb any man who will interfere with the liberties and rights of that humble man as relentlessly as at the mansions and the palaces of the rich and the proud.

I want to see that day. I want to see it in the South, and I want to see it in Massachusetts and in Rhode Island and in Maine—Rhode Island, a State where I heard a distinguished man say that if the restriction upon suffrage depriving the foreign-born citizen who did not own one hundred and thirty-four dollars' worth of real estate of the ballot were removed, there would be a vigilance committee in Providence in thirty days. I saw when I was there this remarkable fact: A man who had fought through the war, a foreign-born citizen, wounded, brevetted lieutenant-colonel, an honorable, gallant, brave soldier, who emancipated a slave upon the sea-coast of North Carolina, carried that slave to Rhode Island, and yet because that man was born in the United States, he who had recently been a slave walked up over the shoulder of that soldier and deposited his ballot when the man who had fought for his emancipation was not allowed to vote.

I am finding no fault with the honorable Senators from the State of Rhode Island; I cannot find fault with the State itself. I should be untrue to every sentiment of manhood if I did. Rhode Island has a right to manage her affairs as she sees fit, subject only to the paramount law of the United States. That is the doctrine. I ask only that for South Carolina; nothing more, nothing less. I ask the Senators on that side of the Chamber to give us credit for some desire, professing and claiming to be intelligent, humane men, to see our society well ordered and well preserved in the South.

But, as I said awhile ago, your diagnosis of the difficulty was very faulty upon a previous occasion, and I think it equally faulty now. I think—pardon me for saying so—that the very methods you are adopting here of attempting to dragoon and misrepresent and abuse men from the South will not enable you to succeed in frightening them into your peculiar terms. It will not be done, and I say so in no spirit of defiance. I am either the peer of any Senator on this floor or I have no right to be here. My State is the peer of any other State in this American Union or she has no right to be represented here. All that I ask for her is that which I am more than willing, have always been willing by my vote, my act, my conduct, since I have been here, to accord to every other sovereign State in this Union.

But, Mr. President, I have been betrayed into saying a great deal more than I intended when I rose. I repeat that at the proper time if the remarks of the Senator from Maine in my judgment shall require further notice at my hands as to what he may have said about my State and the condition of affairs down there, I shall take occasion to ask the Senate to hear me in response; but for the present I desire to repeat that that is not the issue. The real issue is whether or not a bargain has been made on this floor by which it is proposed on the one part to take something which does not belong to the republican caucus or the democratic caucus or both combined in exchange for the influence or the vote or the power of any man or set of men, to wit, the officers of this Senate. They do not belong to us. They belong to the sovereign people of this country, and we control them in trust for the people and not to barter away for political power.

Mr. BURNSIDE. Mr. President, the gage which the honorable Senator from South Carolina has thrown down in reference to future discussion I shall not take up because there are members of the party on my side of the Chamber who are much better able to discuss those questions than I am, and I shall allow them to do so. I merely rose to remind the Senator from South Carolina that I did not think he or any one else on that side of the Chamber was at all justified in saying that there was a corrupt bargain on our part. That is a thing which to me is very grating, and notwithstanding my feeble power in public speaking, and all my dislike to getting up in the Senate, I could not help repelling that, and I repel it now, and I shall repel it as long as we sit here.

I say to the Senator from South Carolina that if he will prove what he says he can prove, I will at once cast my vote for the expulsion of any member of the Senate who shall be found guilty of a corrupt fraud. He calls me to account for not checking the Senator from Maine in his speech. It was not my place to check him; I did not understand the Senator from Maine to make any charge against any Senator on that side of the Chamber. His charges, so far as I heard them, were against the method of conducting elections in the South and were of a general nature. I did not understand that he made any distinct charge against any Senator on that side of the Chamber, and I do not know that during this whole debate there has been one single charge made which would involve the integrity of any member on that side of the Chamber while frequent charges have been made there against us. And when I spoke of them Senators smiled as if they amounted to nothing, as if it was a small thing to get up and say there is corruption on this side of the Chamber. I say it is a very grave thing, and if it can be proved it is a disgraceful thing on our part or on the part of the person who has committed the fraud. No man is entitled to a seat in this Chamber who would be guilty of such a fraud. It is a very grave thing. It is not a thing for Senators to smile at. It is not a thing for them to brush away in a moment and say that I was talking in a general way. You have not been talking in a general way; you have been talking in a very direct way, Senators on that side of the Chamber; you have said that you are opposing what we are doing here now because we had made a corrupt bargain. That is what you have said.

Mr. President, I have just one more word to say and that is in reference to my own State of Rhode Island. In Rhode Island we make laws and we are not ashamed of them in the least degree, but we obey the laws always. Men who are entitled by law to vote in the State of Rhode Island vote, and no man tries to retard men in that right. The State of Rhode Island has received, as I said the other day in a few remarks I made, a vindication on this floor which we all stand by, and I cannot gild refined gold. The senior Senator from the State of Rhode Island [Mr. ANTHONY] has made a vindication of it upon which I am quite ready to stand.

Mr. HOAR. Mr. President, I think it is my duty to put upon the record of the Senate to-day, I hope once for all, what I think I can do in two minutes, the refutation of the marvelous mathematical gambols which have been indulged in by the honorable Senator from Georgia [Mr. BROWN] to-day and the honorable Senator from Florida [Mr. CALL] yesterday.

The honorable Senator from Georgia has repeated, after being informed that he was mistaken over and over again he has reiterated, certain statements about the condition of things in Massachusetts, the number of voters who were disfranchised, or, to use his phrase, driven from the polls under our constitution. To-day he comes in

fortified with the Massachusetts census of 1875, and he took up, I should think, an hour in reading what he said he found there, and the result was that he asserted that the claim that we were providing a substantial education for all our citizens was untrue, which he based on one set of figures, and that a large number of persons, which he stated variously at one hundred thousand or one hundred and twenty thousand or one hundred and thirty-nine thousand, were disqualified from voting under the illiteracy and the other clauses of our constitution.

Now, Mr. President, this book which he has exhibited shows that there are 300,834 children between five and fifteen years of age in the State; that is what we call the school age. Of those children there were 46,266, less than one-sixth, who appear not to have attended school three months during the year—he says they are the sons of democrats—less than one-sixth of the whole number do not attend school, 46,000. More than one-fifth, however, of the number between five and fifteen would be accounted for by the children between five and seven years of age. As everybody knows, there is an increasing opinion that it is not well to put children to school at that early age, although the right to go begins at five years. Then the number of children who by that census did not attend school in that State in that year is very considerably less than the number between five and seven years old. So much for that.

Now, let us take his marvelous statement about the persons disqualified from voting by illiteracy. The whole number of illiterates in the State of Massachusetts, foreign-born, alien, and native, over ten years old, by this very volume which the Senator held in his hand, is 41,120 males. Deducting from that number those between ten and twenty-one, which would be about one-fourth, you have about thirty thousand, and that is in the State where the number of unnaturalized foreigners is greater in proportion than in any other State of the Union, I believe. We have a vast immigration landing at Boston; three steamers started in a day last week from Boston to Liverpool, to come back with immigrants on their return. There is a weekly line constantly plying, a favorite of immigrants. In addition to that we have a very large Canadian population who come down there and work in our factories and on our farms and who do not get naturalized. The whole number, aliens and citizens alike, of males over ten years old is but 41,000, and of males over twenty-one undoubtedly is only about thirty thousand, allowing one-fourth for those between ten and twenty-one. The same table shows that the number of those persons, giving illiteracy by place of birth, who were born in Massachusetts is 2,126, and of those 1,677 were born in Massachusetts of foreign parents. So that there are but 459 persons, by this very census, born in that State of American parents unable to read and write.

I suppose the honorable Senator from Georgia will get up to-morrow and rattle off that 139,000 from General Butler's brief after he has heard this and had his attention called to these figures; or some other Senator, I dare say, will do it. They have been answered, refuted, buried a dozen times, and it is an utterly ridiculous statement, if I may say that, with great respect to the honorable Senator, the wise Senator, who made it. I have a great opinion of the ability of the honorable Senator from Georgia as a man who can make an ingenious argument in a bad cause; if I should ever happen to have one I should like to get his assistance. But as a statistician, may the Lord deliver me from him. [Laughter.] I would not trust that honorable Senator, if he will permit me in all respect to say so, to count my chickens even before they were hatched. [Laughter.]

Mr. BROWN. I never count mine till they are hatched.

Mr. DAWES. I understand the Senator from South Carolina proposes to be ready in the morning with irrefragable proof of a corrupt bargain made on this side of the Senate; and, with that view, I move that we now adjourn.

Mr. BROWN. I trust the Senator will not cut off reply to his colleague in that way.

Mr. DAWES. Certainly, if we can have some more statistics from my friend from Georgia, I withdraw the motion. [Laughter.]

Mr. BROWN. Mr. President——

Mr. BUTLER. The Senator from Georgia will pardon me for one moment.

Mr. BROWN. Certainly.

Mr. BUTLER. I should like to ask the Senator from Massachusetts his authority for the statement he has just made as to myself.

Mr. DAWES. Why, Mr. President, the Senator from South Carolina wants the authority. Does he withdraw his statement?

Mr. BUTLER. No, sir.

Mr. DAWES. Have I misunderstood him? Has he not any irrefragable proof? If the Senator has it not, I beg his pardon.

Mr. BUTLER. As usual, the Senator studiously avoids to answer my question.

Mr. DAWES. Oh, no.

Mr. BUTLER. Yes, he does.

Mr. DAWES. I think I must have misunderstood him. I thought I heard him say he could prove it if he only had a chance, and for that purpose I moved an adjournment.

Mr. BUTLER. If the Senator understood me as saying I would do it to-morrow morning, he is certainly mistaken.

Mr. DAWES. "To-morrow, and to-morrow, and to-morrow." Let us have it to-morrow. Unless the Senator will assure us that, having it in his possession, he will not hide it from the public eye an hour, I cannot move to adjourn.

Mr. BUTLER. The Senator shall have all that I have, and welcome.

Mr. DAWES. That is what I supposed. That was why I moved an adjournment.

Mr. BUTLER. And he will hear more than he wants to hear when I do.

Mr. DAWES. I do not think I shall. He cannot tell how much I like to hear from him. Now, Mr. President, I withdraw the motion to adjourn if I cannot have it on that condition.

Mr. BROWN. Mr. President——

Mr. COKE. I ask the Senator from Georgia to yield to me for a moment.

Mr. BROWN. Certainly.

Mr. COKE. I desire to say that it is my intention to make a brief reply to the remarks of the honorable Senator from Maine so far as they affect the State I have the honor in part to represent; but it being late this evening, and not having been able to get the floor, I will take occasion as soon as I can get the floor to make a few remarks in reply.

Mr. BROWN. Mr. President, I confess I have been somewhat amused at the artful dodging of the honorable Senator from Massachusetts [Mr. HOAR] from the plain facts that appear on the records of his own State. I stated nothing about the number of children in Massachusetts who were not at school under five years of age. I spoke of the number between five and fifteen.

Mr. HOAR. I did not speak of any under five at all. We both spoke of the same time.

Mr. BROWN. I will simply read again from the book published by the authority of his own State and reiterate the statement I made just as I find it here, and he does not get away from the figures by talking about my statistics, or that he would not take my statistics, or that he would never employ me to count his chickens before they are hatched. As I replied, I never count my chickens till after they are hatched, and I never count the goslings at all. [Laughter.] But this book of Massachusetts reads thus:

Under school attendance is given the number of children attending school at least three months during the year ending May 1, 1875, and from the recapitulation——

Mr. HOAR. How many of them are there?

Mr. BROWN. Let me read:

from the recapitulation, on page 88, it is learned that the whole number of all ages is 282,784; 1,269 being under five years of age, 254,568 between five and fifteen, and 26,947 above fifteen. From the returns made to the board of education contemporaneously with the census returns, there appear to be 300,834 children between five and fifteen years of age in the State, and this number is fully sustained by the census. These statements indicate that there were 46,266 children in the State between five and fifteen years of age, who had not "attended school three months during the year ending May 1, 1875."

That is exactly the statement that I made before, and I now repeat it, that there were 46,266 children in Massachusetts during the year ending May 1, 1875, who did not attend school three months, if the records of Massachusetts are correct.

Mr. HOAR. Now will the Senator allow me to ask him if he does not see that if there are 300,000 between five and fifteen there must at least be 60,000 of that number under seven years of age; that is one-fifth of the whole ten years' period? Those that died afterward would make the proportion still less. So that all his statistics amount to is that while there are 60,000 children under seven, above five, there are 46,000 only between five and fifteen who did not attend school.

Mr. BROWN. I said nothing about those under seven. The Senator undertook to dodge out of it by talking about the number under seven. I made the statement that there were 46,266 children between five and fifteen who were not at school three months in the year. That was all the statement I made about it. The Senator gets up and attempts to controvert that by reasoning as to the proportion of the whole number under seven. I take the statistics just as I find them in a book published by the State of Massachusetts and they sustain my statement to the exact figure that I stated.

Now if I am wrong about the statistics, it is because the State of Massachusetts publishes that which is not true, and I take it she publishes correctly what is the true state of things within her own limits. If so, then there are over 46,000 children between five and fifteen who were not at school three months that year; and I said I supposed—I did not assert that—that they were mostly the children of those democrats or those persons who would vote the democratic ticket, as has been admitted here to-day, if they were allowed to vote at all. Now, how has the Senator denied my statement, or how has he controverted the statement? He has not denied what I read or convicted me of any mistake whatever.

Mr. HOAR. When the Senator states that he supposes that 46,000 are the children of the illiterate democrats or the other democrats, does he think I do not meet the point by pointing out that there are 60,000 of that number under seven years of age, and therefore that it is not only reasonable, but it seems to me absolutely certain to any reasonable mind, that a portion of that number were out of school because of their extreme youth?

Mr. BROWN. I am utterly astonished. I wish I could get figures into the Senator's head. I state the figures exactly as they are in the book, 46,000 and odd of the children of Massachusetts between five and fifteen were not at school three months in the year, and he

meets that by saying, "Can I suppose that there was not a certain number under seven years of age?" How does that meet it? That is the merest quibbling on the face of the earth; it is the merest dodge. I care nothing about what the number under seven years of age may be. I am talking about the number between five and fifteen who did not attend school; and here is the proof that they did not, no matter how many you had under five or under seven, or over fifteen or twenty-one or any other age.

The statement I made, and it is fully corroborated and sustained by the book, is that there were that number between the ages mentioned, five and fifteen, who did not attend school three months. You have not controverted that, and you cannot; and that is all I say on this subject. You have made a vain effort. You have undertaken to muddy the waters like the cuttle-fish. When pursued it muddies the water behind it to keep the pursuer from being able to locate it. I think the honorable Senator has muddied the water very considerably here in talking about children of other ages; but he cannot get rid of the fact that according to the statistics of his own State there is that number between five and fifteen who were not at school, as I stated, three months during that year.

Mr. DAWES. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and six minutes p. m.) the Senate adjourned.

THURSDAY, *April* 21, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PAPERS WITHDRAWN AND REFERRED.

Mr. EDMUNDS. I ask unanimous consent that the papers on the files of the Senate relating to the subject of bankruptcy be taken from the files and referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The Chair hears no objection. There being no objection, it is so ordered.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Ohio [Mr. PENDLETON] to postpone the resolution until the second Monday in December.

Mr. PENDLETON. I ask that the yeas and nays be ordered upon the motion. I called for the yeas and nays yesterday but the debate proceeded before they were ordered.

Mr. DAWES. Does the Senator insist on taking the vote now?

Mr. PENDLETON. No, sir; I only ask that the yeas and nays be ordered.

The yeas and nays were ordered.

Mr. McPHERSON. Pending the motion of the Senator from Ohio, I move to amend by making it the first Monday in January, and I ask for the yeas and nays upon that motion.

The VICE-PRESIDENT. The question is upon the motion of the Senator from New Jersey, [Mr. McPHERSON,] that the consideration of the pending resolution be postponed until the first Monday in January next, upon which he demands the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY. I suggest to the Senator from New Jersey that he make the time at the opening of the next fiscal year, the first Monday in July.

Mr. PENDLETON. You can do that. That motion would be in order coming from you.

Mr. FERRY. I merely suggest it to the Senator from New Jersey. I presumed it had not occurred to him.

Mr. McPHERSON. The Senator from New Jersey has put his suggestion in the form of a motion.

Mr. HARRIS. I move to indefinitely postpone the pending resolution, and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Pending the motion I have just made, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business.

Mr. HARRIS. At the suggestion of the Senator from Texas, [Mr. COKE,] I withdraw the motion. The Senator from Texas desires to address the Senate.

Mr. COKE Mr. President, I endeavored yesterday evening to obtain the floor, intending to occupy the Senate very briefly in reply to some remarks of the honorable Senator from Maine [Mr. FRYE] with reference to the State which I have the honor in part to represent upon this floor. It had not been my intention to participate in this debate, nor my desire to do so, and only a duty that I owe to my State causes me now to forego my original intention. The speech of the honorable Senator from Maine was a most remarkable one in many respects, arraigning as it did an entire section of our country and a large portion of its people. It is remarkable for its temper, it is remarkable for its wholesale denunciation, it is remarkable for the recklessness of its statement and for the falsity of its charges. The honorable Senator signalized his advent into this Chamber by an onslaught upon more than one-half in territory and a large proportion of the population of this country in terms of denunciation which if true would prove that those people are not fit associates for civilized people in this enlightened era. I do not envy the Senator who can find it in his heart thus to speak of any portion of the people over whom the flag of this country floats and over whom the laws and the Constitution of this country hold jurisdiction.

It does seem to me that if there is a place in the world where a sovereign State of this Union, where a number of sovereign States of this Union, ought to be able to stand, in the persons of their representation, without being insulted, without being spoken of disrespectfully, without being denounced, it ought to be in the Senate of the United States, the supposed conservative branch of the National Legislature. If not here then I know no sanctuary where they can be protected.

Sir, I am glad that I am so constituted as not to desire to speak ill of any portion of the people of these United States or of any State in this Union. I have no wish to do it; I have no desire to do it. This whole country is my country, and I hope that my mind and my heart are capacious enough to hold all and not be confined to a section. I believe it unwise, I believe it unstatesmanlike, I believe it unjust, I believe it unpatriotic for any Senator upon this floor to arraign any portion of the common constituencies represented here in such terms as the people of one entire section were arraigned by the Senator from Maine on yesterday. I believe that no Senator can truly represent his State and do it. I do not believe that the people of Maine indorse it, nor do I believe that the people of Massachusetts indorse the denunciation of the honorable Senator from Massachusetts [Mr. DAWES] uttered so often here in the last three or four weeks against the South. I believe they are more patriotic, have more pride of country, that they are wiser and juster and better than to do it. Other gentlemen may do this. I have no word to allege against any State or against any people in this Union. I have no charge to make against any of them. This is a common country for us all; we are bound indissolubly together, we must stay together, and he who foments strife and stirs sectional feeling and inculcates animosities among those thus bound together cannot, in my judgment, be either a statesman or a patriot.

After having denounced the entire South, after having taunted the South with her poverty, with lawlessness, with fraud, and after having made all manner of charges against that section and that people, the honorable Senator became more specific and singled out four States for his particular denunciation—South Carolina, Mississippi, Texas, and Louisiana. I simply desire to make a reply to the honorable Senator's remarks with reference to the State of Texas. The other States referred to have able representatives on this floor who are amply able to take care of them. The honorable Senator said:

> The Senators from Texas declared that elections in Texas were as peaceable and as honest and as fair as anywhere in this country. Let me give the Senators from Texas a little history of their own State. It is cruel to be obliged to instruct the gentlemen about their own concerns. They seem to have eyes, but they see not; they have ears, but they hear not, unless it be about our peculiar people. I want to call the attention of the Senators from Texas to Harrison County as a specimen brick.

The distinguished gentleman then goes on to take up the vote of Harrison County by election precincts, and at the end of his remarks with reference to each precinct he says:

> No return made. Officers of election indicted and plead guilty to the charge.

The facts with reference to the election in Harrison County are simply these: that the supervising officers of the elections in Harrison County were indicted in the Federal court before Judge Amos Morrill, one of the most rigorous, exacting, and implacable judges I have ever seen in the enforcement especially of the election laws of the United States. They were indicted before Judge Morrill at Jefferson, Texas. They appeared there, pleaded guilty, and were fined $1 each. Why were they fined only $1? Does not the fine, the penalty, usually represent the enormity of the offense? Is it not the aim of the criminal laws to make it so, and of the courts to make it do so? Yet we find Judge Morrill upon a plea of guilty entering a fine of $1 against these parties—it must have been a technical violation of law, because only a nominal fine was imposed.

The gentleman says they were convicted. Yes, they were convicted upon a plea of guilty, and why did they plead guilty? We all know how it is when men are taken from home and carried off to court, and have to lie about waiting for their cases to be reached; we know how irksome it is, we know how expensive it is; we know how men have to sacrifice their business interests at home when they do it. Doubtless these considerations had a great deal to do with their plea of guilty. But take the plea of guilty and the judgment of the court and construe them with the presumption naturally resulting from the statement of facts, and you must conclude (because you must believe that the judge discharged his duty, that is a legal presumption) that the violation of law was a technical one; that the judge saw nothing in it either of turpitude or willfulness or of injury to anybody, else he would not have put the fine so low as one dollar.

Again the Senator from Maine says, in reference to the same county of Harrison:

> On the evening of Sunday, October 31, 1880, two days before the election, one Peter Choice, a colored man, was traveling from Marshall, in Harrison County, Texas, to election and voting precinct numbered 6, a voting place in Harrison County, about seven miles from Marshall, the county seat of Harrison County, to the voting precinct aforesaid, in which he resided. Choice on the day referred to had in his possession a large number, estimated at about three hundred, of republican tickets or ballots, which he had received from the republican executive committee of Harrison County, in Marshall, Texas, for use and distribution on the day of election at the aforesaid voting precinct (which has always given a large republican majority) while he was so traveling, and about a mile and a half outside the corporate limits of Marshall two persons, whom he recognized as one Walter Jennings, a publisher of a newspaper called the Marshall Messenger, and one Wallace Rudd, stopped him on the highway and told him they wanted the tickets he was carrying from him, threatening to kill him if he refused to give the tickets up. Rudd and Jennings were disguised at the time, but pulled the disguises from their faces when they accosted Choice. As Choice refused to give up the tickets in his possession, Rudd and Jennings fired with pistols four times at him, and Choice's life was saved mainly by the fleetness of his horse.

I know one of these men; I know of the other. They were indicted, and while I do not know which of two results did occur, I know that it was one or the other of them, either that they were tried and acquitted or that the district attorney of the United States entered a *nolle prosequi*. I know one or the other of the two state of facts to exist. They were not convicted either of them; and the honorable Senator does not say they were, and he would have been very certain to have said so if it had occurred. I state the fact to be that they were not, and believe that by order of the court a *nolle prosequi* was entered.

These men are gentlemen, honest men and good citizens, and I am sustained by the record when I say they were not guilty as charged.

Take these cases from Harrison County as stated by the honorable Senator from Maine himself. Put them upon his own ground; indulge the presumption that will be indulged in any court of justice, that is, that the judge and the district attorney being officers of the law did discharge their duty, and the inevitable conclusion follows that the honorable Senator from Maine has made a false and groundless charge.

Another case mentioned here I know nothing about, the reference to Charles Welsh on the night of November 1, 1880, the day before the election, having had his commission as supervisor of election taken away from him. I know nothing of that; I have never heard of it before. The honorable Senator does not state that the persons who committed this offense were ever indicted or convicted. He makes no statement of that sort, and although I called upon him while making this part of his speech to tell the Senate upon what authority he was making these statements, and he told me that he would, I have failed to find any authority at all for any of them. So far as I have examined the RECORD, and I have examined his speech quite thoroughly, I find that he gives no man, that he gives no record, as his authority; and as it stands before the Senate to-day it stands only upon the word of the honorable Senator from Maine, who I presume never was in Texas.

During the colloquy between the honorable Senator and myself this occurred:

> Mr. COKE. Will the Senator permit me to interrupt him? What was the judgment of the court? What was the penalty?
> Mr. FRYE. I do not know, sir.
> Mr. COKE. I can tell the Senator. I think they were fined $1.
> Mr. DAWES. I think that would be about the estimate down there.

The honorable Senator from Massachusetts with an ill-concealed sneer obtruded that remark into the colloquy between the honorable Senator from Maine and myself. Considering that the remark comes from a Senator the laws of whose State would have utterly disfranchised all these republicans, or nine-tenths of them, who are alleged to have been wronged in Harrison County, if they had been in Massachusetts, I think that we "down there," as the honorable Senator styles it, can stand it. Sir, he was a republican judge appointed by General Grant, who held that court. Whatever else may be said of him, his loyalty to the republican party has never been questioned; nor has his zeal in the enforcement of the laws of the United States ever been questioned. He fixed this fine; it was not fixed by a jury.

Again of Harrison County the Senator from Maine said:

> In Harrison County supervisors were denied access to the voting precincts; men supposed to have republican tickets in their possession for distribution fired upon by masked men in broad daylight; prominent republicans wantonly assailed; republican majority of 1,500 changed to a democratic majority of over two thousand; voters intimidated, their lives threatened if they voted for republican candidates; attempts made to kidnap and kill persons carrying republican ballots to polls; republican speakers insulted, assaulted, and their lives threatened; a supervisor of election compelled to surrender his commission by armed men, and to armed men, and then the managers of election refused to recognize him because he had lost his commission.

These are grave charges to make against the people of a county. I know the people of Harrison County very well. They are as good people as can be found in any county North or South. There is as much intelligence, as much patriotism, as much refinement, as much cultivation among them as you will find among any rural people in the world. Their standard of morality is as high as you will find anywhere; and this wholesale charge against them, unverified by a single record, by a single affidavit, by a single statement except the statement of the honorable Senator himself, who knows nothing about them, is false and slanderous. I mean it in no offensive sense to the Senator from Maine, because I know he must make his statement on information; but I brand it here as false from beginning to end. So far as the honorable Senator has produced testimony by referring to the action of the courts I rely upon that testimony to prove its utter falsity. When honorable Senators representing great States rise on this floor and make such statements they should be prepared to sustain them with proof. If they delight in peddling slanders upon the people of a portion of this country, anonymous, unvouched, and unverified slanders, then they must bear the consequences that will attach to those who originated them.

It is claimed by the honorable Senator that there is a republican majority of 1,500 in Harrison County. I deny it. The county court of Harrison County appointed all these election managers and election officers who were indicted as the county courts have to do under the laws of Texas. They are democrats, the honorable Senator from Maine says, and that is true. That county court was elected two years before the election in 1880. How came that court to be democrats if there was a republican majority of 1,500 in Harrison County?

The honorable Senator assumed that the negroes were all republicans. This is very far from being true. There is a large negro population in the county of Harrison, but great numbers of them vote the democratic ticket. The most intelligent and the most influential colored person in Harrison County I am informed stumped the county in every election precinct before the last election in behalf of the democratic ticket, and democratic officials were elected again as they had been at the election preceding.

The honorable Senator says—I remember his language, although I cannot put my finger upon it at this moment—that in Fort Bend County the republican vote was not returned at the last election, and he draws conclusions from that fact that they were fraudulently suppressed, when the truth is that Fort Bend County is one of the few republican counties in Texas. The colored people are largely in the ascendant; they elect all the officers in the county; they are represented in the State senate by a colored republican; they are also represented in the lower house by a republican. The county officers, who appoint the election officers, of course appointed republicans, and if the republican vote was not returned in Fort Bend County it was because republican officials failed or refused to return it. That is all there is about that.

Mr. President, upon this occurrence in the republican county of Fort Bend and upon the allegations of the honorable Senator from Maine with reference to Harrison County, Texas, are based all the charges he has made as far as they concern the State of Texas. Would it be fair or just or right to try the great State of Maine and condemn her people and the people of New England on the irregularities, illegalities and outrages reported in that State during the election when Governor Garcelon was about going out of office? Manifestly not. Yet out of nearly two hundred organized counties he selects Harrison County and Fort Bend County—Harrison County that has gone democratic at two elections in succession, and Fort Bend County, which is strongly republican—he selects these two as evidence to sustain the sweeping charge that because of fraud and intimidation and violence there is not and cannot be "a free ballot and a fair count" in Texas. Sir, I state the fact to be, and I challenge contradiction when I say it, that the sun in heaven does not shine upon a land where, in thought, in utterance, or in action, the people of all classes and conditions and of all colors are freer than they are in Texas, and every allegation to the contrary I stand here to denounce as false and slanderous.

I had heard of the termination of the cases in the Federal court at Jefferson, and by that means of the alleged trouble in Harrison County; but supposed everybody to be satisfied. I sat here in my seat content during this debate, satisfied that my State could not be possibly assailed, and was astonished when the honorable Senator from Maine yesterday selected Texas as one of the principal fields of the fraud, intimidation, and violence he charges to have been practiced throughout the South. I presume he presented his strongest evidence; I imagine so; and if he did, if he brought forward the best evidence, (and he is too good a lawyer not to have done so,) I want nothing better than his own statement to refute every charge he has made.

No, sir, the people of Texas, the white people, the black people, all are in law and in fact free; they are not molested by anybody; and as to the colored people of that State I have to say that a more thrifty, prosperous, contented, and happy laboring people do not live on this earth. They are rapidly acquiring property; they are rapidly educating themselves to the duties of good citizenship; they are rapidly ascending in the scale of moral and intellectual excellence; and the time is not far distant when they will be well represented upon the tax-roll in every county in the State where they are found. They are accumulating; they are surrounding themselves with comforts, providing themselves with homes; their children are being educated; and all this is being done in what the honorable Senators on the other side call the worst Bourbon State in the South; it is being done under democratic administration; and they are growing in excellence in every way under the patronage, the tutelage, the protection, the counsel, and the guidance of their democratic friends.

No, sir; if the gentlemen on the other side of the Chamber desire to attack the democratic party on the ground that it does not permit "a free ballot and a fair count" in the South, they must not come to Texas for their testimony, for they will not find it there. Sir, there are many facts that are pregnant with other facts; there are some

conclusions that involve others; and if the honorable Senator from Maine had used evidence very much stronger than any he has brought before the Senate to sustain him, a few plain well-established facts which I shall in a few minutes proceed to state would irrefutably answer him.

Sir, the honorable Senator boasts of the educational facilities of the people of the North and East; he feels a just pride in speaking of them as he has a right to do. He has taunted us of the South with an absence of these facilities, which he had no right to do. We are struggling as no people ever struggled before to march to the front and be abreast with the highest requirement of the times in everything that advances the interests of our people and the greatness of our States. We came out of the civil war poor, very poor. Four millions of slaves who represented every one of them a high money value, inheritable since the foundation of the Government and bought and sold among us as property, were freed. The freeing of the slaves, and so far as we were concerned personally, the destruction of that much value to us individually, was the smallest part of our pecuniary loss. Our lands, dependent as they were upon slave labor for their value, fell to the lowest ebb in the market. They became almost valueless. Debtors for what before the war were insignificant amounts to them were forced into bankruptcy; the lands of the slaveholders passed for the most part, under judgments of foreclosure, out of their possession, and for a mere song, a mere pittance, a mere fraction of their former value. Society, by the turning loose with all the rights of citizenship of four million unlettered, uneducated, immoral blacks, was disorganized, upheaved from its very bottom foundations.

Coming upon the heels of all this, upon a people sunk in the lowest depths of poverty, was the curse of carpet-bag governments forced upon us by the cruel reconstruction laws. These governments taxed and taxed and taxed the people until the pittance they had left was well-nigh exhausted. In this condition, after awhile, with the aid of our good democratic friends in the North and that of liberal republican sentiment which at the same time responded to our appeals for help, we recovered possession of our State governments. We set to work to rebuild, to lay anew the foundations of prosperity, and let the census just taken by an able and conscientious gentleman, a republican, say with what success we have labored. We have astonished the world and ourselves with the results. Throughout the South State debts have either been paid or adjusted to the satisfaction of creditors, or the most strenuous and honorable efforts are being made to adjust and settle them.

What else are we doing? In the interest of humanity, in the interest of good government, in the interest of civilization we are taxing ourselves to our utmost capacity to bear it for the establishment of public free schools, believing that universal education must, if this Government is to be perpetuated, go with universal suffrage. We are educating black and white alike, without distinction; the colored children receiving the same per capita of money raised for school purposes given the white children all over the South. We do not equal Massachusetts in the munificence of our provision for our growing population; we do not equal several other States; but we are doing the very best throughout the South that we can, as the tax-payers in that country know full well. We are doing our part in good faith and to the utmost to raise the colored people and their children to the highest level they can reach, so that they can appreciate the blessings of good government and help us to hand it down to our posterity.

That is something of what we are doing, or rather are trying to do, and I tell you, Senators, we will redeem the South, we will place the South where the genius of her people, her glorious climate and fertile soil, her great mineral, manufacturing, and commercial resources ought to place her. We will make the South the equal in intelligence, in cultivation, in education, in labor, in wealth, in pride, and in aspiration of the North or the East or the West. In building up the South we are helping to build up the greatness of the whole country, of which we are as proud as you can be, and which we claim is ours as much as it is yours.

We do not mean that taunts shall drive us from it. We know our duty and will perform it. We have a great problem before us, the greatest that any people ever had to solve, in an illiterate, recently enfranchised population placed suddenly, without preparation, in full possession of the rights of citizenship and suffrage. We are struggling with the problem. We were chastened and prepared by four years of war and four years of worse than war, of reconstruction, which developed our fortitude, our patience, our philosophy, our strength, and which taught us in those few years the experience of a century. We have had our trials to prepare us for the great problem you have thrust upon us, and we mean to solve it.

You may talk about "a free ballot and a fair count;" the colored people have it; they shall have it. But I tell you that we have the same blood in our veins which courses through yours. We trace ourselves back to conquering races as you do. You know our race; you know that it has never yet been dominated by an inferior race; and I tell you it never will.

The energy, the courage, the fortitude, the skill displayed by the South in behalf of the convictions of that section in the late civil war still survive, but are now turned into peaceful channels; these high qualities are now directed to the building up of the material greatness of the country and to the perpetuation of good government. The southern people know that ignorance and vice and immorality are no safe basis for a stable government; they know that their own race have all the world over governed wherever they have planted their feet, and they mean to govern in the South; they mean to do it constitutionally and lawfully; through their superior virtue, intelligence, capacity, and management they mean to do it; and you may insert forty or forty thousand entering-wedges like that you think you have inserted in Virginia, and it will not abate our purpose or make us deviate from our course, or change the result. We are going to govern that country; we mean to do it lawfully; we mean to do it constitutionally; we mean to do it in the interests of peace, of humanity, of good government, in the interest of a high civilization, in the interest of a glorious and a perpetual Union.

Now, Mr. President, I propose to speak briefly of what we have done in Texas, and ask attention to a few pertinent facts, a statement of which I rely on as a conclusive answer to every insinuation and every charge made by the honorable Senator from Maine on yesterday.

Texas in her declaration of independence recited as one of the grievances against the mother country that no provision had ever been made for public education. In the first constitution framed by the Republic of Texas the foundations were laid broad and deep for a munificent endownent of common free schools, of a university, and of what are known in our statutes as county seminaries. The constitution of 1845, made when Texas was annexed to the United States, improved upon the provisions in this regard of its predecessor. Every constitution under which the people of Texas have ever lived from the first until this time has sedulously guarded the school fund of Texas, provision for which was made in the days of the republic and by its founders; and every public man, every statesman in Texas has regarded it as a part of his highest duty to add from time to time to the security and breadth of these provisions.

As a result of this fundamental legislation we have for our permanent school and university fund lands to the amount of 40,000,000 acres, all of which is common-school fund except about 1,221,400 acres, which is the university fund. This is a permanent fund. Upon the statute-book of Texas there are laws providing for the sale of these lands at prices fixed by appraisers, the proceeds of sale to be invested either in United States bonds or in Texas bonds and the interest only applied annually for public education.

Forty million acres! Texas is being permeated now by railroads in every direction. Many of these lands, already very valuable, are becoming every day very much more so, and they will when sold make a munificent endowment for our common-school system. That is our permanent school fund. Now, what about the annual available school fund for present purposes and present uses? I will tell you.

I should have stated that in addition to the permanent fund in land we have $3,500,000 invested in bonds. The interest on that amount is annually applied to the maintenance of schools. The constitution and laws provide that one-fourth of the general ad valorem State revenue shall be applied annually to common schools. There is a poll-tax of $2 per head, and one-half of that goes to the available school fund annually. Then there are the rentals of school lands, fines for violation of local option laws, &c., &c., and from all these sources combined for the year 1879 (and that is the latest report I have) was realized in cash and applied to the maintenance of public free schools $919,880. That is the annual fund, accruing annually and disbursed annually. Our permanent fund, as the lands are being sold and the proceeds invested, is every day growing, and the annual fund from increased interest is every day growing.

In the same year, to wit, 1879, 138,327 white children and 48,664 colored children received tuition at the public expense for three months, the white children in 4,735 organized schools and the colored children in 1,392 organized schools. The amounts expended in maintaining them was within a few cents of $5 per capita.

Besides, there are two normal schools supported by the State, board and tuition both given to scholars, one for white and the other for colored teachers, and an agricultural and mechanical college, thoroughly appointed and equipped, and in the full tide of successful operation, also maintained by the State.

In the common schools of Texas there were employed according to the report I have just mentioned 3,258 white teachers and 991 colored teachers. The number of white children of scholastic age who did not attend school was 35,111; of colored who did not attend school, 11,854. Why did not these children attend school? Let me tell you why. Take a map of Texas and lay it down on a table before you. Take Maine, New Hampshire, Massachusetts, Rhode Island, Vermont, Connecticut, New York, New Jersey, Delaware, Ohio, and Illinois; put them upon another map close together, and lay them upon the map of Texas that you have before you, and altogether they will lack 6,000 square miles of covering up Texas. All those States that I have named together do not aggregate as many square miles as Texas by 6,000. Now, the population of Texas is greatly scattered in some portions of this vast territory, so that it is utterly impracticable on account of its sparseness to maintain public free schools; but as the settlements expand—and they are moving out rapidly—the public free schools advance *pari passu*.

Again, sir, having shown you what we are doing for public education, we are taunted in the South, and in Texas especially, with the

lawlessness of our people; it is said we are not a law-abiding people; that we are prone to violence, to intimidation, to fraud, and to everything that is bad. Mr. President, I frankly admit that we have always had in Texas, and so far as that is concerned throughout the Southwest and Northwest, more man-killing than we ought to have had. I palliate nothing of that sort, but we have always been surrounded by conditions which have brought about this state of things which have never surrounded any other State or Territory in this Union except it be Arizona or New Mexico. We have vast numbers of people pouring constantly into Texas. The population is heterogeneous, is cosmopolitan, and in pursuing the activities of life restless men, ambitious men, sometimes bad men, come in collision. Until a very few years past our extended line of Mexican and Indian frontier was exposed every day to the forays of Indians and Mexicans, and life and property required for their defense and protection that arms should be constantly worn by the people near the border, and they, like all people who wear arms and are habituated to their use, were too apt to resort to them unjustifiably. This is all changed now; the Texas frontier is amply protected by the Army of the United States and by railroads, and there are but few points along its entire line where there is not perfect security. We now have and have had for years past a most stringent law against carrying concealed weapons, from the operation of which many of the frontier counties were formerly exempted, but this exemption now extends to very few of them.

The population of Texas is rapidly becoming homogeneous, and a public sentiment has grown up, and is very strong, in favor of a vigorous enforcement of the laws; and I assert here, and challenge contradiction from any source, that the public records of Texas for ten years past show the most rigorous, exacting, and sometimes vindictive enforcement of the criminal laws that can be found in any State in this Union.

There has been, according to the report of the attorney-general of Texas, a marked decrease in crime in the last three or four years, although the country has been filling up with population all the time. Out of 2,500 criminal accusations for felony there were 780 convictions—nearly one conviction for every three accusations for the year 1880—and among them nine cases where the sentences were capital were affirmed in our court of last resort. I venture the assertion here that no State in this Union can show a larger proportion of convictions compared with the number of criminal accusations, and that no State in the Union can show half the number of capital sentences affirmed by the highest court in proportion to the number of indictments. There must be a public sentiment in harmony with the criminal laws of a country to enforce them, and that public sentiment exists in Texas, as the facts I have stated show.

But again, sir, if any other evidence were needed I have before me from carefully compiled statistics the number of persons in Texas directly included in the membership of the various religious denominations, and they are 501,000. The population of the State by the recent census is about 1,600,000. These statistics show that nearly one-third of this population are members of Christian churches. I ask the honorable Senator from Maine to ponder over these facts. I point him to our public free schools affording educational privileges to all the children, black and white alike. I point him to the enforcement of our criminal laws with a stringency and a rigor not excelled if equaled elsewhere which could only be brought about by a healthful public sentiment among the masses. I point him to the church membership, to the Christian influences which prevail among those people, and I regret that he did not enable me to accord to him the credit of frankness and generosity, not to say justice and honesty, by making some allusion to them when arraigning them so savagely on such slender grounds.

But this is not all, sir. I have referred to the census as a complete refutation of the slanders against the South, showing as it does the surprising prosperity exhibited among that lately impoverished people, because it is well known that where anarchy and lawlessness prevail and life and property and liberty are insecure, no greater obstructions can exist to material progress.

But with reference to my own State particularly, because I am more familiar with that, I desire to call attention to some other facts. I call attention to the fact that in 1866 there were only three hundred and thirty miles of old, dilapidated, worn-out, rickety railroad in Texas. Now there are 3,600 miles of railroad in good condition operated daily in the limits of the State, and there are nineteen lines in course of rapid construction. Before this year terminates there will be more than 4,000 miles in Texas in operation as against three hundred and thirty miles in 1866.

Capital is flowing into that State from every quarter seeking investment. Does capital, proverbially timid, hunt localities for investment where life and property are insecure? The trains come packed with emigrants from all the States represented by Senators on that side and on this side of the Chamber. They are welcomed there. We give them free schools for their children, we give them homesteads out of our vacant lands, one hundred and sixty acres to each head of a family who will settle upon it, improve it, and live upon it continuously for three years, and eighty acres to each person eighteen years of age not a member of a family. We welcome your people.

Not one of you gentlemen on the other side can go upon any line of railroad and stop at any depot scarcely in Texas but that some one of your old neighbors will step up and greet you. They are down there among us. They say we have a good country; they say our people are good people, hospitable people; they have cast their lots with us. There is scarcely a month in the year that steamers and vessels from European ports do not come into New York or Galveston loaded with emigrants for Texas. Do these facts indicate that life, liberty, or property are insecure there? It seems to me not. It does appear to be a pity that the position of Senators from great and honored States does not have the effect of expanding some gentlemen's minds and hearts to a sufficient capacity to take in at least some of the merits of all portions of our great country.

To give some idea of the increase of commerce, of the renewed and ever-increasing activity of the industries of my State, I will submit a statement of the duties on imported goods collected at the custom-house at Galveston for the year ending December 31, 1880, furnished by order of the collector:

Statement of duties on imported goods collected at the custom-house, Galveston, for the year ending December 31, 1880, *furnished by order of Hon. E. M. Pease, collector.*

January	$6,980 84
February	27,202 14
March	27,521 35
April	4,579 02
May	32,911 73
June	106,451 99
July	89,593 88
August	134,893 08
September	70,307 81
October	127,582 49
November	63,079 63
December	99,768 40
Total	790,872 31

Increase of 1879 over 1878, 200 per cent.
Increase of 1880 over 1879, 515 per cent.

Also the following statement of exports of domestic produce:

Statistics of the port of Galveston, year ending December 31, 1880.

EXPORTS OF DOMESTIC PRODUCE.

Cotton—to foreign ports	$17,318,047	
Cotton—to domestic ports	10,977,138	
		$28,295,185
Wool, 20,246 bags		1,836,740
Hides, bales 9,878, bundles 6,955, loose 7,016		2,040,500
Cattle		445,500
Tallow		172,000
Bones		96,000
Horns		55,000
Peltries		140,000
Pecans		47,700
Bees-wax		18,264
Hair		6,450
Grain and flour, (no wheat)		406,000
Cotton-seed		65,400
Cotton-seed oil		60,120
Cotton-seed oil-cake		129,300
Sugar		560,000
Molasses		52,400
Total		34,426,559
To foreign ports		17,465,611
To domestic ports		16,960,948
		34,426,559

Increase over 1879, $2,710,589, equal to 8½ per cent.

I have here from the National New York Financial Chronicle of the 2d instant a review of the commerce of the leading ports of the country for the month named, conspicuously among which appears that of Galveston. Here it is:

The following table gives the value of domestic and foreign exports from United States ports for the month of February in 1880 and 1881:

Ports.	1880.	1881.
New York	$23,785,251	$28,032,342
New Orleans	9,780,037	11,121,124
Baltimore	4,490,388	4,901,389
Boston	4,730,261	5,659,964
Philadelphia	2,336,869	2,556,283
San Francisco	2,687,504	3,445,741
All other ports	12,146,363	11,934,007
Total	59,956,673	67,650,850

The subjoined table gives the value of exports of merchandise at leading cotton ports for the month of February in 1880 and 1881:

Ports.	1880.	1881.
Charleston	$1,525,527	$1,821,030
Galveston	1,383,004	2,569,717
Mobile	1,313,279	797,112
Norfolk	1,628,254	1,122,920
Savannah	2,668,561	2,271,990
Wilmington	417,138	379,075
Total	8,935,763	9,061,848

The aggregate of the cotton ports, notwithstanding the lower price of the staple this year than last, is rightly higher than in 1880. "It will be noticed from the table," says the Chronicle, "that while the aggregate of the six ports varies little in

the two years, there is quite a marked difference in the case of the separate ports. Mobile, Norfolk, Savannah, and Wilmington had smaller totals this year, but the loss at these points was more than made good by the heavy gain at Charleston and Galveston. At the latter port the value of the exports was almost double that of last year, that port being conspicuous, as in the previous months, for its large increase. Examining the cotton figures we find that, with the exception of Wilmington, the four ports first mentioned all had smaller cotton exports, while Charleston and Galveston had larger exports."

While the first table submitted gives an idea of the imports, this shows the exports from the port of Galveston alone. In a country prosperous like this, increasing every day its wealth, its population, its influence, with every element of its greatness expanding and developing with almost magical rapidity, can it be possible that this is a country in which life and liberty and property are insecure, as charged by the honorable Senator from Maine? Meaning no offense to that honorable Senator, for personally I esteem him, I do say that these great salient facts give the lie direct to every statement made in his speech of yesterday derogatory to Texas.

But, sir, this is not all. We have heard a great deal here about repudiation, about different States repudiating their debts. No man charges Texas with repudiation. Her revolutionary debt was paid to the satisfaction of her creditors, while the revolutionary debt of the United States was never paid. Her reconstruction debt is funded into bonds that you will not find quoted in the New York papers or in the stock market, because they were bought for investment and one hundred and twenty cents on the dollar will not touch one of them. There has never been for a day or an hour a dollar of her interest in arrear since 1874, when her first democratic governor was inaugurated. Her bonds are in the vaults of the best and strongest financial men in New York, laid safely away and taken out semi-annually only to cut off the coupons and receive the interest, because they are 5, 6, and 7 per cent. bonds and the holders can get nothing to suit them so well. Hence it is that you never see one quoted in the market report in New York. Does such credit as this indicate that we are a lawless, law and God defying people, given over to fraud, intimidation, to ignorance and to illiteracy?

Last year, that is the year before the last crop year, the cotton crop of Texas was 1,000,000 bales. This year just past it is estimated at something near a million and a quarter of bales. Our next interest, and one in which we largely outstrip any other State, is our cattle interest. We receive more money for our cattle annually than any other State in the Union. Texas is the second wool-producing State in the Union, and she is the first in cotton, as the reports show. Illinois alone owns more horses than Texas; California alone more sheep. In 1870 our population was a scant 850,000 or 875,000; now it is nearly double; our taxable values are quadrupled. Our common schools are sharing our prosperity and are diffusing their benefits throughout our whole population. Our laws are being executed rigorously. Everything in the history of Texas, as testified to by the public prints, by eminent capitalists who have traveled through the country, by divines, by the friends of those who emigrate there—the universal testimony is that every element of prosperity is there; that school-houses and churches are there; that law-abiding and law-loving public sentiment is there; efficient, honest, economical government is there; that everything is on the up-grade and improving and giving the best possible promise of future excellence and future advancement. This is one of the States which, forsooth, the honorable Senator from Maine characterizes in substance as a bulldozing, lawless, violent, fraudulent, barbarous State. I appeal to the judgment of the people of this great country, North, East, and West, to decide between that Senator and myself and say whether he has not slandered an honest, a gallant, a generous, an intelligent, and a progressive people.

Sir, Texas has a history of her own, of which her people are proud. She came not into this Union a mendicant. She came rich in her public domain and richer yet in traditions and in history. She came with a line of civic and military heroes to point to as her contribution to the galaxy of eminent men produced in this country whose lives had been devoted to the public service and to the amelioration of the condition of mankind. A handful of adventurous spirits were found in that country under the leadership of Stephen F. Austin, and I am proud to say that some of the truest and most heroic of that little band were from Connecticut and from Maine. Mexican despotism commenced its operations upon them. They had nothing. They were clothed in buckskin. They had their trusty rifles and their bowie-knives, and nothing else except brave hearts and strong arms. This handful of brave men under the lead of Austin and Houston and their great colleagues in council and on the field after an arduous struggle achieved the independence of Texas against all the power of Mexico directed by Santa Anna who proudly styled himself the Napoleon of the West. From the bloody field of San Jacinto the single star of Texas rose above the horizon the emblem of a new republic about taking her place among the nations of the earth.

In the vestibule of the State-house at Austin, the beautiful capital of Texas, may be seen a monument of stone upon a plain pedestal, upon which is engraved the names of the heroes who fell at the Alamo, and this inscription upon one of its panels: "Thermopylæ had her messenger of defeat, the Alamo had none." Sir, not a man survived that massacre. There it was that Crockett and Bowie and Travis and their compatriots fell and poured out the blood which gave baptism to the infant republic. Planted in that soil was the seed which germinated and matured in Texan independence, for the battle-cry at San Jacinto was: "Remember the Alamo!" In the civil war Texas cast her lot with her sisters of the South, and her sons died upon every battle-field from Arizona to Gettysburgh where the contending armies met. Since the return of peace, turning her back upon the past she has looked only to the future, and, as results attest, has been no laggard in the march of improvement. She is sincerely attached to this Government and its flag, as she will prove whenever any sacrifice, whatever it may be of blood or treasure, is demanded of her in defense of its rights or honor. She is proud of its greatness and rejoices in its strength, and will allow none of her sisters to outstrip her in earnestness or steadiness of effort to add to its wealth and its glory.

Sir, I have but little more to say, having already trespassed upon the time of the Senate greatly longer than I intended, but I wish for a moment to advert to the avowed intention of the republican party as represented in the Senate through the pending measure as a commencement to break up the solid South; in other words, to disintegrate the democratic party by an alliance with the ignorance, illiteracy, and communism of that section. It is an admitted fact that when the republican party had possession of the State governments of the South they were the most corrupt, most extravagant, and most oppressive governments in the world. They bankrupted the States with debt while taxing the people to their utmost and even beyond their ability to pay. They obstructed all improvement, all advancement, and stagnated all public and private enterprise. These republican governments were overthrown by the people at the polls. They were succeeded by democratic governments, and the change for the better was immediate and marvelous. From the very depths of poverty and despondency the States of the South under democratic rule have become, considering all the circumstances, as the census will show, the most prosperous in the Union. Why, then, must the democratic party be broken down in the South? The material, moral, and industrial interests of those States certainly do not demand a restoration of republican rule there. Mr. President, the country understands why the public business is obstructed and this unseemly struggle is prolonged. It is without reference to the interests of the country, done to gain power for the republican party.

In the South we have felt the sort of political power you desire to restore there. We felt it in the days of reconstruction; and I tell you that as long as by objurgation, by denunciation, by slanders and false charges you keep us under the impression that you will again place us under the same character of governments when in your power, we will stand shoulder to shoulder in a solidity which cannot be broken.

Our people are organized like yours. They differ about banks and tariff and internal improvements; they differ on questions of administration, of expediency, of policy, and of constitutionality, just as your people do; but you will not allow them to express their differences. When you close up your ranks and commence war upon them they sink their differences of opinion on everything, and, remembering a common ruin, stand together to avert a calamity which your temper, your language, your conduct indicates will be inflicted upon them if you should ever succeed in breaking their solidity. You compel us in defense of ourselves, our civilization, and our property to this course. We have no other alternative. If you would break political solidity in the South you must let us alone; you must respect the Constitution, which leaves each State to regulate its own internal affairs free from outside interference; which leaves the intellectual, moral, and industrial forces of each State to work out the destiny of its people; or which, in other words, reserves to each State the right of local self-government. Let us alone, and our people will divide politically as other people do.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone indefinitely the pending resolution, on which the yeas and nays have been ordered.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes seem to have it.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COCKRELL, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE.] He has been called home on some important business, and I have paired with him during his absence. If he were here, I should vote "yea" and he would vote "nay."

Mr. WALKER, (when Mr. GARLAND'S name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] The pair is to continue until the return of my colleague.

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] If he were here, I should vote "yea."

Mr. MILLER, (when Mr. KELLOGG'S name was called.) I desire to announce that the pair which I had with the Senator from North Carolina [Mr. VANCE] is transferred to the Senator from Louisiana, [Mr. KELLOGG,] so that the Senator from Louisiana is now paired with the Senator from North Carolina.

Mr. McPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.] If he were here, I should vote "yea."

Mr. MILLER, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] on this question.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. SLATER. I desire to say that my colleague [Mr. GROVER] is paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. CAMDEN. I am paired with the Senator from Wisconsin, [Mr. SAWYER.] My colleague [Mr. DAVIS] is paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. ALLISON. I am paired for this day with the Senator from West Virginia, [Mr. DAVIS.]

The result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Bayard,	George,	Johnston,	Ransom,
Beck,	Gorman,	Jonas,	Slater,
Brown,	Groome,	Lamar,	Voorhees.
Call,	Hampton,	Morgan,	
Coke,	Harris,	Pendleton,	
Farley,	Jackson,	Pugh,	

NAYS—22.

Blair,	Edgerton,	Ingalls,	Morrill,
Burnside,	Ferry,	Logan,	Platt of Conn.,
Cameron of Wis.,	Hale,	McDill,	Platt of N. Y.,
Conger,	Harrison,	McMillan,	Sherman.
Conkling,	Hawley,	Mahone,	
Dawes,	Hoar,	Mitchell,	

ABSENT—33.

Allison,	Fair,	McPherson,	Teller,
Anthony,	Frye,	Maxey,	Vance,
Butler,	Garland,	Miller,	Van Wyck.
Camden,	Grover,	Plumb,	Vest,
Cameron of Pa.,	Hill of Colorado,	Rollins,	Walker,
Cockrell,	Hill of Georgia,	Saulsbury,	Williams.
Davis of Illinois,	Jones of Florida,	Saunders,	
Davis of W. Va.,	Jones of Nevada,	Sawyer,	
Edmunds,	Kellogg,	Sewell,	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the resolution.

Mr. DAWES. The Senate having by a decided majority determined that they will not do other business except the pending business, I hope I may not appeal in vain to the Senator from Tennessee and those acting with him to let us take a vote now upon the resolution.

Mr. HARRIS. Being so anxious as I am, and as I know the Senator from Massachusetts is, to get on with the public business, and as we have accomplished so much by energetic application and effort for the last four weeks, I believe I shall detain the Senate long enough to ask it to order now that when it shall adjourn to-day it be to meet at nine o'clock to-morrow, so that we can get here early and do a big day's work in disposing of the public business. I make that motion, Mr. President.

Mr. DAWES. I have no objection to meeting at nine o'clock to-morrow if the Senator from Tennessee will give any earnest assurance that when he comes here at nine o'clock to-morrow he will address himself to the pending business.

Mr. HARRIS. I assure the Senator from Massachusetts that when I come here to-morrow I shall appeal to the Senator from Massachusetts, as I have appealed to him day by day and every day for a month, to address himself to that public business for which this session of the Senate was convened, to address himself to the consideration of about two hundred nominations that lie upon the table to fill vacancies in public offices, in respect to which the public interest is day by day and hour by hour suffering because those vacancies are not filled—vacancies in offices vastly more important than to displace a very efficient Secretary of the Senate and a very efficient Sergeant-at-Arms of the Senate, both of whom are performing their duties in a manner satisfactory even to the exacting disposition of the honorable Senator from Massachusetts.

Mr. DAWES. The difficulty with the Senator from Tennessee is that he differs with the Senate. The Senate has determined what the pending business is, and the Senate disagrees with the Senator from Tennessee; and yet he is not happy. What can we do for a Senator who throws himself constantly across the path of the Senate? Shall the Senate disband for the accommodation of the Senator from Tennessee? I would disband anything but the Government to accommodate the Senator from Tennessee; but I hold an allegiance higher even than my personal regard for the Senator from Tennessee. I do not know of anything I would not do, except forego my duty to the Government, to accommodate the Senator from Tennessee. My constant regret is that the Senator from Tennessee cannot see his duty to be consistent with the demand of the Senate itself. Why cannot the Senator open his eyes and see that he is casting himself upon the thick bosses of constitutional authority?

Mr. CONKLING. I understand the Senator from Tennessee to move that when the Senate adjourn it be to meet at nine o'clock in the morning?

Mr. HARRIS. That is my motion.

Mr. CONKLING. That presents the first opportunity I have seen for a compromise; and, speaking to these younger and more enthusiastic men, I venture to make a suggestion. The Senator from Tennessee wants to carry his motion. I suggest to him that if he will vary it a little in time, and make the hour twelve o'clock, we shall all vote for it, and that will produce that unanimity in the Senate which has not been found upon other motions; but if the Senator struggles for nine o'clock that would divide the Senate, as many wish to come here at twelve. We can all vote that when the Senate adjourn to-day it be to meet at twelve o'clock to-morrow.

Mr. HARRIS. I should be glad to accommodate the views of the Senator from New York, but that would lose us three hours, and three hours of such work as we are doing must be of great importance. Anxious as I am to accommodate the Senator, I cannot accept his proposition.

Mr. CONKLING. If the honorable Senator from Tennessee says, and means it, that if we adjourn to meet at twelve o'clock we should lose hours of his society and that of other gentlemen, I withdraw the suggestion. I shrink, as he does, from such a denial as that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that when the Senate adjourn to-day it be to meet at nine o'clock to-morrow morning. [Putting the question.] The ayes seem to have it.

Mr. DAWES. I ask for a division.

There were on a division ayes 20, noes 21.

The PRESIDING OFFICER. The motion is lost. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the pending resolution, on which motion the yeas and nays have been ordered.

Mr. DAWES. The Senator from Tennessee shows how confused he is as to his duty. He moves to indefinitely postpone the pending business and yet a moment ago he was struggling to proceed with it.

Mr. CONKLING. Will he not withdraw that motion now?

Mr. DAWES. The Senator from New York appeals to the Senator from Tennessee to withdraw the motion and proceed to business.

The PRESIDING OFFICER. The motion cannot be withdrawn except by unanimous consent.

Mr. HARRIS. As the yeas and nays been ordered it would require unanimous consent, and I cannot consent to appeal to the Senate to allow me to do so.

The PRESIDING OFFICER. Is there objection to the withdrawal of the motion of the Senator from Tennessee?

Mr. COCKRELL. I object.

Mr. LOGAN. Will the Senator withdraw the motion for the purpose of debate?

Mr. HARRIS. I must decline to oblige the Senator from Illinois.

Mr. FARLEY. I am about to make a suggestion to the Senate that I think it would be a good thing to adopt. There is, as is reported, a very large number of appointments lying on the Secretary's desk that have not been referred to committees for consideration. I can see no objection on that side of the Chamber to going into executive session and having the proper reference made of the nominations that have been sent to the Senate by the President for consideration. If Senators wish to continue this contest over the election of officers after they have got through with referring the nominations, they may renew the question of which the Senator from Massachusetts is champion on the floor of the Senate. After the nominations are referred to the respective committees to whom they ought properly to be referred, if those gentlemen who are in favor of discussing the various conflicts in the several States as to their status wish to go on with that matter, it will give the committees an opportunity to consider those appointments; and then you can still go on with the proposition of the Senator from Massachusetts as to the election of officers. I therefore move that the Senate do now proceed to the consideration of executive business, upon which motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Florida. I wish to say, Mr. President, before the vote is taken on the motion of the Senator from California, that I desire to submit a few observations to the Senate upon a portion of the speech delivered by the Senator from Maine yesterday in relation to my State I say now, in all honesty and earnestness, that I had no disposition whatever to take any part in this debate; but after what was said yesterday by the Senator from Maine, I feel that I ought to say a few words. They will be short and pointed; but inasmuch as I have seen in the public press that he intended to absent himself on Saturday from his duties in this Chamber, I desire now to say that I do not wish to speak in his absence.

The PRESIDING OFFICER. The call will be proceeded with on the motion of the Senator from California, that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My

colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. HILL.] If my colleague were here, he would vote "nay."

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. SAWYER.] I make this announcement for the day.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. BROWN, (when the name of Mr. HILL, of Georgia, was called.) My colleague [Mr. HILL] is still absent from the city and is still paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] If he were here, I should vote "yea."

Mr. MCPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.]

Mr. MILLER, (when his name was called.) I am paired with the Senator from Illinois, [Mr. DAVIS.]

The roll-call was concluded.

Mr. SLATER. I announce that my colleague [Mr. GROVER] is paired with the Senator from Nebraska, [Mr. VAN WYCK.]

Mr. FARLEY. I wish to announce that the Senator from Nevada [Mr. FAIR] is paired with his colleague, [Mr. JONES.]

Mr. COCKRELL. I desire now to announce for some days to come that I shall be here in my seat every time a vote is cast, but I shall not vote because I am paired with the Senator from Maine, [Mr. FRYE,] who is called home on business. I will always vote the other way from the way in which he would vote.

The result was announced—yeas 22, nays 22; as follows:

YEAS—22.

Bayard,	George,	Johnston,	Ransom,
Beck,	Gorman,	Jonas,	Saulsbury,
Brown,	Groome,	Lamar,	Slater,
Call,	Hampton,	Morgan,	Voorhees.
Coke,	Harris,	Pendleton,	
Farley,	Jackson.	Pugh,	

NAYS—22.

Blair,	Edgerton,	Ingalls,	Morrill,
Burnside,	Ferry,	Logan,	Platt of Conn.,
Cameron of Wis.,	Hale,	McDill,	Platt of N. Y.,
Conger,	Harrison,	McMillan,	Sherman.
Conkling,	Hawley,	Mahone,	
Dawes,	Hoar,	Mitchell,	

ABSENT—32.

Allison,	Edmunds,	Jones of Nevada,	Sawyer,
Anthony,	Fair,	Kellogg,	Sewell,
Butler,	Frye,	McPherson,	Teller,
Camden,	Garland,	Maxey,	Vance,
Cameron of Pa.,	Grover,	Miller,	Van Wyck,
Cockrell,	Hill of Colorado,	Plumb,	Vest,
Davis of Illinois,	Hill of Georgia,	Rollins,	Walker,
Davis of W. Va.,	Jones of Florida,	Saunders,	Williams.

So the Senate refused to proceed to the consideration of executive business.

Mr. CAMERON, of Pennsylvania. Mr. President, I move that when the Senate adjourn to-day, it adjourn to meet on Monday morning at twelve o'clock, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Is that motion debatable?

Mr. CAMERON, of Pennsylvania. I do not think it is.

The PRESIDING OFFICER. It is debatable by unanimous consent.

Mr. DAWES. I desire to say to the Senate that I trust, with the pressure of public business upon us here and in view of all the circumstances that surround this session of the Senate, the motion of the Senator from Pennsylvania will not prevail. I regret to be compelled to enter my protest, for one, against the adjourning of the Senate from to-day until twelve o'clock on Monday. Monday is a day which we shall be obliged to adjourn over on account of ceremonies that it is very proper for us to pay some attention to; and to adjourn from Thursday to Monday and then from Monday immediately to Tuesday without the transaction of any important business is a publication to the world that I for one do not desire to make. I am here, sir, in earnest to discharge the work before the Senate; I am here in good faith believing that the action of this Senate upon the pending resolution is of importance to the country; or I would not be here at all. I am myself, for one—and I doubt not all the rest of the Senate are of the same opinion—of the belief that I am acting in the discharge of a duty that no other considerations except absolute necessity will justify me in avoiding. And while I regret to oppose the Senator from Pennsylvania in this motion, I do think that the public service requires that we should forget everything else and devote ourselves to an honest and an earnest effort to accomplish the work which has kept us here now nearly two months; and I hope that no longer delay will be brought upon the consideration of business than that which is absolutely necessary. For one, sir, I am willing to stand here at my post without adjournment until that shall be accomplished.

Mr. CAMERON, of Pennsylvania. May I interrupt the Senator for a moment? Were you willing to stand here a week ago at your post? Was not an adjournment made because you requested it?

Mr. DAWES. I am astonished at the question.

Mr. CAMERON, of Pennsylvania. The Senator need not be astonished.

Mr. DAWES. I am, I say it most respectfully. I did not know that fact before.

Mr. CAMERON, of Pennsylvania. It came to me from yourself.

Mr. DAWES. Two weeks ago it became somewhat necessary for me to go to the city of New York——

Mr. CAMERON, of Pennsylvania. Ah! now we are getting it!

Mr. DAWES. I hope the Senator will wait. I found a disposition to work; I procured a man to go to New York for me, and then after that the Senate did adjourn over. If the Senate adjourned over for any other reason than because they wanted to do so, it is news to me. I say that feeling it my duty to stand to my post, I procured the service of a man to go to New York on business that it was necessary for me or some other person to go about; and the only reason he did not go and leave me here at my post was because the Senate, not on my motion, adjourned over.

Mr. CAMERON, of Pennsylvania. But upon my motion at your request, I think. [Laughter.]

Mr. DAWES. Well, now, Mr. President, the Senator is mistaken. It was not on the Senator's motion at all. I will not have any differences with the Senator. Of course the Senate——

Mr. CAMERON, of Pennsylvania. On your motion, if you will permit me to say.

The PRESIDING OFFICER. The Chair reminds Senators that they must address the Chair.

Mr. DAWES. I am on the floor. Of course the Senate will adjourn over if there is a majority of them who desire to do so. I apprehend the Senate will bow to the will of the majority if it is for an adjournment over, whatever may be their scruple when the question of proceeding to the legitimate business is up. I never knew the Senate resist the will of the majority on a motion to adjourn over. I enter my protest against an abandonment by this Senate of the pending business.

The PRESIDING OFFICER. The Senator from Pennsylvania moves——

Mr. CAMERON, of Pennsylvania. I now enter my desire, my request for myself and for many Senators in this body, that the Senate adjourn until Monday next, and I make the motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate adjourn. Does the Senator move that the Senate do now adjourn until Monday?

Mr. CAMERON, of Pennsylvania. I think we had better do that. I make the motion in that form.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate do now adjourn until Monday at twelve o'clock, on which motion the yeas and nays have been ordered.

Several Senators addressed the Chair.

Other SENATORS. Debate is out of order.

Mr. FARLEY. The motion has been debated for half an hour.

Several SENATORS. By unanimous consent.

Mr. FARLEY. The motion was made by the Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. It is not debatable.

Mr. FARLEY. I am inclined to the opinion now that if that motion is voted down the honorable Senator from Massachusetts will be willing to let us proceed to the consideration of the business before the Senate.

Mr. DAWES. I will most certainly.

Mr. FARLEY. And we shall then go into executive session.

Mr. DAWES. Just as soon as that business is disposed of.

Mr. FARLEY. Oh, well, that is the business.

The PRESIDING OFFICER. The Secretary will call the roll on the motion to adjourn until Monday at twelve o'clock.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this motion I think the Senator from South Carolina [Mr. BUTLER] would vote "yea;" but not knowing certainly what he would do, having been paired with him on all questions of a political nature, I shall withhold my vote, for the present at least.

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] I do not know how he would vote, but if he were here, I should vote "yea."

Mr. MILLER, (when his name was called.) I am paired as before stated.

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Missouri, [Mr. VEST.] If he were present, I should vote "nay."

Mr. WALKER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded.

Mr. ALLISON. On these questions I am paired with the Senator from West Virginia, [Mr. DAVIS.] I do not know how he would vote on this motion; but if he were here, I should vote "nay."

Mr. CAMERON, of Pennsylvania. I am told by the friends of the gentleman with whom I am paired that, if he were here, he would vote in the same direction as myself; therefore I shall vote "yea."

Mr. GROOME. Having understood the Senator from Massachusetts to say in substance that he would consider that if this vote

prevailed it was an instruction to abandon the policy that his side had been pursuing, I vote "yea."

Mr. CAMERON, of Pennsylvania. I beg your pardon; then I shall withdraw my vote.

Mr. GROOME. I did not say "the Senator from Pennsylvania."

Mr. CAMERON, of Pennsylvania. I do not care; you said "this side." I withdraw my vote.

Mr. BLAIR, (after having voted in the affirmative.) I reverse my vote, and vote "nay."

Mr. BURNSIDE, (after having voted in the affirmative.) I change my vote; I wish to vote "nay."

Mr. HAWLEY, (after having voted in the affirmative.) I change my vote to "nay."

Mr. HARRIS, (after having voted in the affirmative.) As the mover has withdrawn his vote I believe I will change mine and vote "nay," as the gentleman who made the motion has retired from it.

Mr. CALL, (after having voted in the affirmative.) I change my vote to "nay."

The result was announced—yeas 17, nays 25; as follows:

YEAS—17.

Brown,	Groome,	McDill,	Slater,
Conkling,	Jackson,	Morgan,	Voorhees.
Edgerton,	Johnston,	Pendleton,	
George,	Lamar,	Platt of N. Y.,	
Gorman,	Logan,	Pugh,	

NAYS—25.

Bayard,	Dawes,	Hoar,	Platt of Conn.,
Blair,	Farley,	Ingalls,	Ransom,
Burnside,	Ferry,	Jonas,	Saulsbury,
Call,	Hampton,	McMillan,	Sherman.
Cameron of Wis.,	Harris,	Mahone,	
Coke,	Harrison,	Mitchell,	
Conger,	Hawley,	Morrill,	

ABSENT—34.

Allison,	Edmunds,	Jones of Nevada,	Sewell,
Anthony,	Fair,	Kellogg,	Teller,
Beck,	Frye,	McPherson,	Vance,
Butler,	Garland,	Maxey,	Van Wyck,
Camden,	Grover,	Miller,	Vest,
Cameron of Pa.,	Hale,	Plumb,	Walker,
Cockrell,	Hill of Colorado,	Rollins,	Williams.
Davis of Illinois,	Hill of Georgia,	Saunders,	
Davis of W. Va.,	Jones of Florida,	Sawyer,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the resolution.

Mr. CALL and Mr. FARLEY addressed the Chair.

Mr. CALL. I will yield for a moment.

Mr. FARLEY. I was about to make a motion to proceed to the consideration of executive business. I think this is a good time to do it. There seems to be a little disturbance in the happy family.

Mr. CAMERON, of Pennsylvania. To that I shall object. There is no disturbance whatever; there was never a happier family in the world.

Mr. FARLEY. I make the motion unless the Senator from Florida desires to speak now. I move that the Senate proceed to the consideration of executive business.

Mr. CAMERON, of Pennsylvania. To that I object.

Mr. CALL. I yield for the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from California, [Mr. FARLEY.] [Putting the question.] The ayes seem to have it.

Mr. BURNSIDE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. HILL.] If my colleague were here, he would vote "nay."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. MCPHERSON, (when his name was called.) I wish to announce finally and for the day that I am paired with my colleague, [Mr. SEWELL.]

Mr. MILLER, (when his name was called.) I announce for the day that I am paired with the Senator from Illinois, [Mr. DAVIS,] and also that the Senator from Louisiana [Mr. KELLOGG] is paired with the Senator from North Carolina [Mr. VANCE] for the day.

The result was announced—yeas 22, nays 22; as follows:

YEAS—22.

Bayard,	George,	Johnston,	Ransom,
Beck,	Gorman,	Jonas,	Saulsbury,
Brown,	Groome,	Lamar,	Slater,
Call,	Hampton,	Morgan,	Voorhees.
Coke,	Harris,	Pendleton,	
Farley,	Jackson,	Pugh,	

NAYS—22.

Blair,	Edgerton,	Ingalls,	Morrill,
Burnside,	Ferry,	Logan,	Platt of Conn.,
Cameron of Wis.,	Hale,	McDill,	Platt of N. Y.,
Conger,	Harrison,	McMillan,	Sherman.
Conkling,	Hawley,	Mahone,	
Dawes,	Hoar,	Mitchell,	

ABSENT—32.

Allison,	Edmunds,	Jones of Nevada,	Sawyer,
Anthony,	Fair,	Kellogg,	Sewell,
Butler,	Frye,	McPherson,	Teller,
Camden,	Garland,	Maxey,	Vance,
Cameron of Pa.,	Grover,	Miller,	Van Wyck,
Cockrell,	Hill of Colorado,	Plumb,	Vest,
Davis of Illinois,	Hill of Georgia,	Rollins,	Walker,
Davis of W. Va.,	Jones of Florida,	Saunders,	Williams.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion to postpone the resolution indefinitely.

Mr. CALL. Mr. President, I desire to make some remarks upon the speech of the honorable Senator from Maine, [Mr. FRYE.] The honorable Senator evidently was under the impression inasmuch as there is such a thing as a poetic license that the same would hold true in regard to oratory, and in the course of his oratorical license he made the following remarks:

> The Senator from Florida also had the courage to call the laboring men of the North, especially of New England, "serfs," "hungry, starving employés of our mills, working out a weary existence under the cruel hand of the hard-hearted task-master."

The honorable Senator from Maine has this expression in quotation marks. I wish to say that I have never used such an expression; that it is not to be found in my speech; that I never had such an idea, and I cannot conceive where the honorable Senator from Maine obtained this expression, especially putting it in quotation marks. I hope that he will correct this statement, because there is no foundation for it; he has no right to make such a statement. Such words were never used, and are not to be found in the RECORD, nor was there any sentiment of that description. But that is quite as true as anything else that the Senator said, for in a speech of more than an hour's length——

Mr. DAWES. I do not know that any Senator has put on record what ought to be stated, that these replies to the Senator from Maine are made in his necessary absence from the Senate.

Mr. CALL. I am very sorry. I shall not say anything personally disrespectful to the Senator from Maine; but inasmuch as his speech is going out to the country and as there is in quotation marks an observation ascribed to me which I never made either in the terms or in the spirit, in which I do not concur but in all that I said expressed the contrary opinion, I wish the statement to be made that it may appear here now.

But, Mr. President, I desire to say that in the extraordinary speech, as it has been well characterized, of the Senator from Maine there is quite as much truth in everything else that he said as there is in this remark. The honorable Senator in the first place seems to be entirely unfamiliar with that Bible which is the foundation of New England civilization. He puts Massachusetts, the ancient and great Commonwealth of Massachusetts, in the place of the Philistine, Goliath, and he even takes the liberty of moving the Divine Being from the protection of David and assigns him to the Philistine, Goliath.

So in regard to the statements in reference to my own State of Florida, the alleged outrages there, the honorable Senator used the following language:

> The Senator from Florida declared that that State above all others was perfectly peaceable, perfectly free, every man had a right to vote, and vote as he pleased, and his vote was counted just as he cast it, and when he was saying it the cry came here from the other House in the case of Bisbee *vs.* Hull, "Testimony cannot be taken because murder stalks abroad and witnesses dare not testify."

Mr. President, these calumnies ought to cease. Senators ought not to state, they are not justified by public opinion and by right in stating, charges of this description unless they have some respectable evidence on which to base them. The fact in this case is that in the county of Madison a democrat, a quiet, peaceable, God-fearing man, as good a man as is to be found in any community, a white man, named Patterson, was murdered and foully murdered, the officers of the Government of the United States being to blame, they being republicans; he alone, the only white man except two or three republicans and the only democrat present, was murdered by a colored republican without offense and without provocation, except that in a heated and angry controversy he struck the colored man with his open hand. That is a specimen of these statements. I state here in the Senate (and I say to the Senator from Maine that he cannot contradict the statement) that the charge which he has made against the people of Florida of murder to keep witnesses from testifying rests upon the fact that a democrat, a peaceable, God-fearing young man, one of two children who were the only support of a pious old Scotch widow, was murdered in a crowd of colored people. The deputy collector of internal revenue of the United States, abandoning his proper functions in the town of Jacksonville, went as a notary public under the State law to the town of Madison to take the evidence in the contested case of Bisbee *vs.* Finley—not Bisbee *vs.* Hull. He knew that he had been a strong party man, and that the people of that county believed that he had committed great wrongs upon them, and that they would believe that his object was to procure testimony which was not true. He abandoned his office and his duties as deputy collector of internal revenue in the district of Florida, at Jacksonville, and went to the town of Madison, and there in the room where they were taking the testimony, with none but colored people and republicans present, this young man observed to a colored witness who had testified the day before, "You have testified to that which was false

in regard to me;" the colored man replied with angry and menacing and violent words, and young Patterson then struck the man in the face with his open hand. The colored man seized him in the presence, in the hearing of these men, within a few steps from them, and it is charged that they could by moving from their seats have arrested the colored man before the commission of the crime, and the colored man shot young Patterson through the heart, and he fell dead then and there.

I mention that as one of the cases. The other case which was alleged was that of an obstruction of the process of the United States court by the arrest by certain persons in disguise of the officer and the persons whom he had arrested occurring soon after the congressional election of last fall. There is no authority for the statement as made by the Senator from Maine. The facts are these: Some white men, democrats, were arrested by a deputy marshal at Madison under circumstances that were evidently not a proper foundation for a warrant. They obeyed the writ; there was no difficulty in the arrest. While upon the cars and a few miles from the place of arrest the train was stopped at a way station, and some men got aboard in disguise, and they released these prisoners and forced them off. The prisoners were respectable men. They immediately telegraphed to the marshal in Jacksonville that they had been forcibly taken from the officers by persons whom they did not know, and that they had no knowledge of the object of the persons who came on the train and forced them off; did not believe that it was by any procurement of any friend of theirs; they believed that it was a trick of persons wishing to injure them, and they reported the next day to the district court at Jacksonville and proceeded to give bond; and the supposition is that this was one of those miserable frauds that are perpetrated for the purpose of deceiving the people of the country and being stated here. But the parties who were released from their arrest refused to accept that release, they proceeded to Jacksonville, submitted to the precept of the court, gave the bond, and are in court for their trial on the charge stated in the original warrant of arrest.

As to the rest of the statement of the danger to trains running there is nothing in it. The trains were run by a receiver of the United States court; and if there be any danger there, I have never heard of it, and I know that it is not true.

It is certainly true that in the county of Madison when this murder occurred and these parties were arrrested, this republican, this deputy collector of internal revenue who abandoned his duty and his place in order to go as a notary public of the State and take testimony in a district in which he knew the people were greatly prejudiced against him because of alleged improper transactions—it is certainly true that when the murderer was arrested an angry mob sought to release him; but it was not a democratic mob, it was a mob of people that were of the colored race, incited by the republicans. I put that on record.

The number of the colored people who gathered together with arms for the forcible release of the colored murderer, who was confined in jail in the town of Madison, is estimated to have been several hundred, perhaps a thousand men. They camped in the little village for one or two days and nights, and the disturbance was so serious that the governor ordered out the military from adjoining counties and law and order was peaceably maintained without injury to any one.

Mr. President, these are the only charges that are specified against the State of Florida. I have disposed of them. If the Senator from Maine can find any testimony of any respectable man who will testify to the contrary of these allegations of mine, I pledge myself to produce the oaths of ten respectable men, democrats and republicans, sustaining every statement that I have made in regard to these facts.

Now, Mr. President, I would desire to ask, if the honorable Senator were here, whether he thinks it is worthy of this presence and worthy of this country for him to put forth an argument in regard to the relative amount of taxes paid by the people of Florida and the people of Massachusetts and of Rhode Island to education upon a basis of so much *per capita*. The Senator affirms in that comparison that the basis of taxation should be numbers and not property; that the people should be taxed by the head and not by the amount of wealth, of property, of production that they have. He goes on to say:

> But the Senator from Florida charges upon Massachusetts and Rhode Island and Connecticut that they deprive people of the ballot. How deprive people of the ballot? Why, he has the boldness to say that they do require men to be able to read their ballots. It took courage to make that declaration on the part of the Senator, for he did it in the face and eyes of the fact that Massachusetts to-day raises for her schools $5,000,000 a year, opens school-house doors in every hamlet in that great Commonwealth, and then enacts laws to compel parents to send their children to school, while the State of Florida raises but $134,000 a year for the same purpose. The Commonwealth of Massachusetts which put that limitation of education upon her voters raised $16 a head for children between five and fifteen years of age, while the State of Florida only raises fifty cents per capita; and the Senator from Georgia was bold enough when he made the same attack if he remembered that Georgia raised but sixty cents for white and but fifteen cents for black scholars.
>
> * * * * * * * *
>
> I wish to call the attention of the Senator from Florida to a little comparison between his State and Rhode Island, for he had the bravery to attack Rhode Island, too.
>
> I have here some comparative school statistics of Florida and Rhode Island for the years 1877 and 1878, taken from the reports of the Commissioner of Education. Rhode Island, 41,000 pupils; Florida, 36,000—very little difference in the number of pupils. Teachers employed in Rhode Island, 1,312; in Florida, 970. School property in Rhode Island, $2,634,000; Florida, $116,000. Whole receipts for public schools in Rhode Island, $709,444; in Florida, $123,311. Whole amount expended in Rhode Island, $679,771; in Florida, $134,880. Per capita expenditure in Rhode Island, $11.54; in Florida, $3.64.

That argument is not becoming to this presence or to this country. The State of Florida contributes as much in proportion to her wealth, in proportion to her property, as Massachusetts or Rhode Island. Massachusetts has over two thousand million dollars' worth of property; the State of Florida, by the census of 1870, only thirty millions, probably at this time forty-odd millions. The State of Rhode Island has largely over two hundred millions of property, the State of Florida only thirty millions. By a proper estimate Senators will easily see that Florida, with her sparse population, with her unimproved lands, with her vast non-tax-paying territory, with her small production, contributes as largely to public education, even of the colored people, and for whom the Senator from Maine, although he lives far away from them and has no concern for them except when he wants a subject for fiery oratory, wishes to constitute himself the guardian. For this purpose the white population of Florida, largely in the majority, have imposed a tax which is collected and paid and appropriated honestly, as the returns show, as large in proportion to the wealth of the State as either Massachusetts or Rhode Island with their uninterrupted industries and their great productions and their prosperous manufactories and their great corporations. Florida, with her widely scattered population, without manufactories, pays as liberally in proportion to her property as Massachusetts.

Mr. President, this is not the place for idle and vague and untruthful assertion of facts. We should be above deceiving the country even if we could do so by assertions which have no foundation either in the facts reported in the census or in the laws or in any other ascertained and authentic or probable source of information.

I wish to ask the honorable Senator from Massachusetts [Mr. DAWES] who I see in his seat, what he meant by a statement he made on the 11th of April which I have had in my mind to call his attention to for some time, as follows:

> The charge and the complaint is that in certain States men qualified by the State laws and the Constitution of the United States are deprived of the franchise, some of them by violence, some of them by artifice, some of them by being snowed under, as I described it, by dishonest and irresponsible pieces of paper, and some of them by forged returns, a most remarkable instance of which existing in the State the Senator himself represents on this floor.

The honorable Senator from Massachusetts made that statement, and I should like to know what he means and what his authority for it is, if the Senator will be kind enough to state.

Mr. DAWES. Mr. President, I alluded to what I supposed was a part of the history of the judiciary of the country in certain trials in the State of Florida touching the validity of papers there that purported to be returns of elections. The Senator, I think, knows to what I allude. There have been in the last two years some very remarkable papers filed as election returns, about the authenticity of which there was a question, so that some grand jury found bills of indictment against certain distinguished gentlemen, and certain gentlemen were tried, and how near they came to being convicted the Senator knows as well as I do.

Mr. CALL. I really did not know what the Senator alluded to until he made this remark. I do now. We have had in the State of Florida two cases in which there have been alleged to be forged returns. In one of them only has there been a trial in the United States court. I recognize that one by that remark. The first forged return we had—and I really did not know but that the Senator was referring to that—the first forged return we had was the return by which Mr. Hayes was made President of the United States, which rested upon the sworn statement of republicans in good fellowship with the party, a Mr. Dennis, of the county of Alachua, who produced the stolen returns and swore with his companions to the facts which beyond denial evidenced the forgery of the false return by which the late President of the United States obtained his seat, and the return from box No. 2 at Archer, in the county of Alachua, in Florida, was the subject of that forgery and that return.

The statement to which the Senator now alludes is not worthy of being made the ground of an accusation against our people, because the great fraud, the great forgery, was the forgery in Alachua County which the honorable gentleman sustained, by which the vote of Florida in the electoral college was destroyed and given for another candidate and a different person from the one receiving the vote of the people of that State. That is proved beyond a doubt, beyond a question. I meet the case to which the Senator refers, because I have before said that gentlemen could not make a charge of any kind against the State of Florida in the last four years of its administration which impeached the integrity of the administration of the State law or the clemency and good fellowship and sympathy of the races, which impeached the honor of just, impartial, and honest administration, which in any way denied the liberal contribution of taxes to an efficient system of public instruction. They cannot make these statements and sustain them in the light of facts. Therefore I give attention to the circumstance referred to by the Senator from Massachusetts, and I will at all times be ready to discuss it and all its attendant facts and bring proof to sustain the statements which I make. I invite attention, investigation, scrutiny, and proof of any and all charges against the people or State of Florida.

In the county of Brevard, in one of the congressional districts of Florida, a small county casting less than two hundred votes, there was a conspiracy alleged to have been gotten up, and no doubt it was gotten up, in the congressional election. The county was too small a county for any antecedent probability that its vote would affect the vote

of the district at large; but taking advantage of the closeness of the vote and of the decision of the courts by which the Alachua County fraud in the canvass of the votes of Alachua County was sustained, a democratic lawyer, as he subsequently stated as State's evidence, alleging that he was moved to it by a telegram sent to another person by Mr. Hull, then the democratic candidate for Congress, but in the opinion of many persons acting on his own motion and for the purpose of making money out of either party who would buy him, and perhaps out of both parties—a democratic lawyer of some ingenuity in a remote county alleged that he hired a man to substitute some false returns in the clerk's office and to procure a canvass by the county officers of the substituted returns and a certificate of the false result.

The county canvassing board was composed of a man who had been a republican, who was a member of the republican State convention of 1876, and voted, I believe, for Hayes, but voted for the democratic candidate for governor, and who was the clerk, and two other members, plain, ignorant men, who could neither read nor write.

You will remember that this occurred in a county far toward the south, recently settled, and where there was then little or no communication with the outside world.

This lawyer afterward swore that the clerk of the court was informed by him of his purpose to alter the returns, and was offered money by him to assist in making the alterations, but pointedly refused to have anything to do with it. This lawyer also swore that through a person who had been acting as deputy clerk, who also became State's evidence, he had the returns altered without the knowledge or consent of either of the members of the board, and that they were canvassed as altered.

These two men who swore that they had committed this crime testified that one of them was offered by a friend of Mr. Hull any amount of money he wanted if he would get Mr. Hull such a majority in the county as would make up the probable number of votes necessary to secure his election; and on the trial of these men in the United States court, on the promise of immunity to themselves as the condition of giving testimony against the others, they swore that these men whom they testified had refused to have anything to do with the alteration of the returns received money from one of them as a consideration for *concealing their crime*. This evidence was considered as sufficient to convict these men, two of whom could neither read nor write, as I am informed, of a conspiracy to give a false certificate of the result of the election in that county. The opinion of fair and impartial men has been that the fraud was conceived and executed by the two State's witnesses for their own interest, and with the intention of selling out to either party that would give them the most money; and when they found out that the secret detective service of the Government offered the highest price and was the best market for false and suborned witnesses, they sold out to them. However this may be, there is no doubt that the return was altered, just as it was in Alachua County by the republicans in 1876, and that the expectation was that they would be protected by the decision of the State court in the Alachua County case, and by the decision of the republican returning board and of the electoral commission, which held that the county board had the right to decide in regard to the genuineness of a return, and that this decision was final.

The difference was that in the case of 1876 the United States court indicted none of the parties who committed the fraud in the interest of the republican party, although they were intelligent men and themselves committed the fraud, but on the contrary rewarded them with office and promotion, while the Government spent large amounts of money and gave immunity to the acknowledged principals in this latter case to obtain a conviction of these three ignorant men. This is what you mean by a free ballot and a fair count.

In the State canvass the State board, with some division of opinion held, because of the character of the returns from Madison County, because of the certificate of the county canvassers that no true returns could be made of the vote in Madison County from the returns, that the vote of that county should not be counted, and for substantially the same reason that Brevard County should be rejected. This gave Mr. Hull a small majority.

The democrats of that district believe—I do myself—that the vote of Madison County ought to have been rejected because of the intimidation of white and colored voters by your deputy marshals and their refusal to allow a free ballot and a fair count to the people of that county. The democrats of that district generally believe that if all the dead men and the boys under age and the Georgia voters that voted the republican ticket there in that election were thrown out, Mr. Hull would have had a large majority. However this may be it is now useless to consider. The other House ultimately decided that the vote of Madison County ought to have been counted, and gave Mr. Bisbee the seat.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. CALL. Yes, sir.

Mr. DAWES. The Senator speaks of one being a little forgery and another a great forgery. I do not know much difference in the size of forgeries, but there was one little circumstance the Senator called my attention to and that seemed to justify my calling his attention to this fact, if he will allow me, that the man who profited by the fraud which he calls a little fraud sat in the House of Representatives until almost the last days of the session, a democrat, and then in the last days of the session the democratic House turned him out and put a republican in his place. That is a little circumstance I thought I would call the Senator's attention to.

Mr. CALL. My learned friend is capable of a much better argument than that. He has too much ability to waste his intellect upon this frivolous diagnosis of cases. That is not a proper view; that is not reasonable. The democrat was not turned out of Congress because of the vote in Brevard County, and this is what we have been considering, namely, a notable instance of fraud in Brevard County stated by the Senator from Massachusetts the other day, and which he made the foundation of a serious charge against the people of Florida, and one of a series of grave allegations against all the people of all the Southern States.

Mr. DAWES. I do not know anything about Brevard County. I am not acquainted very much in Florida. All I know is that he sat there during almost the whole Congress without any right to his seat, and the democrats turned him out at the end after he had got the pay for the whole term.

Mr. CALL. How do you know that he had no right to his seat? That will not do.

Mr. HAWLEY. A unanimous report of the committee showed it.

Mr. CALL. The democratic member of Congress——

Mr. DAWES. I understand from Senators who were members of the House that it was a unanimous vote. He never got a vote for himself there, and I suppose he did not get much from the people.

Mr. HAWLEY. I can perhaps enlighten the Senator from Florida a trifle upon that matter. The contest for the seat of Mr. Hull was waged by Mr. Bisbee, prolonged until the very last days of the Forty-sixth Congress. My recollection is that the committee made no report, or no fraction of the committee made a report, in favor of Mr. Hull. There was no argument in the House, and no man pretended to deny the right of Mr. Bisbee to the seat, and it was given to him by a practically unanimous vote of the whole House in the last few days of the session.

Mr. CALL. Will the Senator from Connecticut tell me what that has to do with the returns of Brevard County?

Mr. HAWLEY. If Brevard County was in that district I should guess perhaps there was something the matter with them.

Mr. CALL. There are a great many other counties in that district besides Brevard County.

Mr. HAWLEY. The fact is that Hull had no right under heaven to the seat, and the whole House said so after he had sat nearly two years.

Mr. CALL. I beg the gentleman's pardon. The House said that upon the case made in the report Mr. Hull had no right to his seat.

Mr. HAWLEY. There were very able democrats there.

Mr. CALL. The House gave the seat to Mr. Bisbee. That much is true. The return upon which Mr. Hull got the seat was a canvass of the State canvassing authorities by which they decided upon grounds satisfactory to my mind, and I think to that of all fair-minded people, that the vote of Madison County could not be counted, neither the democratic vote nor the republican vote in that county. They decided also that the vote of Brevard County could not be counted. The seat was given subsequently by the House to Bisbee upon investigation and proof because of other fractional votes and because the House held that that decision of the canvassing board was not a correct decision. They held that the vote of Madison County ought to have been counted.

Mr. President, I say, therefore, that in this matter of Brevard County, where there was a small vote, I think some one hundred and forty or one hundred and fifty, three poor ignorant men were unjustly convicted. The case upon the evidence which I have in my possession has no precedent in any court or in any system of laws, and is a discredit and a disgrace to the just and fair and impartial administration of justice—men convicted of knowing of the commission of a crime, and being in this sense accessory in a remote degree to it, by the evidence of the principals who receive immunity for giving the evidence to convict. This is my understanding of the result of the contest in the House; but we were not discussing that. Whatever that decision was it throws no light on the character of the alleged Brevard County fraud, and does not furnish any ground for the arraignment of the people of Florida made by the Senator from Massachusetts because of it.

Mr. DAWES. What was Mr. Hull indicted for?

Mr. CALL. He was indicted in order to make a republican place in the other House of Congress.

Mr. DAWES. What was the offense of these men?

Mr. CALL. What you call in that country when you get up a base and wicked persecution and prosecution against a man, a conspiracy.

Mr. DAWES. Was it or was it not for forgery?

Mr. CALL. And if you could succeed, I tell the honorable Senator, in establishing in Massachusetts that perfidious and false and perjured administration of law which you sometimes have of your election laws in the South he could be convicted there at any time of a conspiracy and put in the penitentiary upon better evidence than Mr. Hull was indicted upon. No, I say with great respect to the Senator from Massachusetts, this was——

Mr. DAWES. I know Massachusetts is pretty bad.

Mr. CALL. Nobody says she is bad.

Mr. DAWES. Until I came to hear the Senator from Florida I never dreamed of it; but coming to hear the Senator from Florida on Massachusetts, it seems she is pretty bad; but that is not the question: I asked the Senator what the offense charged in the indictment was.

Mr. CALL. A conspiracy.

Mr. DAWES. A conspiracy to do what?

Mr. CALL. That was the way they phrased it, a conspiracy.

Mr. DAWES. Conspiracy is not anything unless it is to do an unlawful act.

Mr. CALL. Well, you must not apply the same laws you have in Massachusetts to our tribunals and courts there when they are investigating election processes. Mr. Hull was indicted for an alleged conspiracy to procure the returns from Brevard County in his interest, a fraudulent conspiracy to falsify the election returns.

Mr. DAWES. Ah, to falsify an election return. I thought the proper name for that was forgery, but I am mistaken; it is to falsify! [Laughter.]

Mr. CALL. The Senator must brighten up his wit a little; he must study a little more to catch points like that. We are not talking about forgery or falsification; we are talking about the importance of a return, forged, if you please, in a congressional election in a county of 200 voters, a single instance, and of how far this may be made the foundation for a charge of fraud against all the people of the State.

Mr. DAWES. Does the Senator think it makes any difference with a forgery because a democrat and a republican together committed it?

Mr. CALL. I will tell you what I think it makes. In that remark on that day when you charged the democratic people of Florida with a noted instance of forgery of election returns, you charged it as a part of that great indictment of yours against the people of the South. Now it does make a great deal of difference whether that return was forged by democrats and in the interest of the democratic party or not; whether it was indorsed and approved or not; whether it was received or rejected. Does not the Senator think so? The proposition which I was endeavoring to call your attention to was this: do you want to discuss that point whether it is important to your proposition that it was done in the interest of the democratic party and by democrats or by the procurement of democrats and accepted and approved by the people of the State or not?

Mr. DAWES. I do not see that it makes any difference. I said there was a noted instance of forgery in Florida. That is what I said. I do not suppose it makes any difference whether the democrat got a republican to help him or not; it is just as much of a forgery.

Mr. CALL. It would have made some difference if in this case the republican had gotten the democrat to help him commit the fraud in the interest of the republican party.

Mr. DAWES. It would not make any difference whether the republican got the democrat or the democrat got the republican; it was forgery just the same; that is the question. The Senator wanted to know what I alluded to, and I innocently told him.

Mr. CALL. I will ask the Senator another question which I started out to ask him, and have been trying to reach for some time, if he will allow me. The Senator of course does not want to deceive anybody; he only wants to try to be witty at times, and he has regaled us with his splendid scintillations of wit and genius. Now, as the Senator has got something solid in him, I want to ask him a question, and I ask him if he was not honestly bound when he made that charge against the democrats, the white people of Florida, to tell also of republican forgeries in Alachua County which are spread upon the records of the whole country and proved beyond a doubt or a question? Mr. Hull was acquitted of the charge by a republican test-oath jury under a republican judge at a time when your public money and your Attorney-General used all the power of this Government to procure a conviction of him; and it is that abuse of power which shames the American people and the purity of justice that I wish to bring to your notice; and I ask the Senator if he was not honestly bound when he made this charge as to fraud in 140 votes committed in a remote county of Florida by two designing and three ignorant county officers, two of whom could neither read nor write, *which the State canvassers rejected* and refused to count—*was he not bound* to come out and speak of the *republican forgery* in Alachua County under the republican State administration by means of which the vote of Florida was beyond all question changed from Tilden to Hayes? You cannot deny it, because the very republicans who were cognizant at the time of its commission have come out and sworn to the facts and produced the original return, which was stolen, and in place of which the forged and false one was substituted.

If the Senator thinks it is right to do that, to make a charge resting upon one small circumstance against a people and withhold, where he has knowledge of it, a fraud to a much greater extent committed by those whom he represents as oppressed and innocent parties, very well. That is for him to reconcile to his own conscience, his own sense of right and justice and truth.

But, Mr. President, the honorable Senator from Maine charged me the other day with making an assault upon Massachusetts——

Mr. DAWES. Before the Senator passes to Maine I want to say that the last thing I would be guilty of would be doing injustice to the people of Florida, and I more regret than the Senator will give me credit for, I fear, the disclosure he makes that all parties indulge in forgery down there to carry their ends at elections. It is not of so much importance to me which side prevails in an honest election as it is to have an honest election.

Mr. CALL. I am very glad to hear the Senator express my views.

Mr. DAWES. I make war on a dishonest election anywhere and in the interest of any party. I had some such reputation when I was ten years on the Committee on Elections of the other House where I tried to maintain that doctrine. I am not here in defense of any forgery. I am exceedingly pained to hear the Senator say that all parties resort to it down in Florida.

Mr. CALL. That is as much of a *non sequitur* as the other. The Senator from Florida not only *did not say that*, but he expressly said that all parties did not commit frauds, and that the elections were not fraudulent. He is reproaching you for referring to the smaller, and making this charge when there are only two instances in the last four years, one of them a great fraud committed by the republicans in many counties and by the State canvassing board and *which for four years the honorable Senator never said anything about*, and I think perhaps he is excusable for that, considering his party relations and how zealously he stands by all that they do, whether right or wrong; the other one a very small fraud, a very doubtful one indeed as to the parties by whom it was committed and the purpose for which it was committed or the inducement for it, a fraud disapproved by all the people of the State, refused and rejected by the State canvassing board. For the first the parties committing it were rewarded by the honorable Senator and his party with high office and emoluments, and their work was approved and perpetuated by the distinguished Senator and his colleague. For the latter the parties really guilty were indicted in the State court, but were sought to be protected by the United States court as State's evidence; but the poor, ignorant accomplices, if such they were, were tried and convicted.

It is due to the honorable and distinguished gentleman N. A. Hull, of Florida, whose name has been brought into this controversy, to say that he was acquitted under circumstances which completely vindicate him and establish his innocence. No honester person or better man can be found anywhere; no man possesses more the confidence, the respect, and friendship of all who know him, democrats or republicans.

Now, Mr. President, I wish to say one other word. The Senator from Maine yesterday spoke of me as attacking Massachusetts, and he was pleased to do me the compliment to place me in the attitude of David and to inflict on the ancient and famous Commonwealth of Massachusetts the disgrace of likening her to the heathen Philistine, Goliath. I have not attacked Massachusetts. I honor the State of Massachusetts as much as the Senator from Massachusetts. I have said no word against her people, either the rich or the poor, against their great objects of government and their great institutions by which they promote the beneficent ends of humanity—not one word; all that I have said I said from the reports of Massachusetts and her census in regard to the inevitable evils which affect communities in dense populations.

I said then and say now that the intelligence, the education, the religion of Massachusetts and New England are doing all that can be done to alleviate the inevitable miseries of the human race; but I say to the Senator that still the fact is that you hold it necessary to prescribe conditions of intelligence, of virtue, of character, of property, of tax-paying upon the electoral suffrage; and what we demand of you is that you shall not assail us with a hypocritical and unjust and cruel assault upon our people when they simply seek to preserve the government of their States in the hands of the honest, the virtuous, the upright, and the true. I challenge you to prove any of these vile stories of cruelty and intimidation and murder, which every circumstance denounces to be false, and which no decent or honest or truthful man can be found to affirm or swear to; for I defy gentlemen to bring here a man who will testify of personal knowledge to any such transactions; and I say here that, living in that country all my life, I have never seen, I have never known, I have never heard of a single instance resting upon reasonable evidence of outrage because of political considerations upon black or white, and I defy you to bring any case upon reasonable evidence.

Mr. DAWES rose.

Mr. CALL. Has the Senator anything to produce? Let him speak it.

Mr. DAWES. I thought the Senator was about closing; but I will not interrupt him. I will wait until he is through.

Mr. CALL. Now, Mr. President, one would hardly have supposed that even the Senator from Maine, who gave us this extraordinary declaration of hostility to the people of the South, would have indulged in a statement like this:

> Thousands and tens of thousands of black voters were killed in cold blood in your Southern States.

Mr. President, I wish to say that I have never known and never heard of a single instance of outrage upon black or white for political reasons, and I defy you to the proof of it in my State. I know that there have been publications made, and I wish you would bring them here. I invite you to do so. I know individual names have been

given, and I know the circumstances of the cases stated from public report. I know that, few as they are, the name of every man that has been killed for ten years has been gathered and published as killed because of political differences; and I know that a large portion of those men were democrats killed in personal broils and others of them fugitives from justice, killed under republican rule by republican officers. I know that one of the most bloody and cruel of all the murders in my State that have been committed was committed by a man by the name of Butler, a prominent and leading republican official, upon a poor negro of Escambia County; and this statement can be proved, and proved beyond a doubt.

Another shocking murder I have just mentioned. If you wish to compare crimes, and make the records of the Senate fouler than those of any criminal court, we can furnish you with crimes committed by your people and under your governments in the South far surpassing in numbers and atrocity and cruelty and horrid brutality anything which you can truthfully allege against us, and these we can prove, and the testimony will not be denied.

Mr. President, the honorable Senator from Maine speaks about suppressing returns; men indicted for not giving full effect to the vote in Texas and in Mississippi; he speaks of that as a barbarous thing. Why, what occurred in the Senator from Maine's own State a year ago; what occurred by the record of his own State's judicial tribunals? What occurred last year when the honorable Secretary of State, Mr. Blaine, telegraphed that Maine had been carried for the greenback candidates by *fraud in the French plantations in Maine*? I ask if a Senator coming from a State where the military authority was called upon to inaugurate the republican State government—I speak with no disrespect to the State of Maine—but I ask *is it fair, is it reasonable, is it right that he should assail other States and talk of putting them under fire and sword*, because he says there have been, not convictions on evidence but cases of indictment and parties pleading guilty, acknowledging irregularities, frauds, if you please, in the manner of making returns? In Philadelphia you have judges of election arraigned for false returns in the papers yesterday; you have in every State; your courts are filled more or less with election frauds.

I say that these statements of the Senator from Maine in regard to the State of Florida are untrue. Now, mark me, there was a man killed in Madison County at the time he referred to, but there was not intimidation of "witnesses afraid to speak because of murder," for the man murdered was a democrat and a white man, and he was murdered in cold blood by a witness who had testified; he was murdered without other provocation than slapping a man in the face. That is one of the cases. In the other case the train was stopped, but it was not stopped by persons in the interest of the democratic party, or stopped by men who were countenanced by the community, nor to obstruct the execution of process. There never was such a case before in the county of Madison, and the prisoners promptly reported upon the next train, for I was in the town of Jacksonville and saw them myself; and from that day to this nothing has been heard in regard to any resistance or obstruction of process there or violence until the republican colored man, right in the very presence of two white men, one of them the republican collector of internal revenue for Florida and the other a leading republican, shot to death and murdered in cold blood an amiable, peaceable young man, the support and comfort of an aged and now desolate mother.

Now as to the case of the man who was thrown over the baluster, I do not know anything about that. That is too small to talk about. Men will get drunk everywhere. I have no doubt there are a great many bad men who go about as deputies, and that they get drunk and that they abuse their authority, and I have no doubt that oftentimes it is so in Massachusetts, though the Senator from Maine would have us understand there was not an assault and battery in Maine on election days and there was not any violence in Massachusetts; he would have us understand there was no such thing as unlawful force in all this great country in the North when the papers are full of it, the records of the courts are full of it everywhere; and I will guarantee that in Massachusetts, in Rhode Island, notwithstanding your laws by which you prevent so large a number of people from voting, you have as many cases of unlawful violence and intimidation as there are in Florida or in any other State. You may take the records of your courts and compare them, and I guarantee you have as many cases of assault and battery, as many cases of drunkenness; and when men are drunk there is always more or less fighting. I see here in Massachusetts a large proportion of your criminal convictions are for drunkenness, eight hundred and more a year, a very large proportion in the table of your own Massachusetts census, and several hundred more for disturbing the peace. Yet the Senator from Maine relates with tragic power and great oratorical frenzy a case of some man in Mississippi beating a colored man on the head and his living. The crime was, I suppose, that he was a colored man and they were not.

I say, then, Mr. President, with regard to my own State of Florida the instances cited by the Senator from Maine are not true. I challenge him and I challenge any gentleman on the other side to bring a case, name the place, the time, and the circumstance, and I will meet it with evidence to the contrary.

Mr. DAWES. Mr. President, I will not detain the Senate more than a very few moments. The Senator from Florida seems to complain that we do not continually reply to his assaults upon Massachusetts. Mr. President, my colleague and myself made what to our minds and to the minds of our people was an unanswerable reply to the Senator from Florida. We showed by the figures, we showed in every way possible that the idea that any man was prohibited by law from coming to the polls in Massachusetts by any of the restrictions that the Senator had been pleased to call to the attention of the Senate was an error, to term it mildly. There was no ground for it.

The Senator was not satisfied either with the figures or with the history, and has repeated over and over again the self-same answered statement, and now gets up and complains that we will not answer him continually. I do not know of anything that can be made an answer to the fact that two and two make four, and when a man says they make five and I demonstrate to him once that the result is only four, if he is not satisfied I leave him alone.

Mr. CALL. Will the Senator allow me to ask a question? I will not trouble him much.

Mr. DAWES. Certainly.

Mr. CALL. Of course the Senator from Massachusetts deserves the high position which he holds. I accord that to him. I have great respect for him. He is a man of intellect and of learning. As such he unquestionably wishes to meet every proposition fairly. Now I wish to ask the honorable Senator, does he deny the statement contained in this census as to the number of legal voters in the State of Massachusetts? We need not discuss this; we can easily fix it. I am right or the Senators from Massachusetts are. It is a matter of a few figures. The Senator can answer the question.

Mr. DAWES. I do not know what the statement is, and I do not want to go over again the figures. I have been over the figures with the Senator.

Mr. CALL. Then I will acknowledge I am wrong if it turns out so. If you will deny this statement and the number does not come out of disfranchised people that I stated, I will acknowledge right here that I am wrong.

Mr. DAWES. If the Senator wants to restate it, I do not object.

Mr. CALL. I do not want to restate it. I want to know if you deny it.

Mr. DAWES. Will the Senator make another statement?

Mr. CALL. No, I will ask you a question.

Mr. DAWES. I was going on to say, Mr. President——

Mr. CALL. I will not interrupt you. Go on.

Mr. DAWES. I was going on to say that the figures, the tables which Massachusetts herself furnishes, demonstrate that of all nationalities there are in Massachusetts about eighteen thousand persons who have not chosen to avail themselves of the opportunities which Massachusetts furnishes to be able to read and write. Of these, thirteen or fourteen thousand are foreigners. How long they have been in Massachusetts the tables do not show. The laws of the United States require that they should be five years in the country before they can be naturalized, and the laws of Massachusetts require a residence of one year in Massachusetts after the acquisition of citizenship. If they have resided in Massachusetts one year with the knowledge that at the end of that year they could vote in Massachusetts if they would only learn to read and write and Massachusetts says you may have the opportunity for nothing, and they say "rather than avail ourselves of these privileges we will abandon and give over the franchise of voting," I for one—the Senator may look upon it differently—do not understand that the State of Massachusetts deprives such a man of the right of voting. I understand that the man deprives himself of it. There is just the difference between the Senator and myself. There are in Massachusetts less than three thousand native-born citizens, who do not take interest enough in the government under which they live——

Mr. HOAR. Twenty-one hundred.

Mr. DAWES. Twenty-one hundred, my colleague says, who has the figures—2,100 native-born citizens of Massachusetts who do not take interest enough in the laws under which they live to qualify themselves for voting.

Mr. HOAR. My colleague will permit me. That is the number of males over ten years, not over twenty-one, who cannot read and write—2,100.

Mr. DAWES. Over ten years of age. I do not care so far as my argument is concerned whether the number be more or less. Any man in Massachusetts who wants to vote can. Any man who does not care to qualify himself for a voter and gives up a voluntary privilege can with no propriety be said to be driven, as the Senator from Georgia expressed it, from the polls by our constitution and laws. The Senator from Florida has told us that in his own State he never saw the instance of a man having been by intimidation driven from the polls. I say to the Senator that I accept that statement——

Mr. CALL. I did not mean to say that. I meant an outrage more serious than that. I have no doubt that men both democrats and republicans are excluded at times, but I never saw it.

Mr. DAWES. I do not dispute the Senator; I accept his statement. Now will he accept one from me and let us give this thing over? I have been over thirty years in the politics of Massachusetts; I am sorry to be compelled in this audience to confess to so many years. This provision of our constitution has been a part of our constitution about twenty-five years. Now I say to the Senator that although I have mingled in the canvass every year for the last twenty-five years, more or less, and I have been at every election, I never saw a

man in Massachusetts go away from her polls because he could not read and write. My colleague said he never knew a native-born citizen of Massachusetts who could not read and write. I happen to know one man, and I know but one native-born citizen of Massachusetts over twenty-one years of age who cannot read and write. I never saw in Massachusetts a man excluded from the ballot-box, of any nationality in the world because he could not read and write. Doubtless there have been some who have voluntarily given it up; but in all my experience in Massachusetts I never saw an instance. Foreigners are naturalized there, as they are everywhere else, just before election, and they qualify themselves. They voluntarily go to school and their political friends are the school-teachers. All that is required of a man is to write his name and read the constitution in the English language. We have got a notion, as I said before, that a man is a more valuable citizen who is able to read the ballot which he puts into the box. It may be an error in Massachusetts, but it exists there, and we have an impression in Massachusetts that our citizens are more valuable citizens, that our laws are better, and that our rulers are better, when the men who make the rulers and make the laws know what is on the piece of paper that makes them. That may be a mistake, and with the Senator from Florida I will not argue that question. I have frequently suggested to the Senator from Florida and other Senators that the stuffing of ballots, the putting of tissue ballots into the box was not an evil that affected merely the particular ballot-box and the result of that ballot-box alone, but that it affected everybody in this country; that this has come to be a nation depending upon honest ballots, and that a ballot dropped into the box in Florida tells upon the character of the nation to Oregon and from sea to sea; that it is an evil from which not the Southern States for themselves but for the country ought to be rescued; that it is an evil that does not begin and end with putting down the republican party in the Southern States; it is an evil that will come home to plague the inventors.

I have been sustained in this position wonderfully since this debate commenced by able and philosophic political writers within their own midst. They have found that the instrumentality they used to crush out republican majorities in their States is already returning to plague the inventors, and say, with a coolness and a frankness altogether admirable, that while it is all very well to use tissue ballots to drive republicans out of power, it is quite another and a more serious thing when you use them among yourselves. They just begin to wake up to the fact that this is an instrumentality that can be turned upon themselves and among themselves.

Let me commend to the Senators on the other side the Charleston (South Carolina) News of March 12 on this subject. The Senator from South Carolina knows whether it is authority among the democracy or not; and I read it with a view of calling the attention of Senators to the fact that this which was all well enough when turned on republican majorities they cry out themselves against the moment it is used among themselves. It is a thing they cannot doubt; it must be crushed out altogether or it is an enemy that will blow up those who use it. Now I will read:

South Carolina is as determined to have fair elections as to retain good local government. Precisely how this will be done nobody can say at this moment.

If you would hear the Senators on the other side one would suppose it had already been done; that nothing was so fair in this fair creation of God as elections in the Southern States; but the Charleston News says how it is going to be done it does not exactly see yet. Let me read that clause again:

Precisely how this will be done nobody can say at this moment; but it will be accomplished somehow.

Yes, sir; "somehow." It may not be until those who have invented this instrumentality shall feel themselves the curse come home to them, that they will realize that the existence of popular government in this country depends upon honest voting and honest counting.

The State will not be fit—

Hear this:

The State will not be fit to live in or be worth saving if that which was a desperate remedy is to become our daily food.

If that to which we resorted to crush out republican majorities in South Carolina is permitted to be daily practiced among us the State will not be fit to live in! I do not know but that I shall spoil this by interjecting my own remarks.

There is danger already that some engineers will be hoist with their own petard.

They are just waking up down in South Carolina, while Senators here are turning their batteries on Massachusetts, to the fact that they are in danger of being hoist by their own petard.

Last year, in Charleston, one set of democrats stuffed the ballot-boxes at a primary election to defeat another set of democrats who had received a majority of the votes cast; and this very week, at a municipal election in the rigidly democratic county of Lexington, the ballot-box was so stuffed that the managers of election refused to canvass the votes.

They are in danger of being hoist by their own petard. Now, here is the beauty of it:

Doubtless the pleasure is as great
Of being cheated as to cheat.

But that will not do as to democrats.

But democrats are not so philosophical. In their eyes, cheating as a means of securing honest government is a widely different thing from cheating for the benefit of local "workers" and machine-made office-seekers.

Cheating to secure honest government! That is a beauty in morals. That is almost equal to the awfully moral condition of Massachusetts as depicted by my distinguished friend from Florida. That would do for the Senator from Louisiana [Mr. JONAS] to have read at the Clerk's desk, instead of the account of a poor, unfortunate man being caught in a burglary. To cheat for the sake of keeping an honest government! That is beautiful.

Mr. JONAS. Will the Senator from Massachusetts permit me to have something else read from the Clerk's desk?

Mr. DAWES. Not in the midst of this.

Mr. JONAS. In answer to it.

Mr. DAWES. No, sir; this is "a gem," all by itself, "of purest ray serene." I am going to read this line over again—the Senator will excuse me—

But democrats are not so philosophical,

They have not got to taking being cheated as republicans have. They tell a story up in Massachusetts of an eel that got so used to being skinned that he did not take any notice of it. That is the way with the poor republicans down there; they have got so used to being trampled in the dust, and their votes snowed under by tissue ballots, and their brains blown out when they come to the polls, that they do not go there any more:

There is always one way to insure absolute honesty—

"Absolute honesty!"—

at elections, and that is by interesting the white people in a free ballot and a fair count.

Yes, sir; interest the white people in a free ballot and a fair count, and it will be so. The colored people do not need that teaching; the colored people understand it now. But one way, and the only way, according to this philosophical political writer, is to impress upon the white people the necessity of having a free ballot and a fair count. The only way to secure an honest ballot is to secure those who dominate in the interest of a free ballot and a fair count, and then you will have it:

There is always one way to insure absolute honesty—

It is absolute the moment they will be honest—

at elections, and that is by interesting the white people in a free ballot and a fair count.

Now, hear:

When our pleasant vices, so to speak, are likely to be made into whips to scourge us, we are in the humor to mend our lives.

Yes, when these pleasant vices of ours that we played off on the poor darkies are whips in the hands of white people to scourge us, then we are likely to mend our ways! When these evil practices return to plague their inventors, their inventors will be likely to mend their ways! This is not my language, sir. This I take to be sound democratic doctrine; and it is an opening in a dark and black ground. It is a little light breaking in upon those who have taken hold of unlawful instruments, and have only found that they are about to receive upon their own heads the blows they have meant for others.

It is to try to make those white people in the South who begin to speak out in this way understand that their interests as well as others are identified with this great fundamental principle of the Government itself, a free ballot and a fair count, that the republican party calls to its aid all re-enforcements who are ready to enlist in such a warfare, and does not stop to inquire whether those who come and stand by its side in this warfare are of a stature equal or measure according to the regulation standard or not. It is a warfare so important that any man who can strike a blow in its interest is worthy of a place in the ranks; and those opposing us see it just as plainly as we do.

The talk here upon this floor about the "unholy alliance" of republicans with readjusters finds no place in that Virginia where this struggle is going on. I hold in my hand the evidence of it. Men of high position in the democratic party in that State are sounding the alarm, and democrats of that State are willing to make common cause with readjusters provided readjusters will only stand with them to crush out the poor, unfortunate, weak, and defenseless colored voter in that State.

Yesterday's Dispatch—

This is of the 16th of April, the organ of that Bourbon democracy of Virginia represented on this floor by those who defy the will of the majority and try to make the country believe it is because they will not have anything to do with a readjuster.

Yesterday's Dispatch has a long communication on "The Duty of the Virginia Democracy," of which the gist is found in its concluding sentence.

And here it is:

"For one I am willing"—

This is an old Bourbon democrat; I know it.

"For one I am willing to elect a readjuster governor and a readjusting legislature, provided"—

Only hear—

"Provided they are democrats, true to Virginia, true to democratic principles, and true to Caucasian supremacy."

That is it. Any democrat covered all over with readjusting leprosy, covered all over with this abominable heresy, is good enough

for this Bourbon for governor or for the Legislature, provided he will join with them to put the white man on top of the negro. He signs himself—

"A debt-paying democrat."

The Dispatch adds:

"The above is from an ex-member of Congress who has always heretofore been what the pen-name signifies. The last sentence"—

Namely, "Caucasian supremacy"—

"would make a good platform for county meetings."

This is the platform down in Virginia. While our friends on the other side are wasting their strength in this warfare on the ground that it is necessary in order to draw a line of non-intercourse with any democrat who is a readjuster, while they are doing all this, the democrats of Virginia, seeing what the battle is, seeing that it means a free ballot for all, whether they be Caucasians or not, in their distress cry out, "We will forgive you your readjusting; we will forgive you all your sins, provided you will join with us and see to it that these poor negroes shall not vote."

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. DAWES. Certainly.

Mr. JONES, of Florida. I should like the Senator from Massachusetts to tell me and the country what he understands by the phrase "Bourbon democrat." I have heard that phrase repeated here time and again. I profess in all sincerity to be a democrat of the old school. It has not changed its principles and does not propose to do it. The term "Bourbon democrat" must be susceptible of some distinct definition, and I should like for some gentleman on the other side of the Chamber to tell us what the words "Bourbon democrat" mean now as distinguished from the word "democrat" in the days of Thomas Jefferson and Andrew Jackson.

Mr. DAWES. I will tell the Senator with great pleasure. My colleague gave the definition the other day. It is not original with me but it cannot be bettered. A Bourbon of the present day is a man who learns nothing new and forgets a great deal. The democrat of to-day thinks he is right where the democrat was away back of the war. The Senator from Florida carries it back to Jefferson. There were not any democrats in his days. The Senator has got before the beginning. Jefferson was a republican in those days; but the Senator has gone back to the beginning; and with great frankness the Senator wants to know the difference between a Bourbon democrat of to-day and a Bourbon back as early as you can date. There is not any difference. He is now just what he was then. He has not learned the slightest thing in the movement of this world, has forgotten all that has happened, has forgotten that he undertook to take 4,000,000 men and rivet their chains around their limbs and carry them into free territory and call their roll in the shadow of Bunker Hill. He has forgotten all that. He has forgotten that in order to do it he made war, and he has forgotten what a disastrous defeat came upon him, and how in the heat of the battle the manacles were melted off the limbs of the 4,000,000 slaves; how in spite of him the slave was made a citizen after he had been made a freeman, and then a voter. He has forgotten all this. Why, sir, the world has moved on in twenty-five years. Has not the Senator even dreamed of that fact? Does he really think that a man can be an effective, active, live democrat now and be just what a democrat was twenty-five years ago?

Mr. JONES, of Florida. I do.

Mr. DAWES. A Bourbon democrat is correctly described by my colleague as a man who learned nothing in these last twenty-five years and has forgotten everything that has happened.

Mr. CALL. I should like to ask my honorable friend from Massachusetts if under that definition of a Bourbon democrat he does not mean and cannot express it more briefly by saying a man that cannot vote under the laws of Massachusetts. [Laughter.]

Mr. DAWES. I declare, Mr. President, "still harping on my daughter." [Laughter.]

Mr. HAMPTON. I see the Senator from Massachusetts has taken his seat and I suppose the play is over. There are parts of that editorial, as I believe it was, which he has read from a Charleston paper which do contain good democratic doctrine; but they are not to be translated in the way that he proposes to translate them. That paper is striving to repress all frauds in the State. I have not said here, nor will I say anywhere, that there have not been frauds. I can say, and I can say it with a clear conscience, that I have never been connected with one, and that not by any act, any word, any deed, or any thought of mine has there ever been a fraud committed. I have advocated the rights of the colored people in South Carolina. I have tried to bring our people up to that point and to show them that where both races were brought together in the providence of God on a common soil their interests were identical. I have tried to prove that; I have told the white man and I have told the colored man that they were friends, that they were born on that soil, the same sun shone upon them, and when we passed hence we should both lie together in the bosom of our common mother. I have told them that and I have appealed to the colored people to support good men for office there, to elect only such as would do justice to them; and my appeals were not unheeded. I say it with entire confidence and I say it with equal pride, and I have said it in South Carolina to audiences of white men, that I owed my election as governor to the colored voters of South Carolina. Had they not listened to the appeals I made, had many of them not gone for me, I should not have been elected.

The Senator who spoke yesterday gave the figures, in part, of the vote in South Carolina. He said the census showed that there were 75,000 white men voters to 110,000 colored men at that time. I accepted that statement; I believed that was about the basis when the election commenced; but I believed then that I should be able to carry on an average of five hundred colored men in every county, and I carried more than that. I received 92,000 votes; and remember—I beg the Senator from Massachusetts to remember—that when that vote was polled every election officer in South Carolina was a republican, every office in South Carolina from governor to constable was in the hands of republicans, all the election machinery was in the hands of republicans, and if there were any frauds they must have been committed by them.

Upon that point I will disabuse the minds of the people of a common error that has obtained in regard to that election. It has been more than once said that if Mr. Hayes carried the State Governor Chamberlain must necessarily have done it also. By the laws of South Carolina the vote for governor and lieutenant-governor is sealed up by the managers of election and sent to the house of representatives, to be opened by the speaker. No other agency touches it, and therefore that vote cannot be tampered with, and the returns showed that I had received over 92,000 votes. The returns for the presidential electors went to the returning board composed of republican officials. What they did with those returns I cannot say; but this I will say, and I have said it before, that by those returns Mr. Hayes carried the State by 236 votes, if my memory serves me aright. That is, the lowest elector on the republican ticket beat by that number of votes the highest elector on the democratic ticket. I accepted that. Mr. Hayes, therefore, by the returns carried the State of South Carolina, and I never made any contest against that. I always said if the returns were shown to me that would prove that he carried the State, by no word or by no act of mine would I endeavor to falsify those returns.

Mr. President, the spirit in which the words quoted there by the Senator from Massachusetts, saying that the way to make the ballot pure was to insist upon the white men trying to have a fair count, were used means this, and nothing more: There are men in South Carolina who are struggling for that great object; there are men there who know we are confronted with the gravest problem ever given to a people for solution, and there are men there who know we have submitted more than any freemen on the American continent; and I say to the Senator from Massachusetts if he would reverse the picture, if he could and the liberty-loving people of Massachusetts could in one moment see all their government overturned, if he could see ignorance and vice and inexperience immediately placed in high power, if there could be an immigration of Chinese (even as intelligent people as they) who should come into that State and take possession of every office in that State, and if they would, without paying one dollar of tax themselves, tax the property-owners there to practical confiscation, it would not be forty-eight hours before those Chinamen would be hung to the nearest lamp-post in Massachusetts. I say that; and yet for years and years of agony we went through that; we were subjected to that, and subjected to it not by republicans, because there is a mistake that you gentlemen of the North make when you speak of the carpet-bagger as a republican. He is not a republican; he is a bird of prey; he is a thief and nothing but a thief, as a general rule.

I admit, I admit cheerfully, that in the Northern States you have most of the wealth, much of the culture, the education, the refinement, and all the elements of power in the republican ranks; but when you compare the republicanism of the South to the republicanism of the North you make as great a mistake as you could do upon anything on the face of the earth. It is not the same party; they are not the same men; and all that we ask of you is to let us try and deal with this great problem and meet it like men and like Christian men. We want to do it; we want to lift up the South; we want to contribute to the prosperity of the whole country; and there are men all through that country who know that fraud, that violence, that intimidation, that anything of that sort reacts upon a people.

I used that very expression which is quoted in that article, more than two years ago, when I was nominated for the second time for governor. I heard a whisper in the State, in one corner of the State, that some frauds might be resorted to; but I said on the public stand there "if that is done I warn you, I warn any people who practice it that this returning board is now composed of gentlemen, and that if anything is brought before them they will expose the fraud," and I knew the men of whom I said that, and when the day for canvassing the returns came they notified the chairmen of the respective committees that they would remain in session to get in protests from any county in the State, and so anxious were they to do their duty that they remained in session until twelve o'clock that night and yet no protest came.

I propose at some future time to answer the misstatements of the Senator who spoke yesterday, to give them the mildest name, in regard to South Carolina, but I propose to do it upon his return. Now I simply say that we feel that by educating the white men to insist upon a fair count we can more effectually accomplish that than by any other means. I want to see that done.

Mr. DAWES rose.

Mr. HAMPTON. Does the Senator propose——

Mr. DAWES. Not to interrupt.

Mr. HAMPTON. I desire to see that done as much as any other man; but the Senator may not perhaps know it. But when voices from Massachusetts were saying that the negro was not fit to vote, when the voice came from the great war governor of Indiana taking the same ground, in South Carolina immediately after the war I, a confederate soldier, a slave-owner, gave the first utterance that I heard after the war advising the white people of South Carolina to confer the ballot upon the colored man. I did that; I did it because I knew that in a republic when men are made citizens you cannot debar any one race or any one man from voting because he is black or because he is of any other color. I realized that it was necessary to do it, and I wanted then to guard the purity of the ballot-box and the elective franchise by having qualified suffrage such as you have in Massachusetts. More than that: when there was called a convention to give us a new constitution I advised that they should just take the constitution of Massachusetts word for word and letter for letter, and adopt that, because it is the strongest State-rights constitution of any in all the thirty-eight States. I proposed that.

Mr. President, occupying the ground that I have done in regard to the colored race, I think that I know something about them, and that I can say something for them. I think I have done something for them, and I will try to do more; but it is not the way to help us in the South to heap calumny and abuse on our people. I have never made any reflection upon any of my sister States. I do not propose to do so unless I have to "carry the war into Africa."

But, Mr. President, I referred just now to the speech of Governor Morton. I happened to-day to get hold of that speech, and I will read a portion of it to show that I have not misstated his position. It was delivered in Richmond, Indiana, in September, 1865:

> The right to vote carries with it the right to hold office. You cannot say that the negro has a natural right to vote, but that he must vote only for white men for office. The right to vote carries with it the right to be voted for. When that right is conferred, you can make no discrimination, no distinction against the right to hold office, and the right to vote in a State carries with it the right to vote for President and members of Congress, and for all Federal officers. The right of suffrage being conferred in South Carolina, for State purposes, under our Constitution, as I have before pointed out, carries with it the right to vote for President and Vice-President and members of Congress.
>
> * * * * * * *
>
> In regard to the question of admitting the freedmen of the Southern States to vote, while I admit the equal rights of all men, and that in time all men will have the right to vote without distinction of color or race, I yet believe that in the case of four millions of slaves just freed from bondage, there should be a period of probation and preparation before they are brought to the exercise of political power. * * * To say that such men—and it is no fault of theirs, it is simply their misfortune and the crime of this nation—to say that such men, just emerging from this slavery, are qualified for the exercise of political power, is to make the strongest pro-slavery argument I ever heard. It is to pay the highest compliment to the institution of slavery.
>
> What has been our practice for many years? We have invariably described slavery as degrading both to the body and the soul. We have described it as bringing human beings down to the level of the beasts of the field. We have described it as a crime, depriving the slaves of intellectual and moral culture, and of all the gifts which God has made the most precious. If we shall now turn round and say that this institution has been a blessing to the negro instead of a curse; that it has qualified him for the right of suffrage and the exercise of political power, we shall stultify ourselves and give the lie to those declarations upon which we have gained political power.

Mr. President, these were the expressions of a stalwart republican and a wise and far-seeing statesman, and the great fault in this whole movement was that unlimited universal suffrage was conferred instantaneously upon the colored man. But that has been done; it is irrevocable; it is fraught with infinite evils and dangers, and leaves to us to solve the gravest problem that ever was presented for statesmanship to a people. Now we ask help. We shall not get help by denunciation. We know that there have been irregularities and frauds. I admit it, but I plead as the only justification the cruel wrongs which have been inflicted upon our people. It was a case where the very civilization, the property, the life, the State itself, were all involved. I admit that there were frauds; I admit that they were wrong. I will go as far as anybody in making those admissions. I announce here, as I have done everywhere, my unalterable determination to try by the best possible means and at the earliest possible moment to rectify these wrongs; but you are not going in the right way to do it. Such lectures as we get from our friends on the other side, and notably from the Senator from Massachusetts who is the great leader in this battle, do no good. While he was just now casting his eyes up and going into the realm of poetry, speaking of the "gems of purest ray serene" some lines flashed into my mind:

> A man may cry Church! Church! at every word
> With no more piety than other people;
> A daw's not reckoned a religious bird
> Because it keeps a-cawing from a steeple!

Mr. JONAS. Mr. President——

Mr. DAWES. Will the Senator from Louisiana let me say a word?

Mr. JONAS. I will only occupy one moment, sir. The honorable Senator from Massachusetts had hardly taken his seat yesterday after reading from a paper when I telegraphed to Louisiana for information, and I am advised that a full and complete vindication of the people of Caldwell Parish will be forwarded to me immediately. I congratulate the Senator from Massachusetts that he seems at last to have located his man in the right place, and as I judge from the tenor of the dispatches in the place where he is wanted, if not on his plantation at least by the people of Louisiana. I read a dispatch from the lieutenant-governor of Louisiana, who resides in the adjoining parish, a gentleman of as high character as any in our State or in the South, Lieutenant-Governor McEnery; he says:

MONROE, LOUISIANA, *April* 21, 1881.

Senator B. F. JONAS:

Have sent statement to Democrat; will be reported to Washington; too lengthy to wire to you. Heath's statement absolutely false. Property burned to obtain insurance. Insured for four thousand, valuation by appraisers to adjust loss fourteen hundred. Matter investigated by grand jury at last term, and a letter from Judge Bridger says that at the July term sufficient evidence will have been obtained to find bill.

S. D. MCENERY.

I am also in receipt of a letter from Massachusetts, a portion of which I will read. I have not been authorized to furnish the name of the writer. He says:

> Mr. DAWES's white-haired man is very well known in this eastern section of Massachusetts and his reputation for truth and honesty is not such as Mr. DAWES ought for a moment to think of, much less defend and espouse.

I have telegraphed to this gentleman for authority to use his name. I presume he is a respectable gentleman and a citizen of Peabody, Massachusetts. As I am not authorized at present to disclose his name, I do not do it for fear that it might imperil his life in Massachusetts. [Laughter.]

Mr. DAWES. Mr. President, I think perhaps the Senator, from his stand-point and from the society in which he dwells, might very well feel that it was necessary to have some caution if he made public such a statement as that in reference to a respectable citizen.

I wish to say, Mr. President, that calling upon the Secretary of the Navy this morning, without any suggestion of mine he read the statement which was read yesterday from the Clerk's desk and said that he was well acquainted with this Mr. Heath and with his brother in New Orleans, that they were both highly respectable gentlemen and that many of the facts narrated in that statement he knew of his own personal knowledge to be true. I have no doubt that the Senator from Louisiana is authorized to say that although they have not evidence enough to indict this man, they will have it before July. [Laughter.] I have no doubt he is authorized to state so, and I think it very probable they will. The Senator can understand now, if he did not before, why I had some reluctance in giving his name when I first made the statement. That is all I desire to say at this time as to that matter. I am not troubled about any statement any man in Massachusetts whose name the Senator is afraid to give may make as to what I say on this floor. The people of Massachusetts, as I have said before, know me pretty well, and I have never had any trouble to convince them of my honesty of purpose, and do not think that anything the Senator will get by telegraph from Massachusetts will put me on the stand.

Mr. SAULSBURY. The letter did not refer to the Senator's veracity but the veracity of his informant.

Mr. DAWES. Is not the Senator from Louisiana able to speak for himself?

Mr. JONAS. I did not hear.

Mr. SAULSBURY. I do not know that that is evidence of very good raising on the part of the Senator from Massachusetts. I simply wanted to correct him.

Mr. DAWES. The Senator may not be a proper judge about that.

Mr. JONAS. The Senator will permit me. I did not hear the remark. Here is the letter I read and there was nothing in the letter reflecting on the Senator. I will read it again.

Mr. DAWES. I did not suppose there was, nor do I suppose that the Senator would think it would be reflecting on me to state or insinuate that I had manufactured what he called a cock-and-bull story here, and I do not propose——

Mr. JONAS. Will the Senator permit me to say that I propose to read the letter if he will permit me? It explains itself; it says:

> Mr. DAWES's white-haired man is very well known in this eastern section of Massachusetts, and his reputation for truth and honesty is not such as Mr. DAWES ought for a moment to think of, much less defend and espouse.

Mr. DAWES. Well, Mr. President, I do not know how about that. He has been thirteen years in the Senator's State, and if he has acquired a bad reputation down there, I am sorry for it. The Senator from Louisiana and I will have no quarrel about this thing. I have put this man's statement on the record, and the man must stand for himself. All I know about the man I have told to the Senate, and I am entirely content to let his statement stand. I have abundance of just such testimony crowded upon me every day; I could spend much of the time of the Senate every day in putting upon record reliable testimony of this character; but I do not care to do it.

I used this man's name simply to assure the Senators from Mississippi that a man could come back to Massachusetts, a respectable man when he went down there, and tell his story, and it would be believed in Massachusetts. That was the purpose for which I used it. I still think so. I may be mistaken.

The people of Massachusetts have heard over and over again these stories that there is no violence there and no fraud, and yet within fifteen minutes they have heard the Senator from South Carolina [Mr. HAMPTON] confess it. We are slanderers when we say it is so, and yet when the Senator is confronted with the evidence from the leading city in his State and the leading paper in his State, then he gets up and confesses it, says that he struggled manfully to try to

bring his people up to an abandonment of it, and up to having an honest ballot, up to having a fair count. And I think after the confession of the authorship of negro suffrage in the South by the Senator from South Carolina we shall hear no more complaint of its being forced upon them by the republican party of the North; and I think after the statement of the honorable Senator from South Carolina that he wanted the people of South Carolina to adopt the constitution of Massachusetts bodily, with all its limitations and all its qualifications, as the best constitution in the world, I can turn my unhappy friend from Florida [Mr. CALL] over to him, and let him thrash him to his heart's content. [Laughter.] I will do no more; I will take no more trouble. I know my colleague is tired of convincing him over and over again.

A man convinced against his will
Holds to the same opinion still—

whether he lives in Florida or anywhere else.

But what I want to call the attention of the Senate and the country to is the broad confession on the part of the Senator from South Carolina of the struggle that he has gone through, the effort that he has made among the people over whom he exercises such a wide and controlling influence to induce them to be honest at the ballot-box. I read an interview that the Senator from South Carolina had two or three years ago—I do not know of course whether it is authentic or not—found in this same paper in which he complained of the clumsy manner in which these frauds were being perpetrated and said that they had hurt us at the North. It sounded so exactly like that whipping the boy for stealing and getting caught, that I thought of that matter when I read it. I do not suppose the Senator is responsible for that interview. I only called it up in connection with the statement of the Senator. But here after weeks of absolute denial on that side of the Chamber of frauds and of violence the evidence of which burdens the air and comes on every wire, rises the Senator from South Carolina with a broad confession that so far as South Carolina is concerned there has been one notable instance of a man of much influence seeing further than others have seen that this fraudulent use of the ballot-box could be made to turn and rend them and has tried—I take his own words—has tried to bring his people up and educate them to see, as he says he has seen, the absolute necessity of a free and fair ballot, admitting, sir——

Mr. HAMPTON. Will the Senator allow me a moment?

Mr. DAWES. In one moment. Admitting, sir, that these frauds were resorted to to put down carpet-bag governments and seeking to excuse their authors on the ground of the enormity of the evil they were to overcome, declaring every carpet-bagger to be a thief. Does he mean to put in that category such men as Governor Chamberlain, his predecessor? Does he mean to put in that category all the men who were occupying honorable and trustworthy positions in the Army and in civil life in the North who have gone down there and struggled honestly to identify themselves with the interests of those people? That there have been bad men who have gone down to the South is only to say that there are bad men everywhere.

But, Mr. President, what are called the carpet-bag governments in the South will, when history shall write accurately the dealings of the local governments and the policy and purity of local governments in the States of this Union, compare favorably with any that have succeeded them. I do not hesitate to say that with exceptions of dishonest men in what are called carpet-bag governments as a whole history will take care of them and do justice to them by the side of the governments that have succeeded them, and at the same time will put the stamp of condemnation upon the means such as the Senator from South Carolina has this day confessed were resorted to to overthrow them. For what did the Senator from South Carolina want negro suffrage in the South if he did not want the ballot of the negro counted fairly and honestly? Why is it that all over the South the cry is the Caucasian race against the poor colored voter? If the ballot in the hands of the colored man originated in the brain and in the political philosophy of the Senator from South Carolina, why has he not striven at the same time while he has been trying to educate up those in South Carolina, to lift his voice in Alabama, in Mississippi, in Louisiana——

Mr. MORGAN. Did I understand the Senator from Massachusetts to say that the voice of the negroes is stifled in elections in Alabama?

Mr. DAWES. I did not quite hear the Senator.

Mr. MORGAN. I asked the Senator whether I understood him to say that the voice of the negroes at the ballot-box is stifled in Alabama?

Mr. DAWES. I have some such impression.

Mr. MORGAN. Does the honorable Senator announce the fact, or does he mean in announcing the fact to say that he has knowledge or information that such is the fact?

Mr. DAWES. Mr. President, I expressed what was my firm conviction founded upon what seemed to me in the records of the country and in the testimony of men to be evidence that authorized such a conviction, and I do not have a particle of doubt about it.

Mr. MORGAN. Now will the honorable Senator allow me to inquire, when he says he has no particle of doubt about it, the name of the record, or of the witness, or the election in reference to which he makes that assertion before the Senate of the United States?

Mr. DAWES. I did not quite hear the Senator.

Mr. MORGAN. That is strange.

Mr. DAWES. The Senator does not speak quite loud enough.

Mr. MORGAN. Will the honorable Senator inform the Senate of the name of the record, or of the witness, or the occasion upon which he ventures to make the assertion that the negro in Alabama has not had a fair opportunity to vote and to have his vote counted?

Mr. DAWES. Well, Mr. President, it is late this evening, and I have not the evidence upon which I came to that conclusion on my person at present. I would say to the Senator that I did not come willingly to that conclusion. I have come to the conclusion reluctantly that there has been a settled purpose in very many of the Southern States, including the State of Alabama, to put down that which would otherwise be a majority in the colored vote. The ku-klux committee's report is very voluminous, thirteen volumes of it I think, full of evidence pertaining to all those States, including that State. There seemed to be a uniformity of operations, diversified only as particular methods were better adapted in their changes to different parts, but prevalent all over. There cannot be any doubt in my mind about it. I do not know that I shall ever convince the Senator from Alabama upon the subject, but there can be no doubt in my mind of the conclusion to which I have come.

Mr. MORGAN. It is entirely too late for the Senator from Massachusetts to seek to inform the Senate of the United States of the grounds of his charges.

Mr. DAWES. The Senator will excuse me. It is my fault, I suppose, but I do not hear him.

Mr. MORGAN. I say it is entirely too late for the Senator from Massachusetts to inform the Senate of the grounds of his charges, of the facts on which he ventures to predicate those charges against the people of a State; and I regret that it is too late, because I desire to get information from the Senator from Massachusetts in respect of the particular charges that he has to make against the State of Alabama or the people of that State. I wish to know in what particular he means to arraign the people of the State of Alabama. I desire to have what we might call a bill of particulars, so that the Senator might furnish to his own constituents, if not to the people of Alabama, some sufficient reason for accusing them of violating the laws of the United States and the Constitution of the United States in the presence of this Senate, when he knows and I know that the people of my State and the people of his State are continually interchanging the most friendly and amicable relations and are continually employed in intercourse with each other, in peace and amity, without reference to these adventitious charges which the Senator brings against our people, and by which he seems to be disposed, or if not disposed to be determined, to break up the relations between the people of Massachusetts and the people of Alabama.

Now, the Senator will allow me to say to him that the people of his State to-day and the people of my State to-day are engaged in constant intercourse, in constant transportation, profitable to both, not objectionable to either. Your agents come to the South and are welcome there; our merchants go to the North to buy their goods from your manufacturers; and while the whole country is engaged in this interchange of commercial productions and in this traffic between the different sections the Senator is here to proclaim his rage and his mortification because he cannot get up a quarrel between the people of Massachusetts and the people of Alabama.

Mr. DAWES. Mr. President, the last thing I would do would be to do what the Senator suggests in his last remark. I have no desire for anything but the most friendly relations between the people of Massachusetts and Alabama. The Senator wants to know what authority I have. Has the Senator never heard of the evidence? Has the Senator never read the reports to which I have alluded? Did the Senator know anything about the experience of General Weaver down there last fall? Has the Senator any knowledge of one of his own constituents, Mr. Lowe, what kind of a time he had running for Congress down there, and the accounts of Mr. De La Matyr of the way those opposed to the democracy failed to get a fair vote down there? That is all I desire to state in reference to the interruption.

Mr. MORGAN. Mr. President——

Mr. DAWES. I will not go any further with this now. I rose simply to call attention to the statements made by the Senator from South Carolina, and I want to say that the Senator himself——

Mr. MORGAN. Now, Mr. President, if the Senator will allow me——

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) Will the Senator from Massachusetts allow the Senator from Alabama to make a remark?

Mr. DAWES. Let me get through with the Senator from South Carolina.

Mr. MORGAN. I prefer not, because you turned to my State from the State of South Carolina. So far as the Senator reflected on Alabama——

Mr. DAWES. I cannot go into this, Mr. President.

Mr. MORGAN. But you have gone into it. You cannot get out of the insinuation you have made against the State of Alabama unless you are going to retract what you have said here or withdraw——

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. MORGAN. So far as Mr. Weaver's reception in Alabama is concerned——

Mr. DAWES. I am waiting for the floor.

Mr. MORGAN. He was as safe as anybody. Hearing from the people of that State——

Mr. DAWES. I am waiting for the floor.

The PRESIDING OFFICER. The Senator from Massachusetts declines to be interrupted.

Mr. MORGAN. That is the resort of a man who wants honest debate!

Mr. DAWES. I was so struck with the statement of the Senator from South Carolina that I could not forego calling public attention to what he had uttered here in reference to the political condition of the southern country. How large a share he has had in bringing it upon the country and how clearly he has seen if we may assume that he is sincere—and I have no doubt of it—just the trouble they are bringing upon themselves! Here he is acknowledging that negro suffrage is right, but saying that it ought to be accompanied with an educational clause; that the colored men ought to be required to read and write; that the government of the State ought to furnish them schools and require that they should go to those schools, and that everybody in the State should have at the State's expense the means of being qualified as a voter. And yet he sits there and hears his associates on that side of the Chamber day after day arraigning Massachusetts because Massachusetts does what he says the whole South ought to do. Let the whole South follow the preaching of the Senator from South Carolina this day, and practice what the Senator lays down as good political morals, and such a change will come over the governments of those States as has never been seen since the institution of slavery and those who dominated in it have controlled public affairs there. It will be the dawn of a new era. Peace will come when every man, black and white, shall have a vote, shall have the opportunity to be taught its meaning, and shall have, as the Senator from South Carolina says he ought to have, the right to a free deposit of that ballot and an honest count of it. Sir, the Senator from Alabama and all his associates will find this side of the Chamber, and the northern people they represent, hailing that day as a glorious morn of a new era, and they will be welcomed into the ranks of good government, and peace will reign everywhere in this country when the doctrine uttered by the Senator from South Carolina this day shall become the living principle pervading the laws and their administration wherever the flag of this country shall float.

But, sir, there is one thing in preaching and there is quite another in practice. When right within the sound of the Senator's voice, and in spite of these generous utterances of his, the very means we condemn in national elections have been found to play their part in local affairs to the disturbance of the men who invented them, sir, I will not say that the sincerity of the preaching is distrusted, but I will say I am sorry to see here the evidence that the Senator has so little control among his own people.

I move that the Senate do now adjourn.

Mr. HAMPTON. I hope the Senator will withdraw that a moment.

Mr. DAWES. I beg pardon; I withdraw the motion for the Senator from South Carolina.

Mr. HAMPTON. The Senator has, unwittingly, I have no doubt, done me some injustice.

Mr. DAWES. I did not mean to do any.

Mr. HAMPTON. I did not say that every carpet-bagger was a thief; I gave that as our definition of a carpet-bagger, a man who is a thief there; but that there are men from the North living in my State, and I have no doubt in all the Southern States, of high character and attainments and ability and integrity, I have not denied. I admit it most cordially and most cheerfully, and men who are republicans, men for whom I have great respect, and I have many in my mind now in South Carolina.

In another point the Senator has misunderstood me. I did not say nor did I intimate that the carpet-bag government of South Carolina was overthrown by the use of any fraud. On the contrary, I said that the whole election machinery was in the hands of the republicans, and if there was any fraud they committed it. If there was the possibility of fraud we could not have prevented it under any circumstances. Nor did I make the sweeping admission the Senator puts in my mouth that there was universal fraud there. I admitted that there had been and that there was fraud, and I admit that again; the same fraud that obtains wherever popular elections are held, the same fraud that obtains in all great cities, no doubt in Boston, in New York. In every State as long as you have the freedom of election you must have along with it some amount of fraud, and I only admitted that, that there had been frauds there, but I was trying with many of the people of South Carolina, thousands of the people of South Carolina were trying to make the ballot-box as pure as it could be, and we hoped to succeed.

Mr. CALL. I should like to ask the Senator from Massachusetts a question if he will allow me. The Senator read a letter from Virginia, from some man who expressed some opinion favorable to Caucasian or white supremacy in the government of Virginia. Do I understand the Senator from Massachusetts to say that he is in favor of African supremacy in Massachusetts?

Mr. DAWES. African supremacy!

Mr. CALL. Do you know what that is?

Mr. DAWES. What?

Mr. CALL. You do not know what that is?

Mr. DAWES. I do not know what African supremacy in Massachusetts is; I know what African supremacy would be in Africa.

Mr. CALL. Are you in favor of the government of Massachusetts, the governor, the members of the Legislature, and judges being colored men instead of white men?

Mr. DAWES. I am in favor of every colored man in Massachusetts having exactly the same rights and the same opportunities that every white man has.

Mr. CALL. That does not answer the question. We are all in favor of that.

Mr. DAWES. I am in favor of nobody's being elected governor of Massachusetts whom the majority of our people do not want; and I am in favor of that man, whether he be black or white, being governor of Massachusetts whom the majority do want.

Mr. CALL. You objected to that man's letter upon the ground——

Mr. DAWES. No, I did not object to it; I thought it was a revelation.

Mr. CALL. Do you ever elect any to the Legislature there?

Mr. DAWES. How?

Mr. CALL. We are all in favor of the equality before the law of the colored man.

Mr. DAWES. So is Ensign Stebbins.

Mr. CALL. The Senator objected to a man in Virginia expressing a sentiment which he read here, and he made quite a speech on the subject, and he charged upon the whole southern people a great crime, that they wanted their States under the government, the control, the majority power to be in the hands of the white people. Now, in Virginia there is a large majority of white people. So it is in Florida. There is in Massachusetts, of course, a very small proportion of colored people.

Mr. DAWES. I will tell the Senator what I want, if he has not learned. I want every voter in Massachusetts, and every voter in Florida, and every voter in every State of this Union, to have the right to walk freely and unmolested up to the ballot-box and have his vote and nothing else counted. That is what I want, and I want that vote to tell in the election of the officers, State and national, for which it is cast; and beyond that I do not want anything.

Mr. CALL. I hope the Senator will answer the question I asked him.

Mr. DAWES. I want a black voter in Virginia and a black voter in Massachusetts and a white voter in Massachusetts and a white voter in Virginia to have just exactly the same power and the same opportunity with his neighbor, whether that neighbor be black or white.

Mr. CALL. That is not the question I asked.

Mr. DAWES. If I have the floor, Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. SAULSBURY. I hope the Senator from Massachusetts will not make that motion now.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. CALL. I only wish to make one remark. The honorable Senator from Massachusetts stands here representing a constituency where there is more than one-third of the people who cannot vote. He stands here from a State that never does select a colored man, and that never has had a colored man in Congress nor in the Legislature, if I am correctly informed; but I do not speak of that fact from my own knowledge. I asked him the question. He has made a speech here, and of course as a statesman controlling the affairs of a great Government and a great people what he says is of vast importance; and he denounces the people of Virginia, the white people of Virginia, not because they are not willing to meet the enfranchised African with affection and love and aid to elevate him, but he denounces them before the American people because they ask that the majority of intelligent and capable white people shall govern in that State. Now I say to the Senator he is not sincere in that; Massachusetts does not do it; and I ask him the question, does he want the minority of colored people in Massachusetts to govern the majority there?

Mr. DAWES. Mr. President, we elect colored men to the Legislature in Massachusetts.

Mr. CALL. How many?

Mr. DAWES. Just as many as the colored people want.

Mr. CALL. I deny it.

Mr. DAWES. I suppose the Senator knows more about it than anybody else.

Mr. CALL. I do not. I know what your statistics state about it and I know what your court manual states about it. That is all I know.

Mr. DAWES. Now, Mr. President, if the Senator from Delaware——

Mr. SAULSBURY. Mr. President, I simply wanted to state——

Mr. DAWES. I will not press the motion on the Senator from Delaware.

Mr. SAULSBURY. I merely wish as an act of courtesy to a brother Senator to make the *amende honorable* as far as it is in my power. I happened to be sitting in my seat when I heard the remark of the Senator from Massachusetts in reply to a communication or telegram that had been read by the Senator from Louisiana. Seeing that the

Senator from Massachusetts had evidently understood as applying to himself remarks which in the telegram were applied to another party, I rose for the purpose of relieving his mind from a seeming embarrassment, not for the purpose of interfering at all in the colloquy between him and the Senator from Louisiana. As soon as I had done this, the Senator from Massachusetts, in a manner and in language unbecoming conversation between gentlemen, attempted to rebuke me for impertinence. I say now that I regret it, as I understand from that remark the Senator from Massachusetts does not fully apprehend and appreciate the courtesies of one gentleman to another. I now regret that I made any interference in that respect. I certainly had no desire to interfere with the frequent attacks of the Senator from Massachusetts upon the different States of this Union.

In the practice of my profession I have frequently found that there were witnesses ready on all occasions to come on the stand in every trial as witnesses on the one side or the other to testify. I never sought such witnesses to strengthen any case which I had in hand; I never regretted their appearance against me, because I knew full well that the juries before which I tried my causes would give proper weight to the testimony of a witness who was always ready to testify in every case as of his own knowledge. Such witnesses have never had any weight in the courts of my State, and I apprehend that the continued assaults of the Senator from Massachusetts upon the sister States of this Republic will fall harmless and to the ground.

Now, sir, I simply rose to say that I shall not hereafter, whatever the mistake the Senator from Massachusetts may labor under, after the impertinent reply that he made, discourteous as I regard it, interfere, but suffer him to remain under the delusions of his own imagination.

Mr. DAWES. Mr. President, so far as the Senator's remarks are personal to myself, I desire to state that I ask his pardon. I made a very curt reply to him which I was sorry for the moment I made it, and which I do not think I ought to have made, and I am very glad that the Senator calls my attention to it, for it had passed out of my mind in the heat of debate.

In the heat of debate I made a remark which I regret. So far as the Senator alludes to my attacks on the States represented on the other side, I have nothing to say; the Senator must judge of that for himself. But I desire to maintain the dignity and courtesy of the Senate, and whenever I have transgressed it in the heat of debate I am very glad to make all the *amende* in my power. Whatever further *amende* it may be in my power to make I do not know. I ask the Senator's pardon for a remark which seemed unkind and not altogether proper.

Now, I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty-three minutes p. m.) the Senate adjourned.

FRIDAY, *April* 22, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF PAPERS.

On motion of Mr. SAUNDERS, it was

Ordered, That Thornton Smith have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. BURNSIDE, it was

Ordered, That Lieutenant-Colonel Charles McDougall have leave to withdraw his petition and papers from the files of the Senate.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. COCKRELL. I move that the Senate proceed now to the consideration of executive business; and on that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) For this day I am paired with the Senator from West Virginia, [Mr. DAVIS.]

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. HILL.] If my colleague were here, he would vote "nay."

Mr. CONGER, (when Mr. FERRY's name was called.) My colleague [Mr. FERRY] is paired, as I understand, with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. HARRIS, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] If he were here, I should vote "yea."

Mr. HILL, of Georgia, (when his name was called.) I am paired on this question with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here, I should vote "yea."

Mr. INGALLS, (when his name was called.) I am paired on this vote with the Senator from Texas, [Mr. COKE.] If he were present, I should vote "nay."

Mr. MILLER, (when Mr. KELLOGG's name was called.) I desire to announce for to-day that the Senator from Louisiana [Mr. KELLOGG] is paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. MCPHERSON, (when his name was called.) I desire to state for the day that I am paired with my colleague, [Mr. SEWELL.]

Mr. MILLER, (when his name was called.) I am paired for the day with the Senator from Illinois, [Mr. DAVIS.]

Mr. PLATT, of New York, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.] If he were here, I should vote "nay."

Mr. RANSOM, (when his name was called.) I do not see the Senator from Illinois [Mr. LOGAN] present, and I withhold my vote.

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

Mr. CAMERON, of Wisconsin, (when Mr. SAWYER's name was called.) My colleague [Mr. SAWYER] is paired with the Senator from West Virginia, [Mr. CAMDEN.]

The roll-call was concluded.

Mr. BURNSIDE, (after having voted in the negative.) I desire to withdraw my vote. I am paired with the Senator from Maryland, [Mr. GORMAN.] It escaped my mind.

Mr. COCKRELL. I desire to say for the day that I am paired with the Senator from Maine, [Mr. FRYE.] Were he here, he would vote "nay" and I should vote "yea."

Mr. CAMDEN. I am paired with the Senator from Wisconsin, [Mr. SAWYER.]

Mr. FERRY. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] Were he here, I should vote "nay."

Mr. BLAIR. I wish to announce the pair of my colleague [Mr. ROLLINS] with the Senator from Florida, [Mr. JONES.]

Mr. JONES, of Florida. I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] If he were here, I should vote "yea."

Mr. INGALLS. My colleague [Mr. PLUMB] is paired with the Senator from Missouri, [Mr. VEST.]

Mr. BECK. I believe the Senator from Nebraska [Mr. SAUNDERS] has announced that my colleague [Mr. WILLIAMS] is paired with him. I will not announce it any more to-day.

Mr. FERRY. In my pair with the Senator from Delaware [Mr. SAULSBURY] I reserved the right of voting if it was necessary to make a quorum. I find there is not a quorum voting now, and therefore I vote "nay," simply to complete the quorum, if possible.

Mr. PLATT, of New York. I am paired, but in order to make a quorum I shall vote. I vote "nay."

Mr. ALLISON. I am also paired with permission to vote in order to make a quorum, as I understand my pair. Therefore I vote "nay."

Mr. MILLER. I am paired, but can vote to make a quorum. I vote "nay."

Mr. HARRIS. I simply want to know why the vote is not announced.

Mr. BLAIR. There was no quorum.

Mr. COCKRELL. That does not prevent the announcement.

Mr. HARRIS. The rule provides that the result shall be announced when the roll-call is completed.

The result was announced—yeas 17, nays 22; as follows:

YEAS—17.

Bayard,	Farley,	Jonas,	Voorhees,
Beck,	George,	Morgan,	Walker.
Brown,	Hampton,	Pendleton,	
Butler,	Jackson,	Pugh,	
Call,	Johnston,	Slater,	

NAYS—22.

Allison,	Edgerton,	Hoar,	Morrill,
Blair,	Ferry,	McDill,	Platt of Conn.,
Cameron of Pa.,	Hale,	McMillan,	Platt of N. Y.,
Cameron of Wis.,	Harrison,	Mahone,	Sherman.
Conger,	Hawley,	Miller,	
Dawes,	Hill of Colorado,	Mitchell,	

ABSENT—37.

Anthony,	Frye,	Kellogg,	Sawyer,
Burnside,	Garland,	Lamar,	Sewell,
Camden,	Gorman,	Logan,	Teller,
Cockrell,	Groome,	McPherson,	Vance,
Coke,	Grover,	Maxey,	Van Wyck,
Conkling,	Harris,	Plumb,	Vest,
Davis of Illinois,	Hill of Georgia,	Ransom,	Williams.
Davis of W. Va.,	Ingalls,	Rollins,	
Edmunds,	Jones of Florida,	Saulsbury,	
Fair,	Jones of Nevada,	Saunders,	

So the Senate refused to proceed to the consideration of executive business.

Mr. HARRIS. I move to lay the resolution of the Senator from Massachusetts on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee to lay the resolution on the table. [Putting the question.] The Chair is in doubt as to the result.

Mr. BAYARD. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) I announce for the day that I am paired with the Senator from Maryland, [Mr. GORMAN.] If he were here, I should vote "nay."

Mr. CAMDEN, (when his name was called.) I announce again that I am paired with the Senator from Wisconsin, [Mr. SAWYER.] I make the announcement for the day.

Mr. HARRIS, (when his name was called.) I am paired with the Senator from New York [Mr. CONKLING] upon all questions during his absence. I therefore decline to vote. I should vote "yea" if he were here.

Mr. HILL, of Georgia, (when his name was called.) I will announce for the day that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here, I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

The roll-call having been concluded, the result was announced—yeas 20, nays 22; as follows:

YEAS—20.

Bayard,	Coke,	Johnston,	Pugh,
Beck,	Farley,	Jonas,	Ransom,
Brown,	George,	Lamar,	Slater,
Butler,	Hampton,	Morgan,	Voorhees,
Call,	Jackson,	Pendleton,	Walker.

NAYS—22.

Blair,	Ferry,	Ingalls,	Morrill,
Cameron of Pa.,	Hale,	Logan,	Platt of Conn.,
Cameron of Wis.,	Harrison,	McDill,	Platt of N. Y.,
Conger,	Hawley,	McMillan,	Sherman.
Dawes,	Hill of Colorado,	Mahone,	
Edgerton,	Hoar,	Mitchell,	

ABSENT—34.

Allison,	Fair,	Jones of Nevada,	Sawyer,
Anthony,	Frye,	Kellogg,	Sewell,
Burnside,	Garland,	McPherson,	Teller,
Camden,	Gorman,	Maxey,	Vance,
Cockrell,	Groome,	Miller,	Van Wyck,
Conkling,	Grover,	Plumb,	Vest,
Davis of Illinois,	Harris,	Rollins,	Williams.
Davis of W. Va.,	Hill of Georgia,	Saulsbury,	
Edmunds,	Jones of Florida,	Saunders,	

So the motion to lay the resolution on the table was not agreed to.

Mr. MORRILL. Mr. President, until a very short time ago it was not my purpose to contribute anything to this debate, but the baseless charge of a corrupt bargain, so flippantly made, implies that the republican Senators must be one of the parties to that bargain. I should be sorry to know that even any democratic Senator had so poor an opinion of me that a denial of this charge was necessary; but I shall say that so far as the vote of the Senator from Virginia was concerned, I understood in advance that it would be cast on our side without any conditions whatever. Whoever may believe otherwise of me or of my associates, I can only pity their credulity and scorn their measure of justice to political opponents.

As for myself I should have been indifferent as to whether the officers of the Senate were to be democratic or republican, if we had been asked as a matter of grace to retain the present incumbents until December next; but the principle now sought to be maintained and to which there is grave objection is, that they shall be retained against the will of the Senate and at all hazards, and that a democratic minority may, whenever it chooses to do so, by diligent abuse of the rules of this body, arrest the action of the Senate upon any question where the votes of that minority, if given and counted against it, would be wholly ineffectual, save to indicate the measure of their disapprobation. It is a practical suspension of the functions of the Senate at the will of any number of democratic Senators which may amount to not less than eight, that being one-fifth of a quorum, and the number required to call the yeas and nays. It is this eight-handed tyranny to which the Senate is called upon to surrender. It appears to me to be no less than a rank usurpation of the rights, privileges, and power of the Senate, and the doctrine, though now, as I think, inconsiderately supported by many eminent gentlemen of the opposition in rather violent if not intemperate speeches, will ultimately be crushed by the upper and nether millstones of the public judgment. It is fraught with danger to our institutions, and therefore it will not be tolerated by the people. The decision of the several States, from which there is no appeal, has reduced the democratic party from its recent position of the stronger party in the Senate to that of the weaker party, and a true adherence to the fundamental principles of democracy, as well as of republicanism, requires an honest, cheerful, and prompt acquiescence.

Minorities under our constitutional forms of government, being outnumbered and lawfully defeated, must submit, or republican government is a failure. Any other device or expedient, anything less, must degrade the great American Republic to the level of less advanced peoples where revolutions, conspiracies, and insurrections have become almost periodic and chronic. Here the minority has its full rights, with its voting power only limited by actual numbers, its copiousness in debate unrestricted; but it would be preposterous, if it were not willfully and flagrantly wrong, for such a minority to insist upon the mastery, and say to the Senate, you may do this, but you shall not do that. What would Madison, or any of the statesmen in the early days of the Republic, say to the attitude of the present democratic filibusters of the Senate? He and they would advise them that their action is indefensible, and that, if they hoped ever to be in any better position than that of the minority which they now hold, they would do better not to stamp upon their historical record in large type an example so reprehensible—possibly to return to plague the inventors, if republicans should ever be equally reckless of their constitutional duty.

It is in vain to make the pretense that the democratic party of the Senate is not now in an impracticable and hopeless minority; and the hollowness of such a pretense is disclosed by the want of courage so long and repeatedly exhibited in the refusal to solve the question by a square and direct vote of the Senate.

If there has been introduced into this debate something of bitterness and acrimony, matters which would better perhaps become other places than the Senate, the RECORD, I think, will show that the opposition side of the Senate are responsible for the introduction of that style of debate. The party which gives blows must expect to receive some in return. Something must be pardoned to the law of retaliation, which human nature is ever weak to resist.

The political Brahmins of the democracy who hold all those who disagree with them as a lower caste, as much as they do those of a different color, and who claim a proprietary right to the "solid South," and to its 138 democratic electoral votes, while recklessly assailing the republican party, have yet not infrequently admitted the unexampled prosperity of the country, though it has secured that prosperity for more than twenty years while so largely under republican rule. Another hopeful sign is to be seen in the sensitiveness of democratic Senators as to democratic State repudiation, and their anxiety to apologize for and to diminish its apparent extent and amount. Most hopeful of all is the assertion of some southern Senators, which, if unfounded, is still that tribute which hypocrisy is said to pay to virtue, that nowhere else but in the South is there a free vote and a fair count, and then straightway do they thank God that they are not like other men, much less like those of Massachusetts or even of Rhode Island. They are, as they declare, the true friends of the colored race, although they deluged their land in blood to keep that race and their descendants forever in bondage; and we are further notified that the party which proclaimed freedom and citizenship throughout the land no longer possesses the confidence of that enfranchised colored phalanx which is to add forty votes in Congress to the "solid South." Democratic Senators would seem just now to have stolen republican clothes, and I hope they will not doff the garments when they return home.

We do not seek to diminish the lawful political power of any section of the country, but we do say, when you have all that in its fullest measure, we will not consent to have it transcended in any quarter, here or elsewhere, by counting a minority as more potential than the majority.

Mr. President, I should not have added anything to the length of this debate if it had not been for the introduction of what appears to me a new feature in the debates and usages of the Senate, and I refer to the combined attack of democratic Senators upon a single Senator who has just taken his seat in this body. If that Senator comes here with any less title to exercise his free-will, with any less of absolute personal independence, or with less right to be guided in all of his political and official actions by his own judgment and conscience, than any other Senator, I must confess that I have been unable to comprehend wherein his inferiority is to be found. And yet Senators come here daily with all their partisan artillery and small-arms, loaded to the muzzle with invectives and innuendoes, which are discharged with great noise at the devoted head of the new Senator from Virginia, and all because that Senator, elected in opposition to the democratic party and without its help, has not felt it to be his duty to supply one vote, that paramount need of the democratic party of the Senate at the present moment, with which to maintain its control of the offices of the Senate.

I am not about to make any defense of the Senator from Virginia; he needs none; and if he ever does need any he seems quite able to defend himself, although it does not appear to me quite chivalrous on the part of thirty-seven honorable Senators to strike all together at one of our fellow-members; but I must protest against the right of one Senator, or of any number of Senators, to call any other Senator to account for the votes he may choose to give here upon any question. Whatever may have been done elsewhere to cause the coinage of that brutal word, bulldozing—and I ask pardon for using it—*Senators* are not likely to be bulldozed. Their votes will be free, and they must be fairly counted.

One Senator, with his State behind him as his responsible backer, is the peer of any other Senator, whether choosing to vote with the party of the administration, or with the opposition, or to oscillate in the air as an independent. The bigotry and superstition of the broad-brim democracy in adhering to the old clothes that covered the nakedness of their party in ages gone by, such as the resolutions of 1798, the gun-boat navy, vetoes of internal improvement, and the secession mania and slavery propagandism of Calhoun, must give way to principles and policies more in harmony with the progress of the age, and no proscription or social ostracism, and no hue and cry to shoot down the deserters who leap out of the ruts of the democratic party, will

long hinder earnest and thoughtful men,—who are turning their attention to the development of the great material interests of the country and the moral and intellectual elevation of the people in every part of the land,—from leaving that party whose success paralyzes enterprise and inspires business men with dread, whose guiding principle appears to be opposition to the measures of some other party, and whose rallying political watchword continues to be, *to the victors belong the spoils.*

Let me say that the unprovoked and fierce warfare upon the new Senator from Virginia, intended to destroy him, will in my opinion have directly the contrary effect. The American people love fair play, and they will not suffer any one to be overwhelmed by mere clamor. Those who come here renouncing Bourbonism will be welcomed whether they come from the Old Dominion of the New or the Old World. In saying this I do not propose to connect myself with either of the anti-debt-paying parties of Virginia. Neither of them, as I think, are up to the standard of right, and West Virginia is quite as much a delinquent as the "mother of States." The honor of States is a State right. Let them guard it. The political and personal grievance is that, whereas the Senator from Virginia voted for Hancock, and was once a democrat, he is so no longer. If he really belonged to their household of faith, why did they move heaven and earth, to say nothing about a nameless place, to defeat him when he was a candidate for Senator? Mr. President, nobody knew better than the so-called Bourbon democracy (and I copy words best known in Virginia) that the Senator from Virginia "*went out from them because he was not of them.*" Ask Randall or Hewitt. Ask Barnum, to whom the Senator from Virginia might well have said:

> "Fair sir, you spit on me on Wednesday last;
> You spurn'd me such a day; another time
> You call'd me—dog; and for these courtesies
> I'll lend you"—nothing!

But in the present case suppose for a moment that the Senator from Virginia had changed his party relations, even unexpectedly changed them, would that be any crime? Such examples are very numerous among members of all parties. Among others, Bell, of Tennessee; Sumner and Banks, of Massachusetts, and Dixon, of Connecticut.

The democratic party have had some experience in trying the lash over the backs of some of their associates for presuming to differ upon any points in their constantly shifting quadrennial platforms, but that experience does not appear to have taught them forbearance or greater wisdom.

Henry A. Wise, a name as much distinguished as any other in Virginia within the last half century, was elected to the House of Representatives in 1833 as a Jackson democrat, and yet from the outset he opposed the leading measures of President Jackson; and, while he served until 1844, he was for the last six or seven years one of the brightest ornaments of the whig party. Then, joining the Tyler guard, of which Caleb Cushing was one, he relapsed, becoming a "Tippecanoe and Tyler too" sort of a democrat, and was sent by President Tyler as minister to Brazil. Did anybody charge that a bargain had been made with Mr. Wise? Nevertheless the question of what party he would help or hinder from the very beginning to the end was as much the subject of democratic speculation and anxiety as has been that of the junior Senator from Virginia. The offense of Mr. Wise did not prove unpardonable, for the democrats afterward made him governor; and I have no doubt they would do equally well by Senator MAHONE to-morrow if he would only consent.

John P. Hale was elected as a democrat from New Hampshire to the Twenty-eighth Congress and renominated for the Twenty-ninth, but his views concerning the annexation of Texas not being on the key-note of the democratic leaders, another candidate was presented and there was no choice. The Legislature of the State soon after, or in 1846, elected Mr. Hale to the Senate, where he served many years, a constant thorn to those who had attempted to consign him to Coventry. The democratic party was never supposed to have added much to its political capital by its ostracism and warfare upon Mr. Hale. It remains to be seen how much they will gain by abuse of those who will not acknowledge perpetual allegiance to its chieftains.

Calhoun is another conspicuous example among American statesmen of those who have found "reasons as plenty as blackberries" for leaving one party and joining another. Mr. Calhoun entered the House of Representatives in 1811, and next to Henry Clay was the leader of the war party in 1812. He was the author of the protective tariff of 1816, and became Secretary of War under President Monroe, serving in the same Cabinet with John Quincy Adams. He was elected Vice-President, serving during the term of President Adams, from 1825 to 1829. But he then left Clay and Adams and joined his political fortunes to those of General Jackson, and was again elected Vice-President, serving until he quarreled with Jackson, and resigned in 1832. In 1829 he persuaded the Legislature of South Carolina to pass the historically notorious resolution "that any State in the Union might annul an act of the Federal Government." Thereupon General Jackson used such energetic and effectual measures to nullify South Carolina nullification that Mr. Calhoun left the Jacksonian democracy, resigned the Vice-Presidency, and having been elected to the Senate, acted with the opposition through the remainder of the first and through all of the second term of General Jackson. He introduced the bill for the recharter of the United States Bank in 1816, and again in 1834 a bill to extend the charter for twelve years, but in 1837 he appeared as the adversary of the bank; and about this time, having reached the conclusion that a victory on the part of the whigs would "not inure to the benefit" of the South, he once more changed his party relations by working harmoniously with the democratic party. Often stripped of some public influence, he yet never failed, turn which way he would, to secure the devotion of his own State to his political fortunes. Time has annihilated his later theories, but will never wholly destroy his greatness, for he was intellectually a tower of strength to whatever party that gained his alliance.

John Quincy Adams was elected as a federalist to the United States Senate from Massachusetts, and served from 1803 until 1808, when he was defeated and resigned, but he turned out to be so much of a democrat as to be appointed by a democratic administration as minister to Russia, and held that position from 1809 until 1814, and then became a member of the Cabinet, along with Mr. Calhoun, under Mr. Monroe from 1817 to 1825. After being President, he was elected in 1833 to the House of Representatives as a whig. In these changes it has never been imputed to him that he brought disgrace upon his State. The only charge of bargain ever made was touching his appointment of Henry Clay as Secretary of State, and the Senator from Kentucky [Mr. BECK] knows that charge was most foul and should have been repented of in dust and ashes, for the Senator from Kentucky was a devoted follower like myself of Henry Clay long after that date. Let me tell the Senator from Kentucky that the embryo charges made by those who are "willing to wound, yet afraid to strike" the Senator from Virginia, and which are to come forth full-fledged on the hustings in Virginia, are in my judgment as unfounded and calumnious as those which excited the indignation of the Senator from Kentucky, and mine, when made against Henry Clay.

Hannibal Hamlin was a democratic Representative from Maine in the Twenty-eighth and Twenty-ninth Congresses, and elected to the Senate in 1848 and re-elected in 1851 as a democrat. Before his term expired he renounced (June 12, 1856,) all adherence to the democratic party, and ever since has been a leading member of the republican party; but no man has ever left the Senate with more of the cordial respect and esteem of his fellow-Senators of all parties than Senator Hamlin possessed when he bid adieu to the Senate on the 4th of March last.

Like Mr. Burke, when he became alienated from his constituents at Bristol by his advocacy of the claims of the Roman Catholics, Mr. Hamlin was a statesman ready to proclaim and maintain the doctrine of the independence of parliamentary representatives, or that they were not mere machines to vote for measures approved by their constituencies simply and alone for that reason, but were men and thinkers chosen by them to calmly consider and legislate for the good of the Commonwealth. The State of Maine followed the teachings of Mr. Hamlin as steadily as South Carolina followed Mr. Calhoun.

Having referred to Mr. Burke let me add that he separated himself in 1791 from Mr. Fox and the whig party of Great Britain on the question of the French revolution, and was rewarded by his sovereign with various pensions amounting to nearly twenty thousand dollars per annum; but did any one ever suggest that there was a bargain and that Burke, the brightest intellect of his age, had been bought?

The republican party itself has had some of its members after long service here fall from grace, as was proved by their action against us, but they were never dealt with as outlaws, and they retained all the rights and received all the courtesies due to Senators. It may be added that we never felt that the States which they represented were so weak and tottering in the republican faith as Virginia in the eyes of some Senators appears to be in the democratic faith, or that they were likely to be lost in consequence, unless every republican Senator gave all his time and attention to their rescue. Mr. Doolittle, elected as a republican from Wisconsin, and in 1863 re-elected as such, was found long before his term expired doing the tough work of the democratic party, and has been doing it I suppose ever since.

Another eminent gentleman, Mr. Trumbull, was elected to Congress as a democrat, and the same year, 1855, he was elected to the Senate, but he voted steadily with the republicans and was twice re-elected as a republican. Yet before the expiration of his third term his democratic proclivities rose to the surface and became so prominent that his friends refused to be comforted because he was not selected as the democratic candidate for the Presidency in 1872 or in 1876. No one charges that the Illinois Senator joined the democratic party with the promise of reward, and yet presidential prizes have often tempted the best of men.

Neither of the Senators mentioned were *tabooed* because they had left the republicans, nor were they refused *pairs* because they had not publicly declared whether they were democrats or republicans.

Horace Greeley had but few points of agreement with the democratic party, and still that party nominated and accepted him with great enthusiasm in 1872 as their candidate for the Presidency, in order to break down the republican party, notwithstanding Mr. Greeley was in the habit of declaring that "while he would not say every democrat was a horse-thief, it was still true that every horse-thief was a democrat." Even after this they loved Horace as a man and a brother.

The perpetuity of the solid South will not be secured by hunting down the Senator from Virginia, but the stones which are being hurled in that direction will fall harmless at his feet and form a mon-

umental pile upon which he will stand with greater dignity and with greater power to proclaim the gospel of independence, a free ballot and a fair count—a gospel akin to that first announced by Jefferson in the immortal Declaration of Independence, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." Instead of making him a pariah among his own people, his mission will have been greatly magnified by the battalions his political enemies have felt it to be necessary to array against him, and in Virginia he is henceforth most likely fated to be a trusted and heroic leader.

I have endeavored frankly to give my opinion mainly on two points. First, upon the attitude of the democratic Senators as obstructionists in preventing the free and lawful action of the Senate, and in this attitude there can be no doubt they are clearly and wholly wrong. And, second, upon the character of the personal warfare upon a member of this body, claiming as I do the right of every Senator to control his own vote, and that any criticism upon the motives governing that vote is inexcusable. I have regretted to see what appears to me a lack of Senatorial courtesy, so much esteemed here, where no man ever has been or ever can be disgraced for his personal independence or for courage to act up to his real convictions.

[A message in writing was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. BECK. While I have listened carefully to the speech just made by the Senator from Vermont [Mr. MORRILL] I did not quite catch it all. There are some ideas in it that I like. He affirmed the right of each Senator to vote as he pleases and not to be called to account for any vote he may see fit to give; and I concur in his further statement that there can be no bulldozing in this Senate, as each Senator is the peer of every other and is responsible to his constituents for whatever he may see fit to do. All that class of ideas which I thought I heard announced with emphasis meet my unqualified approval; and it ill becomes gentlemen on the other side who are making these admissions to rise here day after day and charge us with being guilty of revolution, treason, and everything that is vile because we are casting our votes in strict accordance with the rules of the Senate, and under those rules for what we think will redound to the best interests of the country.

There has not been a speech made on the other side by any distinguished gentleman that has not ding-donged into the ears of the country that we are guilty of all sorts of wrong and outrages by steadily refusing to do what you want us to do. It seems to me that the continued repetition of these charges will not strengthen them before the country, nor will they tend to convince or to convert us. Our constituents thoroughly understand that we think we have good reasons for not following the dictation of your caucus by a disorganization of the Senate and reorganizing it to suit you, but that we are right in demanding that you shall proceed with the business of the Senate, according to the call of the President. He brought us here to consider such communications relative to the public interest as he might see fit to send to us; they come to us every day; one was laid on our table this morning; over three hundred nominations and four or five treaties are pending before us, and you say, forsooth, that because you cannot make us do what *you* want, and make us disorganize the Senate and then reorganize it to suit your purposes, you will not do anything but scold and abuse us. I am not going to make any attack upon the motives of Senators; I shall attend to these things when I go before my own constituents or the people elsewhere; nor do I intend to say anything that may get me into a personal controversy on this floor. When the distinguished statesman and soldier from Rhode Island [Mr. BURNSIDE] marched to the front the other day and announced that statements or intimations which had been made must stop, that they were false, false, false, I knew it was time to be very careful.

Mr. SHERMAN. The Senator will allow me to ask him a question in the line of parliamentary inquiry not for the purpose of controversy.

Mr. BECK. Very well.

Mr. SHERMAN. I will ask the Senator whether he thinks any party is justified in resorting to dilatory proceedings in the ordinary course of legislative business merely to defeat a measure or to prevent the majority from passing a measure, an ordinary bill for instance?

Mr. BECK. I will answer the Senator. If any party believe—and I am not now going to express my belief as to the pending proposition—that a great wrong is to be perpetrated or that the course the other party desire them to pursue is detrimental to the public good, then they have a right to resort to dilatory motions. I resorted to them in the House of Representatives, I remember, once for nearly forty-eight hours to prevent the passage of the force bill. I thought that course was right because I was seeking to prevent the passage of what I regarded as a bad and dangerous law. Now what our motives for resorting to dilatory motions, if you call them dilatory motions at the present time, are, is for ourselves. We are responsible only to our constituents.

Mr. SHERMAN. I will ask another question. Then the Senator, I understand, admits that ordinarily it would not be right to resort to dilatory motions by a minority, but that for extraordinary reasons, as in the case of the force bill——

Mr. BECK. I will answer in this way: whether it is right or wrong is for the Senator himself who casts his vote to determine; and if he is within the rules, it is neither right nor courteous, in my judgment, for Senators on the other side to say that he is seeking to revolutionize the Government or that he is guilty of treason for voting as the rules of the Senate allow him to vote, or for making propositions authorized by the rules.

Mr. SHERMAN. One more question. I should like to ask the Senator whether he does not know as a matter of parliamentary law that it is within the power of any fifteen Senators here to prevent the passage of any bill, any measure that may be deemed proper to be passed by the majority?

Mr. BECK. In answer to that I would say that I do know that it is within the power of any eight Senators when only a quorum is present, the one-fifth of a quorum, one-fifth of the members present by calling the yeas and nays and resorting to dilatory motions, to prevent the passage of any measure; and we have avowed, for good or bad reasons, that is our business, that we intend to prevent you from disorganizing the Senate and reorganizing it as your caucus has ordered; if we are wrong in so doing we are responsible for that wrong. Is that a satisfactory answer?

Mr. SHERMAN. Just one more question, and I am done.

Mr. BECK. Let me answer more fully, if the Senator pleases. It is because I know that you cannot consummate your purposes without our aid, and because I know the distinguished Senator from Ohio knows that; and as we have avowed it, and taken the responsibility of it, that I have been amazed at the course of gentlemen on the other side who are responsible for the legislation of the country, whose President has sent us over three hundred nominations, who says that he cannot see to it that the laws are faithfully executed unless he is allowed to have his nominations confirmed. The fact that gentlemen on the other side do not go into executive session and consider that business amazes us. They will not consider these nominations; they block the wheels of government and prevent the President from seeing that the laws are properly executed. This, I repeat, is amazing to me and, I hope I may be pardoned for saying, seems silly in the extreme.

I have seen spoilt children refuse to eat bread and butter because they could not get sugar on it; I have seen them whine and cry over it and declare they would never eat the bread and butter, that they would starve first. You gentlemen know the nominations are all of your own party friends; all the places belong to you; every appointment that is made is made perhaps at the suggestion of the Senator from Ohio or other Senators on that side. No democrat is appointed. None so far as I know has been recommended by any of us. Why is it that you will not accomplish all that you need substantially, get as I said all the bread and butter—for it is all yours, none of it is ours—why is it that you persist in behaving, if I may be allowed to say it, like spoiled children and will not take the substantial good as freely offered unless you can get sugar and all?

Mr. SHERMAN. Now I want to ask another question. I have asked two, and I have got answers. I wish to see if I understand the answers. I asked the Senator from Kentucky whether he thought it was right to resort to dilatory motions by a minority on an ordinary matter of legislation, and he said no.

Mr. BECK. I have not said no; I beg pardon.

Mr. SHERMAN. Let me go on. He says no; that the minority have the power to determine whether the case is extraordinary. Then I ask him whether a minority of fifteen may not in this way stop the wheels of government and prevent the passage of any measure? He says yes, and a minority of eight might do it, but they must determine the occasion for it. Now, let me ask him the other question whether when a minority does make the determination to take this course that is not revolutionary, tending to revolution, and if carried out compels the majority to abandon its purpose to pass a law or do whatever it desires to do.

Mr. BECK. Mr. President, I do not regard anything as revolutionary that is done within the rules of the Senate. Doing nothing only leaves things as they are. If a Senator, or a number of Senators, so trifle with their constituents and with the general legislation of the country as to show that they intend to block the wheels of government, or intend to consummate any fraud, or to do any corrupt act, or have any bad motive in their conduct, then we assume that their constituents have sense enough to keep them at home and send better men to fill their places. If the Senator from Ohio thinks that our conduct in this regard is of such a character as that, he and his party will take great pains to expose our bad conduct to our constituents, and either have men of his party sent to fill the places we now occupy, or induce our constituents to send better men of our party to fill our places. We have taken the responsibility of this; we avow it. No harm can come from non-action. We have said to you from the beginning, we will proceed to the consideration of executive business; we will enable the President to see that the laws are faithfully executed; we will fill your Supreme and circuit courts, indeed all the great offices, with your party friends. While in power under the last administration or under this, although there was hardly a man of our party that I know of who sought to obtain office under either of them, we have never sought to block the wheels of government, we never sought to delay or embarrass the President in filling any of his appointments. All the embarrassment that he has had

has been from his own party friends. Our past conduct is the highest evidence that we intend nothing revolutionary or dangerous in our present action, and it is absurd to charge that we do.

We have never cared about your personal or political quarrels and squabbles among yourselves; we have never inquired whether the appointment of one man or another would aid this particular statesman or politician, call him what you will, or that particular politician. We have cared nothing about the personal wranglings of the Senators on the other side. We have pursued the policy that Mr. Jefferson said should alone be pursued, to simply ask the question, is the man whom the President has nominated honest, is he faithful, is he capable; and if so we have sustained the republican President. We may have differed with him, of course, and that we propose to do whenever he sends us men who lack the qualities we demand in public officials.

All we have been asking you to do is to sustain the President you yourselves elected, to sustain the administration for which you are responsible. In all matters necessary to carry on the Government, all that the President has called us together for, all that made this executive session necessary or possible, you have found us in the forefront ready to stand by you in everything, and we will to the end. But you deliberately abandon that duty and try to do what you admit never was done before from the foundation of the Government to the present time, except in a solitary instance in 1853 when it was done to get clear of an officer against whom charges were made. As the honorable Senator from Ohio [Mr. SHERMAN] well knows, for he was a member of that remarkable Congress in 1861, when men were there who were suspected of disloyalty and charged with it, even they were allowed to remain, and the officers of the Senate during all that executive session were retained because the traditions of the Government were against their removal in executive session, and they remained until the session was called in July.

When you ask us to abandon all these traditions, to leave all the public business untouched, to disregard the pending treaties, to pay no attention to public interests or to allow the offices to be filled that are necessary to carry on the Government, *we* for reasons satisfactory to ourselves decline to follow you; and we refuse to obey the orders your caucus have put upon *you*, for many of you do not like this work very much yourselves, in my opinion. There ought to be a becoming modesty, let me suggest to Senators on the other side. As I said a little while ago, I am going to be very careful. After what I heard the other day from the Senator from Rhode Island, I cannot afford to get into a fight, and if I did, and should happen to shoot one of the gentlemen on the other side, I would be guilty of high treason by breaking up the constitutional majority of the Senate. Then you would all have to give up your committee-rooms and clerks, and abandon your resolutions. I would be worse than Benedict Arnold or Aaron Burr or any other sinner in the estimation of these gentlemen after they had lost all they filibustered so long and vigorously to obtain. *I am not going to do it*, and I hope no gentleman on this side will attempt it; but it would seem to me that when the Senate is equally divided, when you know that if every man you have was present you have only thirty-eight, while thirty-nine is a quorum of the Senate, there can of course be no constitutional majority that is not a constitutional quorum, it is absurd to say that there can, you know that without our positive help and vote you cannot carry out or pass these resolutions at all; and when you know, furthermore, as the Senator from Ohio has just said——

Mr. HOAR. May I ask the Senator a question?

Mr. BECK. I would rather not now.

Mr. HOAR. On this point?

Mr. BECK. The Senator from Ohio is dealing with me now and I am trying to convert him if I can. He is worth converting. I cannot convert the Senator from Massachusetts, he knows that; but there is hope for the Senator from Ohio.

Mr. HOAR. If the Senator declines——

Mr. BECK. I cannot convert you, but I mean to be perfectly respectful. I beg the Senator's pardon and I will answer him any question he may ask if I can.

Mr. HOAR. I do not propose to have any question of courtesy with the Senator from Kentucky.

Mr. BECK. Not at all, and I yield.

Mr. HOAR. I understand that the question whether I am courteous to any Senator depends entirely on the respect I have for my own character and I suppose that is the understanding of the Senator from Kentucky. I do not desire to be discourteous to him.

Mr. BECK. I know that.

Mr. HOAR. I propose courteously to ask leave to put a question. The Senator says that he will not aid in doing this, that, or the other. Does the Senator understand that it is aiding to do an act against which he votes, against which he speaks, which he opposes by all the methods prescribed in the Constitution? We do not ask the Senator to aid us to elect Mr. A B or Mr. C D. We only ask that when the Senate, as the Constitution prescribes, voting either by a majority of Senators or by an equal number with the Vice-President, vote that that business shall be done, he shall not keep moving to adjourn and calling the yeas and nays and taking up the time preventing the Senate's action in expressing its opinion and will. Now the question which I desire to ask the Senator is indicated by the point: Does he think he and his associates corrrectly use the phrase "aiding in doing an act" when of course if they vote upon my colleague's resolution they will vote against it, and if they speak on my colleague's resolution they will speak against it?

Mr. BECK. We have endeavored to meet the proposition of the Senator from Massachusetts by other parliamentary propositions. The Chair has decided that each proposition we have made was in order, and we expect to make no propositions that are not in order. If they are in order they are of equal dignity with the proposition made by the Senator from Massachusetts, and have precedence under the rules over the proposition that he makes. Having precedence over his proposition and we having seen fit to make them, we certainly cannot be guilty of revolution or treason or anything else by antagonizing that proposition with other proper parliamentary propositions, as we have done and propose to continue to do.

But the other view that I was taking in answering the Senator from Ohio was, that if we were to behave as badly as it was admitted in the closing hours or days of the last session of Congress the distinguished gentlemen on the other side behaved when they folded their arms and refused to vote at all, which they claimed was their constitutional right, and they did not seem to think they were guilty of either revolution or treason, although Congress was expiring and all the nominations would fail forever so far as that Congress was concerned—if we were to pursue that course, which we have not pursued, if we were to follow that example, then your thirty-eight, as I was endeavoring to show, would not be a constitutional quorum, and the Vice-President not being a Senator could not help you, and without a constitutional quorum there could be no constitutional majority. I did not say we were going to pursue that course, but we have the same power to do it that gentlemen on the other side had at the close of the last session of Congress.

Mr. BLAIR. May I ask the Senator a question?

Mr. BECK. If you will allow me to make a remark first I will then yield.

Mr. BLAIR. It is a question for information.

Mr. BECK. I will answer the question of the Senator from New Hampshire, and before any other Senator rises I will announce in advance that I shall not answer any other Senator, because I expected to have taken my seat long ago. I did not rise to make a speech, only to protest against this continual scolding. The Senator from Ohio in a very good-natured way asked me certain questions, which I have endeavored to answer as fairly as I knew how. Now I will answer your question.

Mr. BLAIR. Mine is rather one in reference to the proper construction of the rules than anything else, and I ask it of the Senator from Kentucky, as an old parliamentarian, as I would ask it of a Senator from my own side of the House if one were now speaking. It seems to be assumed in the remarks of the honorable Senator from Vermont [Mr. MORRILL] and in the remarks of various other Senators, that the operations of the Government, so far as the progress of business in the Senate is concerned, are at the mercy of one-fifth of the number of Senators present, there being a quorum present; and therefore there being only a quorum, they are at the mercy of a minority of eight, who can call the yeas and nays. The point which I raise and in regard to which I ask information is this: Whether really upon the principle asserted by the Senators upon the other side, and in conformity to it, in the transaction of public business here now, the Senate is not at the mercy of any single member, any one member who chooses to alternate with these dilatory motions and to ask a vote? I understand that any single member has a right to make a dilatory motion, (that we see illustrated every day,) and the vote is taken in accordance with his motion. It takes one-fifth of the number present to require the yeas and nays; but the alternation of motions and taking the result by a division or by a *viva voce* vote vests in each individual by virtue of his membership of the Senate. It is perfectly plain, if my impression is correct, and I ask the honorable Senator for his upon that subject, that, upon the theory under which the minority are acting at the present time, a minority of one can indefinitely, can forever, destroy the power of the Senate to transact business. The alternation would come with a little more frequency; that is all the difference there would be between a case where a single individual insists upon making these motions and taking a *viva voce* vote or a vote by a division and where the voting is done by yeas and nays. I ask the Senator, then, if it is not as possible under the rules for one man to clog the wheels of government and to destroy the existence of this nation under its present Constitution, as much under the power of one individual to do it as of one-fifth of a quorum, or of any number greater or less than a quorum; and if he feels justified in doing it, cannot that one man break up the Government?

Mr. BECK. I think the Senator will find when he looks at the RECORD that he has made nearly as long a speech as I have. Really I hardly know how to answer his question except to say that whenever a quorum is not present no business can be transacted, and the only way to develop a quorum, if the Presiding Officer should declare that a majority had carried a motion, would be by calling the yeas and nays. It takes one-fifth of those present to call the yeas and nays; but if there is no quorum voting and one man objects to the matter being declared carried because there is no quorum, and the Presiding Officer declares there is no quorum voting, that one man can do just as well as the one-fifth of the members present.

Mr. BLAIR. The Senator, I see, does not understand my question. I made it perhaps so long as to confuse him.

Mr. BECK. I confess that is true.

Mr. BLAIR. The question is whether one single man who may conceive it to be his duty cannot alternate these dilatory motions perpetually, and so destroy the Government, the vote not being taken by yeas and nays, but *viva voce*?

Mr. BECK. I do not suppose that is possible, and if it is so it is one of the improbable things that never happens. But there is this about it: whatever rights any Senator has under the rules it can neither be treasonable nor revolutionary to exercise those rights. Therefore, until the rules are changed——

Mr. BLAIR. The Senator will bear me out, I have not charged anything like treason or revolution in the conduct of Senators on the other side.

Mr. BECK. I am glad to hear that.

Mr. BLAIR. I think the question whether conduct is treasonable or revolutionary depends upon the character of the measure which they advocate or oppose, the motive with which they do it, and the probable consequences.

Mr. BECK. That is precisely right.

Mr. BLAIR. That is my view in regard to it, although I am sorry to disagree with abler men than myself upon my own side of the Chamber. But conceiving it to be his duty to do precisely what the entire minority are doing at present, cannot one single man, by alternating these dilatory motions and asking for a *viva voce* vote, absolutely prevent any business whatever from being transacted by the Senate for all time to come, provided he lives so long and remains a member?

Mr. BECK. Perhaps he can.

Mr. BLAIR. I wish the Senator's opinion upon that as a parliamentary question, for I do not think that these speeches on our side that we are at the mercy of one-fifth of a quorum really represent the entire truth in the matter. I am a new member and I should like the opinion of the Senator as a very old parliamentarian in both branches of Congress as to whether I am correct in my view of the rules.

Mr. BECK. I will leave some of the better parliamentarians to answer that. It is a thing that has never happened and I think never will happen.

Mr. BLAIR. If the Senator cannot answer the question, I will ask somebody else some time who perhaps may know.

Mr. BECK. I do not like to confess, but the truth is, as the majority on this side of the Senate and perhaps on the other know, the Senator could hardly have put a parliamentary question to a Senator who knows less about parliamentary rules than I do.

Mr. BLAIR. I certainly cannot agree with the Senator.

Mr. BECK. I never go into those questions.

Mr. BLAIR. Although not an old member I have been reasonably closely observing of the character and qualifications of those with whom I have come in contact, and I thought the Senator from Kentucky knew more about this than any other member of the Senate, so that I am not to be shaken in my opinion by the fact that he does not answer this particular question.

Mr. BECK. The Senator from New Hampshire stated, and stated very well, that whether our conduct was revolutionary or otherwise depended very much upon the character of legislation that the party was seeking to oppose, very much upon the motive with which they oppose it, and of course the responsibility for their act falls upon the persons who do oppose any proposition. When interrupted I was proceeding to say (and that is about all I desire to say in addition to what I have said) that it is a conceded fact in this struggle that it is not necessary to remove the present officers of the Senate and to install others in their places for the purpose of transacting public business. It is a conceded fact on all sides that the Senate is now fully and efficiently organized; the committees are organized; every part of the machinery of the Senate is in its proper place, and all of the officers are competent and faithful and are performing their duties well. Therefore we are not by opposing the resolution of the Senator from Massachusetts obstructing any public business, and therein we are not guilty of any revolutionary act. As to our motives in doing it, we have avowed that that responsibility must fall upon ourselves; but we insist that we are obstructing no public business; there is no necessity—the country know it, if you do not admit it—for doing what you are attempting to do; we are willing to go on with what is known and acknowledged to be necessary. Furthermore, I will say that you all know that you can now go into executive session, if you like, refer all the executive nominations to committees, pass upon such as there is no objection to, let the nominees who are here suspended go home and attend to their business, give their bonds, get their commissions, and go to work; that done, you can come back here into open session and carry on this wrangle just as efficiently as you are doing now, if you think it wise or politic to do it. It is absolutely silly for you to continue to go on as you have been doing.

That is what amazes me, why intelligent gentlemen charged with the responsibility of important public business, when they know they cannot do what they are trying to do here, when they have tried it for a month and are forced to admit that they cannot do it, do not do what they know they can do, what they know is important to be done, instead of seeking to do what they admit is not important, and for doing which the country will be no better off if they carry it out, because we have tried and faithful men in these places now. If the purpose is simply to let the people see how stubborn, how ugly, how mean, if you like, we are, they understand all that now, and no amount of ding-dong or scolding will make it any stronger or make them understand it any better; you are simply exposing yourselves by keeping up this farce any longer. The people of the country understand all these things perfectly; they believe that you have controversies and bickerings among yourselves about nominations, that you do not care to take the responsibility of exposing. I do not know whether you have or not; I am not in the confidence of the other side.

Mr. SHERMAN. Why not, then, test it by acting on the pending resolution, and in ten minutes you can develop the differences?

Mr. BECK. You may try it again when you have done the public work. Then you can come back and we will argue with you as long as you like, and stay with you all summer if you want to. In the mean time we will help you with the necessary public business. Why do you not go into executive session?

Mr. SHERMAN. There is the question; because we represent the majority of the Senate, which is the Senate, and the question now between the Senator from Kentucky and me is this: Shall the minority of the Senate, a confessed minority on this question, dictate to the majority the order of business? If they may do that, if they may dictate the order of business, they may defeat any measure, they may revolutionize the Senate and take from it the power of good or evil in the Government.

Mr. BECK. The Senator knows as well as I do that sometimes men are careless about voting, but whenever it comes to a test vote *there is a tie every time*, and it does not require the intervention of the Vice-President merely because we make affirmative propositions relative to executive sessions and other things.

Mr. SHERMAN. The reason of that is—the Senator knows it as well as I—that the Senator from Illinois [Mr. DAVIS] announced his purpose to vote to go into executive session, but he also announced his purpose to vote against any motion that would tend to prevent speedy and prompt action on the pending resolution. We ought not to deceive ourselves about that.

Mr. BECK. The Senator from Illinois has a written pair in which he votes "yea" on all questions on going into executive session.

Mr. SHERMAN. I understand.

Mr. BECK. On which he votes "nay" on all questions relative to this resolution, but does not vote at all on questions of adjournment. That is his pair. So we stand a tie on the question at issue, and I was about to add having only a tie and having the Senate held as it is, thirty-nine of us voted for General Hancock for President of the United States, while only thirty-seven gentlemen on the other side voted for the present President; and you have a Senator—I am not impeaching his title now—you have a Senator with you representing the State of Louisiana in which the body assuming to be the Legislature that sent him here is unknown on the statute-books of that State except by the single act of sending him here, and the governor (so called)—I believe he is now consul to Liverpool—who signed his credentials is unknown to the State of Louisiana except in that single act. So we are near enough a tie to have at least a good deal of feeling, leaving out of sight the Senator from Virginia, [Mr. MAHONE,] that there is not much right in the other side to announce with such emphasis any very well pronounced, *well obtained* majority. It seems to me that when, under these circumstances, we seek to proceed with the public business, it would be very well if the gentlemen on the other side would consider the importance of doing it instead of crying out revolution and treason. They fail to convince the country by such clap-trap.

I have carefully avoided discussing any of the questions about the South. She has representatives here now of her own, thank God; I was in the other House when she did not have them. I picked up a paper this morning, the New York World, and I was glad to read this; it is only a few lines of editorial matter:

> Texas by Senator COKE invited the North yesterday to "break the solid South by kindness and statesmanship." Maine by Senator FRYE and Massachusetts by Senator DAWES invite the South to remain "solid" by vituperation, insolence, and barefaced slander. With whom do the business men of the United States think it safest to intrust the future of this country?

That editorial puts the question in a very pertinent way; perhaps there is language in it which I would not use on this floor; but the country is disgusted in my judgment with this attempt to revive the old bloody-shirt quarrel. The people are caring but little about what took place ten years ago; they want to know what we propose to do hereafter. Look at the production of the crops in the South; look at the freedom from debt; look at the diminution of taxation; see what has happened in the last five or six years and compare the condition of the Southern States with the days of carpet-bag rule; and there is not a man in the world who will not admit that they have greatly improved their condition under democratic rule, and if they are let alone will improve day by day. The interest of all classes, races, and conditions of men are safest in the hands of those most interested in the peace and prosperity of the States in which they live.

Statements were read here the other day which went so far as to say that the State of Kentucky had repudiated some of her debt, about

three millions of it. The distinguished Senator from Ohio was kind enough to come to my seat and call my attention to the statement, and to say that he thought that was a mistake. That has been exposed by the Louisville Courier-Journal. *It was a mistake.* Kentucky has paid her debts always. She owes nothing, has a surplus, is ready to take up her few outstanding bonds whenever the holders will allow her to take them up at 6 per cent.—there are very few of them outstanding. *We have no tissue ballots*, we stand up and vote *viva voce*, every man votes, black and white, who is twenty-one years of age and has been one year in his county or two years in the State and sixty days in his precinct; and no man was ever dismissed from his position or questioned in consequence of his color or because of his vote. I have had my own house servant wait all day at the polls until I came there so he could have the pleasure of casting his vote to kill mine, but I never thought of calling him to account for it, and so it is with all of us. We have a full vote and a fair count. We have our troubles and peculiarities of course; our men fight and quarrel and do a great many bad things. That is our business. I have never taken any pains, and do not intend in this body, to defend the State against any aspersions that may be made against it. Other States have their peculiar troubles; their people do as bad things as we do, much worse in other regards. That is their business.

The business before us as Senators, that for which we are called together in executive session, is to aid the President in seeing that the laws are faithfully executed and in seeing that the treaties made in accordance with the Constitution are duly acted upon. We propose to do that every day and nearly every hour, and we are not going to be diverted from that legitimate purpose, in my opinion, by any proposition to take up any outside matter.

I beg the Senate's pardon for having spoken so long.

Mr. BURNSIDE. Mr. President——

Mr. SHERMAN. Will the Senator allow me a few words before he proceeds?

Mr. BURNSIDE. Yes, sir.

Mr. SHERMAN. Mr. President, I do not intend to engage in any discussion, because I think the debate is exhausted. The propositions really pending in the Senate are so few and simple, and they have been so frequently stated, that it is scarcely worth while to say anything more, and I thought nothing would tempt me to reply even to some remarks that were made during my absence; but as the Senator from Kentucky [Mr. BECK] has stated the issue broadly, clearly, and distinctly, I will give him my view of the case as he presents it.

He says, if I understand him correctly, that the minority on that side of the Chamber have made up their minds deliberately that they will not allow this Senate to vote upon the resolution which is now pending. That they have made up their mind to do. They say they will prevent it by resorting to dilatory motions, by resorting to every device authorized by parliamentary law. I say that they are not justified in this opposition, that this is clearly indefensible unless there is some extraordinary reason, some reason involving great morality, some reason involving the safety of the country, some extraordinary reason which would justify extraordinary measures. I understood the Senator from Delaware [Mr. BAYARD] in the debate the other day to admit that these dilatory tactics may be carried on to a certain extent justifiably to give the minority a chance, but that they had no right to resort to them to defeat the will of the majority unless for some grave and strong reasons, and he told us he would give us in the remarks he made reasons that in his judgment would justify the minority in taking that course. I did not think the reasons that he gave were sufficient; but now the Senator from Kentucky abandons the position taken by the Senator from Delaware and says that they intend upon the case now before them to prevent the majority from having a vote on the resolution. I say that is revolutionary. I know that these tactics of delay have been resorted to by parties in all the history of the Government; but there never has been a time in the history of the Senate of the United States when this position has been taken before. I have inquired and looked into it. Never before did a minority or any number of Senators say to the Senate "You shall not have a vote on that pending proposition this session, or next session, or for some indefinite period." Therefore this proceeding is new. There have been times when dilatory motions have been made to create a little delay for a day or two or three or four days. The longest perhaps was the action at the beginning of this session when the republicans felt justified in order to have a full membership in resorting to dilatory motions for something like two weeks. That was a great stretch of the power to make these dilatory motions. The case has occurred three times in the history of this Government when in the Senate resort was had to the course of Senators refusing to vote in order to prevent a quorum or prevent a result, but in every case it was rebuked.

I do not say anything against Senators for adopting these tactics, because all of us probably may do it for a time; but this is the first time in the history of the American Senate when it has been distinctly proclaimed by a minority of this body, shown to be a minority on successive votes, that they will not allow the majority to have a vote on a pending proposition. If this can be resorted to with a very large minority, if it can be resorted to even in a case where the minority is but one less than the majority, it may be resorted to by a minority of eight, and if that becomes the principle of parliamentary law which governs the Senate we shall be compelled to change our rules; we shall be compelled to adopt the usages of our fathers; we shall be compelled to do what the House of Commons did to defeat dilatory motions in a recent case; we shall be compelled to do to a certain extent what the House of Representatives has been compelled to do, resort to changes of our rules and to various expedients to give the majority control over the business of the Senate. I say the announcement of that purpose and practice upon it will enable a minority of eight, which is a sufficient number to order the yeas and nays when a bare quorum is present, to revolutionize our rules and compel the Senate from sheer necessity to change its rules, and it is not a wise thing to do.

Now, sir, whatever may be the feelings of Senators in regard to the officers here, and I can appreciate them, I say they are not justified, they are not justified in good policy, they are not justified according to the usages of the Senate, they are not justified in good morals in resorting to these revolutionary expedients for so small an object. If they believed the safety of the country was involved, if they believed that a great crime was about to be committed, some extraordinary event was to occur which authorized them to resort to these expedients, they might be justified each man in his own conscience. But they cannot say that. All the pretenses that these gentlemen have given and all their long speeches are perfectly idle. The whole proceeding is based on the fact that the Senator from Virginia [Mr. MAHONE] who comes here announces his purpose to vote with us, and I never knew of it until he made his announcement here on this floor to the Senator from Georgia, [Mr. HILL.] No one felt sure at all about the course that he might pursue. But because that Senator chose to take his present course, to give that as a reason for this extraordinary action is perfectly idle. Such things have been done over and over again. The Senator from Massachusetts (Mr. Sumner) did it; the Senator from Wisconsin (Mr. Doolittle) did it; I have seen more than twenty Senators on this floor entirely disappoint their political friends and go out and vote against the majority.

Why, sir, the course of my friend from Georgia, [Mr. BROWN]—and I speak of it with the greatest kindness—to whose election men of my political faith heartily contributed, even his course in this debate has disappointed us; but do we say anything unkind of him? On the contrary, we treat him with the highest respect. So every Senator must have the right of independence always; it ought to be cultivated in the Senate; it ought to be nourished and cherished. When one man comes out from his party and takes any course upon any vote showing an independence of character, that ought to be cultivated and encouraged in the Senate if nowhere else. This body was intended to be a body of independent men. Therefore the adoption of such a rule as the Senator from Kentucky has promulgated does revolutionize this body, gives a small minority a dangerous power, and will compel the Senate if enforced, in time, to change its rules when it can.

Mr. HARRIS. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. HARRIS. Is it the purpose of the Senator from Ohio to vote for the resolution that declares Riddleberger Sergeant-at-Arms of the Senate if we reach that resolution?

Mr. SHERMAN. It is undoubtedly.

Mr. HARRIS. Then is Riddleberger the independent choice of the Senator from Ohio for that particular office over all the life-long republicans and Union soldiers who would like to have that office?

Mr. SHERMAN. No, sir.

Mr. HARRIS. He is not?

Mr. SHERMAN. No, sir. If I had the right to choose the officers of the Senate, I might not choose either of the men that have been nominated or those that are now occupying the places; and I am inclined to think that if the Senate will go back to the early period of the history of this body they will find that the officers of the Senate were as a rule men of a little higher grade than we are presented with now.

Mr. HARRIS. Then we are——

Mr. SHERMAN. Let me answer the question. I vote for Mr. Riddleberger because I am informed that he is an honorable and able man, a man of influence in his State, a man of good character, good standing, who has been a good soldier in a bad cause and none the less worthy for that if he believed it was a good cause. I shall vote for him because it is believed by the majority of my political friends that he is the best man to perform the duties of the office, and I am glad to say I have not heard a single Senator on that side of the House say one word against his character, one word against his qualifications, one word against his fitness to perform the humble duties of Sergeant-at-Arms of the Senate.

Mr. HARRIS. If I understand the Senator from Ohio aright, he does not propose to practice that independence of voting upon this floor that he lauds in others and recommends to others.

Mr. SHERMAN. I do intend——

Mr. HARRIS. Mr. Riddleberger is not his choice; yet he has resolved to vote for him.

Mr. SHERMAN. Mr. President, in all matters (and no one knows it better than my friend from Tennessee) where certain persons are called upon to nominate a candidate for a political party, sometimes a man's choice is not always obtained. We know that, and as a matter of course we vote with our party unless there is some good reason given why we should not; and what reason, I would ask the Senator

from Tennessee, does he give why I should not vote for Mr. Riddleberger. Does he want me to refuse to vote for him because he was a confederate soldier? Is that the reason, I should like to know? I ask the Senator from Tennessee.

Mr. HARRIS. I beg the Senator's pardon. I was diverted and I did not hear his question.

Mr. SHERMAN. What reason can he give why I should not vote for Mr. Riddleberger? Is he not a man of honor, a man of character, a man of ability, a man able to discharge the duties of this office?

Mr. HARRIS. The only reason I can assign is that he is not the choice of the Senator from Ohio, and the honorable Senator from Ohio preaches a doctrine, which I think is sound, that every Senator should vote his honest convictions of duty and his honest judgment on this floor and not be controlled by others.

Mr. SHERMAN. I will ask my friend if he voted for Horace Greeley for President?

Mr. HARRIS. My impression is that I did as a choice of evils; I took the lesser evil.

Mr. SHERMAN. That shows that in the selection of candidates as a matter of course the minority in every political party must give way, provided the man selected is a man of character, a man of standing, fit for the office; and if these gentlemen can give any reason why we should not vote for Riddleberger I might answer the question of the Senator from Tennessee differently; but now what are the reasons that are given? First, he was a confederate soldier. Well, most of you on that side of the House have been confederate soldiers.

Mr. HARRIS. The Senator will pardon me. If I understand the history of Mr. Riddleberger, I think he is distinguished for three things. He was the leader of a confederate cavalry company, and is said to have been a gallant and daring leader. I honor him for having followed his convictions of duty wheresoever they may have led. He has been more recently distinguished as a leader of the readjuster party. I have not gone sufficiently into the details of that question in Virginia to know for myself exactly what it means; but it is generally understood to have been a repudiation party. He has been more recently distinguished as a Hancock elector for the State at large in Virginia. Now, exactly what motive could have controlled the republican Senators on this floor to nominate Riddleberger, with that record, for the high position of Sergeant-at-Arms of the Senate, when they had tens of thousands of life-long republicans and wounded Union soldiers who would have gladly accepted the position, is what we cannot very well understand, and I supposed the Senator from Ohio could enlighten us if he would. I am eager for information on that subject.

Mr. SHERMAN. Mr. President, the Senator from Tennessee did not give the reasons why I will vote for Mr. Riddleberger. The reasons that he gives are such as might have induced him to vote for Riddleberger; but the reasons why I shall vote for Riddleberger are very different. I do not object to him because he was a confederate soldier; because whenever a confederate soldier will act in harmony with the constitutional amendments which have been adopted, will seek to carry them out in good faith, I welcome him into the republican fold at all times. I do not object to him so much because of his being a readjuster. I do not know much difference——

Mr. HARRIS. Will the Senator allow me to ask a question right here as to whether or not Riddleberger has come into the republican fold?

Mr. SHERMAN. I do not yield now; I will submit to any question in a moment. I do not object to him and would not vote for him because of his connection with the readjusters; on the contrary that is somewhat of an objection to him; but the difference between a debt-payer, according to the Virginia plan, and a readjuster is so narrow and vague that I cannot see very much distinction between them; both consent to the repudiation, as I think, of a large portion of the debt of the Old Dominion of Virginia. Nor do I object to him so much, nor do I vote for him because he voted for Hancock; he voted for Hancock, it is true, upon an independent platform different from what is called the Bourborn democratic platform. But the reason I vote for him is that Mr. Riddleberger in published discourses and in letters that have been read to you here, has openly proclaimed his purpose to stand by those in Virginia who are determined to see that elections are fairly and honestly conducted, that there shall be a fair election and a fair count; that every citizen of Virginia entitled by their laws to a vote shall have the right to vote, and that no obstructive law like an unjust poll tax shall be thrust in the face of the voter to prevent him from voting; that people shall not be disfranchised by local expedients of this kind. It is because Mr. Riddleberger taking his seat by Mr. MAHONE proclaims his independence of that democracy which has made a solid South, therefore an enemy to the institutions of the country, because in my judgment any party that binds together in one mass a section on sectional grounds and sectional issues is an enemy to this country, and the greatest act of friendship I can do or that republicans can do or that we hope to do or expect to do is to break up that grim specter which haunts American politics and will haunt it as long as "the solid South" based upon confederate issues and the leaders of whom are all men who have yet expressed no regret for the past and no hearty willingness to acquiesce in the amendments and the logical results of the amendments. That is the reason I vote for Mr. Riddleberger. Why should I not? There is the question. If you would debate the character or merits of these gentlemen, that would be very proper; but when you go beyond that and tell us that although you are in a minority you have made up your minds that we shall not have a vote on that resolution, you do precisely what has been done in every revolution in Mexico or South America; it is a case of the minority refusing the majority the right to rule. You say and you very properly say——

Mr. HILL, of Georgia. Will the Senator from Ohio allow me to ask a question?

Mr. SHERMAN. Oh! no; not now, if you please. You have said in your arguments publicly, some of which I have read and many of which I have heard, that this is not a government of majorities. That is true; but it is a government of constitutional majorities. In this Senate the power is with the majority of Senators from equal and from unequal States, equal in point of political power and very unequal in wealth, population, and numbers; it is the major number of Senators here that constitutes the majority. So with the electoral college; it is not a majority of voters that counts, but the majority of the electors.

Mr. HARRIS. Does the Senator claim that the republicans have a majority of Senators on this floor?

Mr. SHERMAN. I claim that on this question we have the majority of Senators. But what difference does it make? Does not the Constitution, which is the highest law, which you have sworn to support, say that whenever there is a tie the Vice-President shall cast a vote, and is not his vote there just as constitutional as yours, though you are conceded to be the able Senator from the State of Tennessee? You should not palter or hang upon fractions; this Government does not rest upon fractions. The makers of the Constitution have guarded against these dangers by an equal division of power everywhere. They have provided in every case for the tie, and in this case it is provided for. And, sir, whenever you who have not got the advantage of the vote of the Vice-President say we shall not vote on this resolution, you do what is revolutionary, because if that principle is carried to its logical sequence a very small minority of this body may break up the Senate and disorganize it, compel it to abandon all the rules and usages that have made it a body of free debate without limit or restraint, and compel the adoption of restraints and limits. That is all there was in the controversy between the Senator from Kentucky and me. He asked with a good deal of force, "As we do not intend to let you have a vote on this resolution why do you not go on with other business?" I do not know what the majority of the Senate may be compelled to do, but I say that what you have done when you compel us to think of what we shall do endangers our Government, revives the habit of the Mexican and South American republics, revives again the example that you set in 1861 when because Abraham Lincoln was elected President you started a war to break up the Government.

It is on the acquiescence of the minority in the will of the majority that all free governments rest; and if the urn though it may disclose a thousand votes cast shows a majority of but one in favor of the winning side, that acquiescence should always be hearty. So it has been always. In the State of Massachusetts—Senators may think it strange—a democratic governor was once elected by one vote and was counted in. So here although our majority is small it seems to me it would have been better for you, wiser for you, and according to the constitutional rules to have allowed that majority to have had its way and then to have denounced that majority for anything you chose to denounce them for.

But now, forsooth, the Senator from Kentucky says the minority has made up its mind what it will do; it has taken its ground; it says "you shall not do it because we can prevent it." Then he says "you may denounce us." Ah, that is putting the cart before the horse. The minority has no right to say what shall be brought up in this body; it has no constitutional power to regulate the order of business. You yielded that when you yielded the committees of this body; you gave to the republicans the power of managing the machinery of this body. Why should we have the committees if we have not the power to say what shall be brought up and what shall not be brought up?

No, gentlemen, whatever may come of this contest, I believe it will be the judgment of every reader of history, of every lawyer in the land, of every patriot who understands both sides of the question, that the democrats in this controversy have taken a wrong issue, that they are not justified in resorting to these extraordinary measures on such a petty matter as this, and that will be the opinion of the country, I judge.

Whatever may be the result of this contest I do not propose to go into the question now or at any time about the payment of the debts of the State. I am having prepared and will in due time perhaps, if I think it worth while, submit to the Senate a full and accurate statement of what every State has done in respect to its public debt. I do not choose to characterize what has been done. I have no doubt that both parties have participated in the measures. I do not see why that matter should be lugged in here as a matter of controversy. I have some papers here which show that the statement made by the Senator from West Virginia [Mr. CAMDEN] the other day is controverted in many important particulars, also some in reply to the Senator from Tennessee, [Mr. HARRIS,] but I do not care to go into them because the action of the several States in regard to their pub-

lic debts has nothing to do with this controversy. Whatever else may be said, each State must regulate its internal affairs to suit itself. If a State chooses to repudiate it is first its fault, and then it is its misfortune.

When I said the other day that no republican State had ever repudiated, my friend from Missouri, [Mr. VEST,] replying to me, found at last that Minnesota had repudiated some three or four millions of bonds according to what he said, and the Senator from Minnesota [Mr. MCMILLAN] denied it. Well, Minnesota had better have paid those three millions of bonds five times over as she can now do, rather than have that reproach thrown in her face, and I trust she will do it and settle the matter. I know there was a controversy about it, and I understood also as a matter of history that those bonds were issued by a democratic legislature and under a democratic government. Is not that so? [Addressing Mr. MCMILLAN.]

Mr. MCMILLAN. Yes.

Mr. SHERMAN. Therefore the origin of these bonds commenced with a democratic assembly and when the State was democratic. Afterward when the State became republican the question came up in the courts, and the courts held that the bonds were illegally issued.

Mr. MCMILLAN. No.

Mr. SHERMAN. They did not? Then the republicans who were at that time in power failed to respond to the decision of the court and failed to provide for the payment of the bonds, and in that they did wrong. My impression always had been that the republicans never had anything to do with it; but when they failed to pay the bonds which the supreme court of that State decided were valid they did wrong, but I have no doubt they will correct it, and they ought to correct it.

The Senator from Tennessee the other day said that Tennessee had not repudiated at all. Neither has it, and I hope under his leadership it will make a good compromise with its creditors; but what it did do was this: it refused to pay the interest year in and year out——

Mr. HARRIS. The word "failed" would be a better word than the word "refused."

Mr. SHERMAN. It failed; you cannot draw nice distinctions; and the people of Tennessee do not pay, I am told, more than about one-third as much taxes as many of the Northern States pay. Whether that is so or not, they failed to levy taxes, and that is an act of repudiation, and it is a practical refusal. But it is not necessary for me to go into these matters.

Now in regard to Kentucky, the table of Mr. Porter was wrong. The very moment I glanced at it I knew it, because the people of Kentucky had always been careful of the honor of their State and had always paid their debts, and I knew that fact very well. It had paid off $3,000,000; but in the statement the amount of the debt in 1860 was given and then the amount in 1880 was given, and it was found that the debt of Kentucky was $3,000,000 less at one time than at another, and therefore it was put among those States that had scaled their debts, but Kentucky had scaled her debt in the way it ought to have been scaled, by actual payment, and therefore Kentucky ought not to have been included in that list.

Mr. HARRIS. Does the Senator from Ohio allude to that newspaper statement of Mr. Porter, referring to Mr. Porter as an officer of the Census Bureau?

Mr. SHERMAN. Yes.

Mr. HARRIS. Seeking to give that article a semi-official character so as to give it a higher degree of authenticity than it could otherwise have had, and without exception as to Kentucky or the injustice that that statement did any State in the Union.

Mr. SHERMAN. All I said about that was that it was written by Mr. Porter, who had charge of the returns in regard to the State debts in the Census Office, and I said that ten States of the South had either repudiated or failed to pay the interest on their debt, and I omitted Kentucky; and on account of the very fact that I saw Kentucky on that list I went to the Senator from Kentucky and asked him how Kentucky could appear in that list, and he said it was a mistake, and I admitted it. Indeed, on that list, if Senators will look, there are thirteen States. I took ten that I knew of as a matter of general history, among the rest Tennessee, a State that failed to provide for its interest.

Now, Mr. President, these are all collateral matters; they have nothing to do with this debate. Indeed this question of repudiation has nothing to do with the Senate. We have no power over the States, and any State that palters with its public faith will always in the end suffer. I would rather that Mr. Riddleberger and all the candidates we are called upon to vote for had in some respects been different from what they are; but until we hear from Senators on the other side that Mr. Riddleberger is not an honorable man, a brave soldier in what I think was a bad cause, what they think was a good one, a man who is now willing to do justice to white and black in the South and is willing to stand by the Senator from Virginia in his course of independence, I will stand by him and vote for him with the greatest pleasure, but with no desire at all to do an injustice to the incumbents, to whom I would in accordance with the usages and customs of the Senate give the usual amount of pay, because that seems to have been the course time out of mind when such changes have been made.

There was another thing the Senator from Kentucky said, which I think he will fail to make good; he said that there was some suspicion when the war broke out that the then officers of the Senate sympathized with the South or were taking part with the South. I understood him to say that. That was not so, if I remember aright.

Mr. BECK. I understood that that was the fact; or at least it was so supposed.

Mr. SHERMAN. As soon as I mention the name, the Senator will see that it was not so.

Mr. BECK. It is so long ago I cannot verify anything about them.

Mr. SHERMAN. Mr. Asbury Dickins, who had held the office of Secretary of the Senate I think for about twenty-five years at that time, through many different administrations, was Secretary of the Senate when I became a member of this body. No one proposed to remove him until he became disabled wholly by physical infirmities only a short time before his death. Then we elected at the subsequent regular session of Congress a Secretary of the Senate in his place, and Mr. Dickins would not have been turned out by any Senator, nor was his position on the southern question or on the question of the war then coming up ever doubted by any man whatever. I believe he was considered a very patriotic man. The name of the then Sergeant-at-Arms I do not now recall, but my impression is he was in the same condition. There was no question at all as to their fitness; there was no question at all as to their fidelity to the Government; and at that time no doubt there was little desire to turn out Mr. Dickins, and even afterward, nearly a year afterward, when Colonel Forney was elected Secretary, it was only after full and ample provision had been made for Mr. Dickins, with his consent, that the change was made.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island was entitled to the floor and gave way to the Senator from Ohio.

Mr. BURNSIDE. Mr. President, I want to say to the Senator from Kentucky that I do not think he did me exact justice in the remarks he made this morning with reference to what I said the other day. In the first place he stated that I walked down to the front, evidently trying to give the impression that I went there with a view of giving more emphasis to what I was going to say. Now, I have never since I have been in the Senate left my seat when I desired to speak. On that day I happened to be in the seat of my colleague [Mr. ANTHONY] or that of the Senator from Vermont [Mr. EDMUNDS] alongside of it—I forget which—and I spoke from that place where I was, and did not move down to the front.

He says also that I said this thing must stop. Now, I want to read to him what I did say. I was referring to the charges made on that side of the Chamber in reference to a corrupt bargain on this side, and the Senator says I said this thing must stop; now let me read to the Senate exactly what I did say. Speaking of the Senator from South Carolina [Mr. BUTLER] I said:

> My friend knows the high regard I have for him. There is no man in the Senate Chamber for whom I have a higher personal regard on either side than I have for the Senator; but I do say this thing ought to stop. I do not say it must stop because I cannot stop it, but I say it ought to stop; that in all decency, in all propriety, in all honesty, in all fair dealing, the thing ought to stop.

The Senator from Kentucky, I am sure, will not hesitate to take back that part of his speech. Now, I want to go further.

Mr. BECK. Let me say one word. In the remarks I made about the Senator from Rhode Island, I want him to understand that whatever he says is the fact about what he said, I accept absolutely. Really what I did say about him was more casual than otherwise this morning, and he knows in no ill temper; I have too much respect for him for that.

Mr. BURNSIDE. I know that. I know the Senator from Kentucky would not do me any harm; but I am very anxious to do away with any impression which may have been made upon the mind of the Senator from Kentucky or anybody else that it is my disposition to get into an altercation in this Senate Chamber. It is my disposition to treat every Senator with due courtesy; and if in my inexperience in debate I depart from that I am always ready, and I hope I shall be always found ready, to make any amends; but in this case I made no such demand, in fact I distinctly avowed that I could not stop it.

The Senator spoke, to be sure, in a jocular way with reference to the danger that he might be shot, or something of that kind, in connection with his remarks about me. I am perfectly willing the Senator shall indulge in any jocose remarks in reference to me whenever he likes; I know they are always in good temper; but I want to say to him and I want to say to the Senate that it has never crossed my mind for one moment to charge upon any Senator upon this floor any personal dishonor or any personal bad intent toward me or any member on this side. All my remarks in debate were made in reference to general charges made on the other side of the Chamber. I desired on that day to give in the most emphatic way possible a denial to the charge which had been made or insinuated upon that side, that there was a corrupt bargain on this side, and I desired to make the denial just as emphatic as the charge had been made, and I desired to impress on the country and on my constituents that that was an incorrect and false charge.

It was very far from my mind, as far as anything could be, to impute personal untruthfulness to anybody on that side of the Chamber, much less the Senator from South Carolina, [Mr. BUTLER,] with whom

my relations have been always of the most friendly nature, peculiarly so; and I would be the last man on this floor to impute to him any personal dishonor or any personal untruthfulness. Anybody, no matter who he is, anywhere in this country, who draws any other inference from what I then said, draws a wrong inference, and I do not think he is borne out by the language I used. My language was emphatic, and I intended it to be so; I meant it to be so. I was replying to a general charge made on that side of the Chamber; and unfortunately for the Senator from South Carolina and myself, who are such good friends and who had never been in collision in debate before, we happened to be the two Senators to meet. It would have been as unfortunate in the case of any other Senator, because I have no disposition to get into an altercation with any Senator on that side of the Chamber or on this. When I want to bulldoze anybody, I will not take any Senator on either side of this Chamber; I cannot put my mind on any Senator on either side of the Chamber who would submit to it.

Another thing: when I want to make a personal imputation, I will go to the Senator or the man, whoever he is, and tell him personally that I do not think he is speaking the truth; or that I think he is making a false charge. I did not mean to create any such impression in anybody's mind; but if I did it, I hope it will be removed.

Mr. BUTLER. Mr. President, I am quite sure, without the disclaimer on the part of the Senator from Rhode Island, that he did not intend to impute any dishonorable conduct to me. I understood him to say that he was denouncing the charge generally and making no personal application of his remarks to me. My relations with that Senator have always been friendly and kind; I know his kindness of heart is so pronounced that he is incapable of making a reflection of that kind on a brother Senator. I am happy to hear that he has said it publicly, and I accept it of course in the spirit in which he has made it, and I am sure, as far as I am concerned, that our former relations have not been disturbed in the slightest.

Mr. BECK. Mr. President, if I did make a little blunder this morning in making any suggestion about the Senator from Rhode Island, I think that the feelings expressed by himself and the Senator from South Carolina have fully vindicated any blunder I may have made by the restoration of entire harmony.

Mr. JONAS. Mr. President, as I stated yesterday I heard that full information was on the way to me in regard to the outrages said to have been committed upon the gray-headed individual alluded to by the Senator from Massachusetts, [Mr. DAWES,] which outrages he had first located in Mississippi and afterward transferred to Louisiana; I received this morning a long and full dispatch which I will read to the Senate:

NEW ORLEANS, LOUISIANA, *April* 21, 1881.

Hon. B. F. JONAS, *United States Senate, Washington, D. C.:*

Immediately on receipt of the Boston Advertiser's account of the statement of Charles Heath, formerly of Caldwell Parish, the Democrat dispatched a special representative to the spot to investigate and to report the facts and truth of said statement. The following is a special dispatch just received from him:

COLUMBIA, LOUISIANA, *April* 20, *via Monroe, April* 21.

[Special to the New Orleans Democrat.]

In accordance with your instructions to gather all the facts concerning the burning of Heath's place last December, the political feeling in the parish, and other matters bearing on his recent publication, I have fully investigated the matter. The result of my labors is summed up in the statements appended, from District Judge Bridger, ex-Judge Caldwell, a prominent republican, District Attorney Wear, and other leading citizens. I furnish the Democrat what they say over their own signatures in place of any report of my own. The facts as given by Judge Bridger:

COLUMBIA, LOUISIANA, *April* 20.

In accordance with the request of the Democrat's representative for information as to the truth of the publication made by Charles Heath concerning the burning of his property in this parish on the night of the 25th of December, 1880, I will state that Charles Heath owns no property in this parish and that he never has owned any. His brother, Edward Heath, owns a plantation in this parish situated in ward No. 7 ten miles below Columbia. The property was given in and assessed last fall in the name of Edward Heath, being given in as two hundred and sixty acres of land and valued, including all buildings thereon, at $2,500; value of horses, mares, mules, neat cattle, &c., $565; cash value of all carriages, wagons, and vehicles of all kinds, $75; cash value of all merchandise, of stock in trade, $400; making the total appraised value of Edward Heath's property in this parish $3,540, which was a liberal and fair appraisement.

I will pause here to call the attention of the Senate to the fact that last fall before the fire, while this plantation had all the improvements upon it, while the buildings, the cotton-gin, the saw-mill, were yet unburnt, and while the mules and implements of husbandry were yet upon the soil, while the goods were yet in the stores, the whole of this property was appraised at $3,500. Mr. Heath in his statement, as repeated by the Senator from Massachusetts, says that the value of this property was $25,000. He says moreover that his property comprised between nine hundred and one thousand acres of land. This evidence shows that the plantation comprised but two hundred and sixty acres of land. These are two small and trivial variations in the statement made by Mr. Charles Heath, and indorsed by the Senator, from the facts as furnished by the official records in the parish of Caldwell!

Charles Heath usually visited the place and managed it for his brother. He was never on the place more than three or four months during each year. The place was generally leased to or worked on shares by colored laborers. The land of the principal white land-owners in the ward is worked by colored persons. There are about one hundred colored voters in the ward and twenty white voters. At the last election the vote stood, democrats 12, republicans 64. Faulkner's and Blanks's plantations in the ward are five times larger and worth five times as much. Neither one of them has resided on their places since the close of the war; they have been leased or cultivated by colored laborers—

Here I call the attention of the Senate to the fact that all of the largest plantations in that parish, all plantations in the neighborhood, owned by old settlers and old citizens, are and have been cultivated since the war by colored laborers without the supervision of white overseers or white owners, exactly as Mr. Heath says he cultivated his plantation, and for doing which he says he was opposed, molested, and persecuted by his neighbors—

cultivated by colored laborers on the share system the same as Heath's, and in a majority of years there was no white manager or white man on the places. Sizemore has not resided on his place for two years, and it has been cultivated by colored laborers for several years. Haas's plantation was worked on the same system. During all this time I never heard of any objection or complaint against the system or plan of managing these places, and there never was any trouble or outrage perpetrated in the ward. The colored people in the ward sometimes have personal difficulties between themselves. Mr. Heath nor no one else in the ward was ever threatened or molested in consequence of the management of their plantations. It is on account of its location rather isolated from the remainder of the parish, there being but few whites in it. It is controlled by the colored population in it. The ward is represented in the police jury by a colored man who is also a member of the parish school board; the justice of the peace and constable are both colored. The statement of Charles Heath in relation to the alleged troubles and the causes are false. In the first place, every one in this parish manages his property or plantation to suit himself, and I have never heard any objection or protest to their so doing. It is a fact that plantations are leased in various parts of the parish to colored laborers with not a single white man upon them, and I have never heard of an objection or difficulty in consequence thereof. The plantation belonging to the P. R. Smith heirs, in Ward No. 1, being worth six times the value of the Heath place and in the finest section of the parish, is now and has been for years leased and controlled entirely by colored people, there not being a white man on the place. Mr. Heath's gin and mill was burned on the night of the 25th of December, 1880. Heath says the burning of the property was not alluded to in the papers.

You will remember that I stated that it could not be possible that the fire had not been mentioned in any paper in the State of Louisiana.

The Columbia (Louisiana) Herald of the 31st of December, 1880, contains the following:

"FIRES.—On Sunday night last, the 26th, the Heath gin-house and store burned to the ground. This gin was constructed in New Orleans and brought to Mr. Heath's place, about nine miles below Columbia. It was run by steam, and was insured, but for what amount we are unable to say."

There having been several fires recently in the parish, and all the buildings burned being insured, I determined to have the matter investigated. Our district court met on the first Monday in January, and in my charge to the grand jury I called their attention to these facts and instructed them to investigate the matter fully. I directed their special attention to the Heath burning, and directed them to investigate the affair. The following is an extract from the report of the grand jury at that term:

[Extract from the grand jury report, January term, 1881.]

"That they have made special inquiry into the burning of the gin and mill of Heath, situated on Long Lake plantation, and find it the general opinion of persons residing in the vicinity of the said plantation that the burning was the work of an incendiary but find no clue to the perpetrator of the act."

It is reported that the property destroyed was fully covered by insurance. I have conversed with an eye-witness of the burning the Heath gin and the circumstances attending it, and am fully convinced that the property was burned to obtain the insurance-money. The foreman of the jury informed me that while they could not get sufficient evidence to authorize them to find a bill, yet he was fully persuaded and convinced in his own mind that the property was burned to obtain the insurance-money. This is the general opinion of those in the parish who are acquainted with the facts. Indeed I think evidence has been obtained sufficient to justify the grand jury at the July term in finding a bill. Our jurors are disposed to perform their duties regardless of persons, as two convictions for arson were made at the January term. There are mortgages on record against Heath's property in this parish to the amount of $11,283.27. I learn, but cannot say that it is true, that the property burned was insured for $4,000. The appraisers appointed and sworn to fix its value since the fire, with a view of collecting the insurance, inform me that they fixed its value at $1,400. Heath says he has 1,000 acres valued at, including buildings, $25,000. His assessment shows two hundred and sixty acres valued at, including buildings, $2,500. He intimates that he had a large stock at the time of the fire. The appraisement, cash value, of the merchandise or stock in trade was $400; and I am informed by the sheriff and others familiar with his business that he never had a large stock on hand, and at the time of the fire the stock was much smaller. His statements are totally false and a slander on the people of our parish. With the exception of an occasional personal difficulty among the colored people themselves in the ward, and larceny cases, there has been no outrage or crime committed in the ward. With the exception of larceny, it is a peaceable and law-abiding ward, and the colored people in the ward, except those who live and deal with Heath, are prosperous and happy and are making money; those who work and deal with Heath are in debt and do not seem to prosper like those who have not had dealings with him.

I have not seen the publication made by Heath, and am therefore only in possession of such charges as you have communicated.

R. D. BRIDGER,
Judge of the Fourth Judicial District.

I will here take occasion to say that I have known Judge R. D. Bridger for twenty-five years. He was a classmate of mine in the law university. He has always maintained the highest character as a citizen and has filled nearly every position of honor and usefulness that could be conferred upon him by his people.

CONCURRENCE OF LEADING CITIZENS.

We, the undersigned, indorse and concur in the statement of Hon. R. D. Bridger above, except his statement in regard to a conversation had by him with an eye witness, we not hearing the same.

J. E. BARRY,
Justice of the Peace.
S. H. GILBERT,
Attorney at Law.
J. C. HINES,
Clerk and ex officio Recorder.
EMILE GIROD,
Sheriff and ex officio Tax Collector for the Parish of Caldwell.
R. B. BLANKS, *Merchant.*

STATEMENT OF JUDGE CALDWELL.

COLUMBIA, *April* 20, 1881.

Judge Caldwell is a republican. I have known him since we were both very young men. He was born and raised in this very parish, and has lived all of his life there and in the adjoining parish of Onachita. He was a Union man during the late war, and has been a stanch republican ever since. He is a man of education and talent, and is respected by the people among whom he has always lived.

I am a republican; have been so since the close of the war; was born in this parish in 1830; am a lawyer; voted for Grant twice; was parish judge of Ouachita Parish, Louisiana, from 1870 to 1873, under appointment of Governor Warmoth; became a resident of Caldwell Parish, Louisiana, in the month of September, 1878; settled in Columbia and knew the place owned by Mr. Heath. There has been no more quiet parish in politics than Caldwell Parish. Everything for years past has been conducted on amicable principles, so far as politics are involved. Every man in this parish can freely speak his political sentiments without fear of molestation. No man's property is endangered on account of his political feelings.

ROBT. J. CALDWELL.

WHAT DISTRICT ATTORNEY WEAR SAYS.

District attorney Wear is mentioned in the communication of Mr. Heath.

COLUMBIA, LOUISIANA, *April* 20, 1881.

I have seen what purports to be the statement of Charles Heath relative to the burning of the property of Edward Heath, situated in this parish, together with the treatment of colored laborers in said parish of Caldwell. From my intimate knowledge of the people in the parish of Caldwell, in which the property destroyed was situated, I am constrained to say that the statements of Mr. Charles Heath are altogether untrue and without foundation in fact.

Very respectfully,

GEO. WEAR,
District Attorney Fourth District of Louisiana.

Upon receipt of special dispatches from Caldwell Parish yesterday, the editor of the Democrat waited upon Edward Heath, esq., and presented the dispatches for his examination with the offer to publish simultaneously such explanations as Mr. Heath desired to make after reading the report carefully.

Edward Heath is the brother residing in New Orleans, in whose name the title of the property is held.

He said that Charles Heath's statement was in the main correct; that they had been badly treated by individuals in Caldwell Parish, and regretted ever owning property there. When asked to state the nature of their complaints specifically, he said that Heath & Gould acquired the property for debt about 1867; were advised that people opposed plantations being worked by negroes without a white man on the place; they employed a white overseer, who managed badly, discharged him and employed another white overseer. Their first troubles then commenced, the mules were stolen, and the overseer said he was afraid to follow them. Heath says he suspected the overseer of knowledge and complicity, and discharged him. Charles Heath went there to arrange with colored men to work the place. A mule was shot, and one night a colored man named Harris, from New Orleans, was shot in the arm. A number of citizens came next morning and expressed sympathy for Harris and regret for the act, but the Heaths believe it was on account of opposition to negroes working the lands.

Which in fact seems to have been the custom with all their neighbors in the parish, and had been since the war.

Gould and himself visited Warmoth while the latter was governor, and demanded protection. Gould claimed to be a democrat, therefore he ought not to be ill-treated. Gould told Warmoth he was a damned good democrat. All the satisfaction he got was that Warmoth told Gould if he was a damned good democrat he ought to be killed. Heath declares that these events occurred during 1867, 1868, 1869, and 1870. The next occurrence was seven or eight years ago; the gin was burned. In reply to a question if the burning was attributed to politics, he admitted that Charles Heath had loaned the gin to Gould to gin his cotton. Gould left the place in charge of negroes, who failed to oil the machinery and set the gin on fire accidentally. When asked to designate the next cause of complaint, he said: three or four years ago Nathan Davis had his cotton ginned by Charles Heath, who refused to deliver it until paid for; this caused trouble and Davis made threats of violence. This was reported to Governor Nicholls, who did not see any cause to interfere. There was no further trouble until the gin and store were burned, December 25, last year. When asked if he attributed the burning to politics, Mr. Heath declared he could not say so. He intimated that he suspected Davis but had no proofs.

In reply to the question how there was a mortgage for $11,000 on property assessed at $2,500, Mr. Heath said he became embarrassed last year, and got an extension from his creditors. He gave them a mortgage on all his property in Louisiana. That is matter for his creditors. As to the value of the two hundred and sixty acres of land, he said it was worth from ten to twenty dollars per acre, but he would sell out for $10. Estimating his land at $15 per acre, or $5 more than he will sell for, the land would be worth $3,900. He has been paid full value for the improvements destroyed. The question arises where he is loser. The agent of the insurance company states that the gin was insured for $2,250, cotton $150, store $1,800; total insurance, $4,200. The property had not been insured for several years. About two months before the burning, short policies for four and six months were taken by Edward Heath. The company, not satisfied with the appearance of things, sent an adjuster to Caldwell Parish; there was an investigation by the grand jury, and suspicions, but no proofs of foul play were developed. He believed the stock was overinsured, and found that a new gin could be built for $1,900, but finally compromised with Heath for $3,325.—*New Orleans Democrat.*

These, Mr. President, are the facts, facts obtained from the parish in which it has pleased the honorable Senator at last to locate his pretended outrage. Such in my belief would have turned out to have been the facts had he located the outrage or similar outrages in other portions of the South on similar testimony. The great fault that the Senator has made is to have located his outrage at all. He should have left it an unassigned and an unlocated and an unpatented outrage floating about somewhere in the South; left it as he left it the other day when he attributed it to Mississippi, and when, in answer to the challenge of the Senator from Mississippi, he declined to say what the name of the party was, where his property was located, what his property was, when it was burnt, where it was burnt, how it was burnt, or to give any particulars whatever. I submit, Mr. President, that he had better have left this case in a similar condition. Then his statement could not have been riddled by contradiction as it has been.

Mr. President, as is well known, the people of Louisiana, who are now entering upon a career of great prosperity, desired above all things an influx of white emigration. They welcome it; so far from meeting the emigrants coldly, so far from molesting or interfering with them, they welcome them, as I have had occasion to say before on this floor, and now repeat again, with open arms. They would welcome a million of them, even if they all came from Massachusetts, or Vermont, or Connecticut, or Rhode Island, no matter if they were all republicans in politics. They would welcome them to their neighborhoods, welcome them to their society, welcome them to the use of their property, welcome them to the enjoyment of every right which they themselves possess, and rejoice in the prosperity that should result from this emigration to our beautiful State. But, Mr. President, if we do not get this emigration, if the people of Massachusetts and Connecticut and Rhode Island and the East are kept away from us, they are kept away by such malicious and calumnious slanders as those to which I am now responding, which might of themselves perhaps fall harmless, but which repeated on this floor day after day by the honorable Senator from Massachusetts [Mr. DAWES] and the honorable Senator from Maine, [Mr. FRYE,] made part of their remarks, stamped with their approval, and franked by them to their constituents, may well alarm those constituents, who have been in the habit of placing confidence in their utterances, and cause them to refrain from risking their lives and fortunes by emigrating to this rich, fruitful, and peaceful but misrepresented land.

However powerful the influence of the honorable Senator from Massachusetts may be, however gladly the people of his State may follow his advice and accept his statements, I do not find that such wild statements as this of Mr. Heath which he indorsed without investigation, without examination, when it was in many particulars directly the opposite of what he had stated on this floor, apparently from personal communication with Mr. Heath—I do not find, I say, that all the papers and all the people of Massachusetts seem to accept the statement even with his indorsement. I have in my hands the Boston Journal, which I believe is a republican paper. I will ask the honorable Senator if it is not a republican paper. With the exception of the article which I am about to read, its editorials are devoted to denouncing the Bourbon democrats in the Senate for the course they are at present pursuing, with a brief laudation of the speech made by the Senator from Maine [Mr. FRYE] a few days ago. This paper (which the Senator admits to be a republican journal) says:

A FEW QUERIES FOR MR. CHARLES HEATH.

The story which Mr. Charles Heath, of Malden, communicated to the public yesterday through the columns of the Advertiser had the appearance of being a carefully prepared statement; and it is safe to assume that Mr. Heath, being a shrewd and intelligent man of business, would not have published it without being prepared to verify the assertions made in it, and to answer such inquiries as were pretty sure to be suggested by it. Events of so disagreeable a character as those which he narrates must have made a pretty deep impression upon his mind, and it is with some disappointment that we find his statement, which cannot be complained of on the score of length, somewhat deficient as to definiteness of dates. There occur to us some points of interest in connection with the narrative which appear to have been overlooked by Mr. Heath, but concerning which he may be willing to enlighten the public.

When Mr. Heath's case was referred to by Mr. DAWES in the Senate it was stated that his employés had been murdered, that he had had to put iron shutters on the houses of his workmen to provide for their safety at night, and that when he departed he had left behind him three or four hundred men and their families, who would have to seek a livelihood elsewhere. In Mr. Heath's narrative we miss the episode of the iron shutters; we find that none of his employés were murdered, though one was wounded; and we find that he left behind him but eleven families, and these cannot be in a wholly desperate condition, as they are now paying rent. Will Mr. Heath tell us whether, when he told his story in Washington, he put into it some details which he omitted in his narrative in the Advertiser?

Mr. Heath places his first difficulties, the assault upon the negro Harris, &c., as occurring "along in 1877 or 1878." These dates are noticeably vague; but will Mr. Heath tell us what congressional investigating committee was taking evidence in Louisiana after these dates, and at whose summons Harris appeared to testify of his wrongs?

Mr. Heath took the story of his grievances to Governor Warmoth, and he gives a report of his conversation with the governor. Is Mr. Heath quite sure that it was Governor Warmoth to whom he went? And if so, will he explain how it was that he happened to go to a man whose term of office as governor had expired at least four years before the alleged grievances occurred?

Is Mr. Heath positive that the wrongs of which he was the victim had a political motive, or were directed against him simply as a northerner? Does not his own narrative assert that his white neighbors were as ready to shoot each other as to shoot him? Were there any business quarrels or difficulties which might furnish an explanation for the assaults?

Mr. Heath's property was consumed on Christmas night. What are his reasons, precisely, for thinking that the fire was of incendiary origin, and that white men set it for the purpose of cleaning him out? How does he account for the subsidence of persecutions from the first date, "along in 1877 or 1878" to Christmas, 1880?

Finally, has Mr. Heath any recollection of telling to his friends at the North a story essentially the same as that just published, except as to the burning of his property, quite a number of years ago—say ten or a dozen; and that his story, as then told, included the shooting of Harris, and the note of warning with its special selection of "old Gould"—although he places these episodes now no further back than "along in 1877 or 1878?"

These are a few queries which we desire to submit to Mr. Heath's consideration, in the hope of clearing up some points in his narrative which seem to us obscure, and of relieving certain ambiguities of date. Let Mr. Heath refresh his memory, and elucidate the matters to which we solicit his attention.

I will only remark that it is strange that these difficulties did not present themselves to the mind of the honorable Senator from Massachusetts. He did not, like the editor of the Boston Journal, find discrepancies between what Mr. Heath had told him in Washington or elsewhere and what Mr. Heath published in the Boston Advertiser,

but hastened to indorse what he intimated Mr. Heath had told him in private conversation fastening his charges upon Mississippi; and when Mr. Heath changed the field and changed his account in the narration published in the Boston Advertiser, he with equal alacrity adopted that, made it part of his remarks, gave it full indorsement, and submitted it to the Senate and to the people of the country.

Mr. DAWES. The Senator from Louisiana I suppose has an impression that the statements which have been made by him will be accepted as the truth about the affair which happened in Caldwell Parish. I have nothing to say upon the question whether he will be disappointed or not. So far as the Senator has alluded to me, he seems to desire to make the impression that I was disingenuous and undertook to locate the transaction in the State of Mississippi for the purposes of the then debate when I had some reason to suppose that it never transpired in Mississippi, and he has been kind enough to intimate that I would be likely to move it to some other State, and that the great mistake in me was that I located it at all. All those insinuations from the Senator from Louisiana I do not deign to take any notice of; the Senator is welcome to all he can make by them.

The Senate records will show that I stated frankly to the Senate at the time I made the first statement that I held in my hand, furnished me by one of my colleagues in the other House in whom I had confidence, a piece of paper upon which was written the place where this thing transpired; and when I learned that it was a mistake, and the first moment that it came to my knowledge that instead of happening in Mississippi it happened the other side of the river in Louisiana, with the same piece of paper in my hand which I had previously presented to the Senator from Mississippi, (that I might assure him if he had any doubt, not knowing me very well, that I was entirely sincere,) I made the correction. I then said that I desired Mr. Heath's own statement to go upon the RECORD that he might answer for himself. I also stated then how much I knew about it, that these facts were communicated to me by my colleague in whom I had confidence and in whom I still have confidence; that this gentleman, with my colleague—I speak of my colleague in the other House, my colleague in the Senate did not know anything of it—had made an appointment to see me, but he was not able to keep it, having been obliged to leave on the cars, and I did not see him. So the Senator knew when he made the statement a moment ago that I had told the Senate I did not see this man at all.

The Senator, with the help of the Boston Journal, has been able to make some statements in reference to dates. I have not seen the Boston Advertiser of the same day, but there is a telegram in the papers this morning saying, I do not know how correctly, that the Boston Advertiser has corrected some typographical mistakes in the dates in the communication it previously published. Whether they are these or not I do not know; but it is perfectly apparent upon reading the paper that there was a mistake about dates. I do not know whether they relieve Mr. Heath or relieve the Senator.

After having stated the source of my information and put on record the statement of Mr. Heath himself, as I said when I put it upon the record, I transfer the controversy between the Senator from Louisiana and myself to Mr. Heath. I understand, what I was about to inquire of him from his further statement, that the Mr. Edward Heath of whom he spoke had been the partner of Mr. Charles Heath, Mr. Charles Heath transacting the business in Caldwell Parish, and it turns out now that at the present time the record title of the property carried on by this partnership is in Mr. Edward Heath. I understand Mr. Edward Heath—the Senator will correct me if I am mistaken—is a merchant in New Orleans and has been for twenty-five or thirty years, and that he was the military mayor of the city of New Orleans when it was taken possession of by our people.

Mr. JONAS. Will the Senator permit me to interrupt him?

Mr. DAWES. I may have been mistaken.

Mr. JONAS. He was not the mayor when the military took possession of the city, but he was appointed mayor by General Sheridan when he removed the civil officers and appointed military officers. He appointed him long after the war.

Mr. DAWES. Long after the war, when the real character of men was known, tried in the war and tried after the war, known more thoroughly than during the war, this gentleman was selected by General Sheridan and made mayor of the city. He is there now, a merchant of standing and character. Just before the Senator rose, I was called to yonder door by a gentleman I knew in the other House, who said he had done business for twenty years in New Orleans, up to within two years of this time, constantly with Mr. Edward Heath, the partner of Mr. Charles Heath, and he bore the amplest and the fullest testimony to his integrity of character in every respect. I do not know him. I give him and his brother, whose statement is on the record and who must abide by it, the benefit of this testimony along with that which I gave yesterday.

Having given the source of all the information I had, frankly and fully to the Senate, I leave the question to the Senator to settle with those two Messrs. Heath, with this additional remark: The Senator intimated yesterday that a certain judge in that parish had communicated the fact that he had not got testimony enough to indict the man yet, but he would have it before July, I think it was; and he has read a long communication from that judge, who proposes to try this man. I have only to say, that I thank God I do not live myself where I could be tried by such a judge. I can see some reason why it would be wise to keep out of the jurisdiction of such a man, however high his character may be considered to be among those with whom he lives. If a judge who proposes to try men accused of crime can, according to my notions of what becomes a judge, so far forget himself and his duty as to put himself upon record in the manner the Senator from Louisiana has been so anxious to put this judge, I only repeat, the Lord have mercy on me if I ever come before such a judge.

The Senator may make such comments as he pleases upon the statement of Mr. Heath or of the connection Mr. Heath has with the record title, or with the value of that title, or anything he pleases. Until he convicts me of a want of entire frankness with the Senate in communicating not only all the information I had but the sources from whence it came, I shall not trouble myself to reply to him any more.

Mr. JONAS. The Senator from Massachusetts did not have the manliness to come out and admit that the statements which he had made upon hearsay were unfounded, and that he had not the evidence to sustain them, or if he had (as he said he does now) remitted this question between this Mr. Heath and his brother and myself to my people to settle, there would have been no need for me to have taken the trouble which I have done to expose the utter falsity of nearly every statement made in the communication which he furnished to the Senate. I was called upon to notice it because the Senator has spread it before the country, because he sought to introduce it into the Senate and into political discussion, because he sought, not to right the wrongs of Mr. Heath, if he has suffered any, but to blacken the reputation of Louisiana and her citizens before the American Senate and the American people.

The honorable Senator says that he has treated this matter with entire frankness; that there is nothing he has stated which has not been borne out. I will only occupy one moment in calling attention to the Senator's remarks, made on the 1st of April, which produced this whole discussion and this investigation:

Only the day before yesterday—

Said the Senator on April 1—

Only the day before yesterday there passed through this city on his way to the North, in which he could enjoy his own convictions, a venerable gray-headed man, who, trusting to these words that he had but to know the people of Mississippi better in order to love them more, took his capital, took his wife and his children and his energy and his hope and his future, thirteen years ago, down into the Senator's State to build up a home, to build up a business, and enlarge the opportunities of men in that State to earn a livelihood and to better their condition and to build for themselves homes and school-houses and churches and towns; and faithfully and industriously, and devoted exclusively to such a great undertaking as that, that old gray-headed man has labored and labored on, hoped on and hoped on, but he was persecuted until he was obliged to put iron shutters on the windows of the houses of his workmen that they might sleep in safety at night, his factories were burned, his employés were murdered, his enterprises were thwarted at every step; not even exercising what we at the North have a notion is an inalienable right, to assert our political principles wherever we are, not even doing that, never having entered a political meeting or cast a vote, but sternly standing by the faith of his fathers, which sooner than give up he would burn at the stake, he resolved that he would give up no conviction of his, political or otherwise, and in this struggle he has at last given over, and taking what little is left of that hopeless enterprise of his, and leaving three or four hundred men with their families whom he had employed these thirteen years to seek a livelihood elsewhere, or migrate to your State, sir, [Mr. INGALLS in the chair,] or to the State of the Senator from Indiana, or some other place, he has gone North, and the North will listen to him before they will ask the Senator from Mississippi to repeat again here his platitudes about North and South. Sir, this is not the only orator that comes North.

I had a right to suppose that in passing through Washington this gray-haired man had whispered his communication to the Senator. These charges which he makes now and which I have disproved to-day are not the charges that the Senator made here on this floor. Whatever of report has gone North, if it speaks trumpet-tongued to the people of the North, it is not because it is made by Mr. Heath, whose character I have shown up to-day, but because it is made by the honorable Senator from Massachusetts in his place, representing the people of a great Commonwealth and himself one of the leaders of a great party. It is he who slanders the people against whom these calumnies have been sent forth, not the humble instrument whom he indorses and whom he dignifies.

The honorable Senator thanks God that his lot is not cast and that he has not to live in the community in which this parish is located, and which is presided over by the honorable judge whose testimony I have read. I think without any disrespect to the Senator that after reading these speeches and this evidence and what the Senator has said to-day, those people will join the Senator in grateful thanks that his lot has not been cast among them, and that in the dispensations of a kind Providence no such misfortune awaits them.

Mr. BROWN. Mr. President, in my remarks made a few days since in this Chamber I was discussing the question of the propriety of our remaining here as we now do and preventing the passage of the resolution introduced by the Senator from Massachusetts. During those remarks I referred to the fact that having the impression we had about the transactions connected with the nomination of these officers we could not properly yield. I said we were willing to refer this question to the people and take their judgment as to whether we are right or the other side is right. I then referred to the fact that in my opinion a very large majority of the people sustained us; that the democratic press with great unanimity sustained us, and that the republican press was divided; that republican papers had said some very hard things about what has been called the contract

with Senator MAHONE. I did not affirm that there was any contract, but I stated what some republican papers had said; and I used one or two pretty strong expressions, I believe. The honorable Senator from Rhode Island [Mr. BURNSIDE] took issue upon my remarks, and while he agreed that some republican papers had found fault, he said in substance that they were changing their views and now approving the course of republican Senators; and he denied that any republican paper had spoken of it as a corrupt or improper contract or bargain, as I understood him. I have not the language before me, but that was it substantially.

Mr. BURNSIDE. Let me correct the Senator. I said unless he could name the papers I would make the denial; I had seen no such thing. I said I denied it unless he could name the papers; and he could not name the papers.

Mr. BROWN. The Senator is right. He asked me to name the paper——

Mr. BURNSIDE. The papers.

Mr. BROWN. And I said I was not able to do so at the time because I did not remember what paper had said it; but I was very sure I had seen it in what was called a republican paper; and then said I would try to look up the papers. That is the reason why I now trouble the Senate for a few moments. The Senate will bear me out when I say that it has not been my custom to introduce matters of this sort to go upon the record, and I do not care to make a practice of it; but under those circumstances I feel that I am justified, and not only justified but that it is my duty to do it in defense of the position which I took at that time, which I understand to be controverted.

I shall therefore send to the desk several extracts from papers, naming the paper in each case; and if any Senator on the floor denies that the paper named is a republican paper, especially if either of the Senators from the State deny it, then I will withdraw it, or I will have it read not as a republican paper; in other words, if I undertake to read from a paper that the republican Senators from the State will say is not a republican paper, I will leave it for the Senators and the paper to settle that question, and I will not urge it here as a republican authority in the teeth of a denial by a republican Senator that it is such, for I do not know myself that some of them are such, and I do not wish to do any injustice. The first I propose to read from is the Boston Herald.

Mr. BURNSIDE. The Boston Herald is an independent paper; that is not republican.

Mr. BROWN. Is it more republican or more democratic?

Mr. BURNSIDE. I should say it was rather more democratic. That is my opinion of it; the Senators from Massachusetts will know more particularly.

Mr. BROWN. I prefer that the Senators from Massachusetts should take issue that it is not a republican paper. If they choose to say it is not a republican paper, I have no objection.

Mr. HOAR. If the Senator appeals to me, I desire to say that this eking out of the debating capacity of Senators by bringing in here extracts from newspapers criticising the conduct of members of this body is so utterly repugnant and disgusting to my sense of decency that I am not going to wade into it by having any——

Mr. BROWN. I do not ask the opinion of the Senator from Massachusetts on that question.

Mr. HOAR. I state the reason for declining.

Mr. BROWN. I think the Senator's colleague has had some reading done; it was rather long and I believe a little expensive to him too. If I recollect correctly the honorable Senator from Massachusetts [Mr. HOAR] has had some extracts from newspapers read here. I may be mistaken; that is my recollection.

Mr. HOAR. Extracts from newspapers discussing the conduct of Senators or parties in the Senate, or members of the Senate? Never.

Mr. BROWN. I did not say what they were discussing. I have a right to read them in the line of the argument I am making, while you have the same right in any argument you may make. I have given the reasons to the Senate and to the country why I read these extracts, and I shall still claim that the Boston Herald is a republican paper until one of the Senators from Massachusetts denies that it is.

Mr. BURNSIDE. I deny it, Mr. President.

Mr. BROWN. I do not appeal to the Senator from Rhode Island on that question. I think the Senators from Massachusetts are better authority on that question, and with all due deference to the Senator from Rhode Island I prefer their opinion on the subject. If they say it is not a republican paper, I will of course not insist on it.

Mr. McMILLAN. If the Senator from Georgia will allow me, does he not propose to read here extracts from what he says are republican papers?

Mr. BROWN. That is just what I propose to do.

Mr. McMILLAN. In support of his statement the other day?

Mr. BROWN. I said if the republican Senators from the State stated that a paper from which an extract was taken is not a republican paper I would not read it, or if I did I would not read it as from a republican paper. I do not ask the Senators from other States to interfere with this matter. I am dealing just now with Massachusetts. If I should reach the State of the honorable Senator now on the floor, the State of Minnesota, I will then very cheerfully call on him.

Mr. McMILLAN. I was not referring to the particular extract about to be read; I was merely endeavoring to ascertain from the Senator from Georgia whether we are to understand when he reads an extract from a newspaper in support of his former position, that the republican papers were denouncing this side of the Chamber as being engaged in an attempt to carry out a corrupt bargain, he reads now from what he declares to be republican papers.

Mr. BROWN. Yes, sir, that is just what I propose.

Mr. McMILLAN. Very well; then we shall understand it.

Mr. BROWN. I said I was not sure in each case whether it was a republican paper; and as I was very anxious to do no injustice about it, I said if a republican Senator from the State would deny that it was a republican paper I would not read the extract, or if I did read it I would read it with the statement that it was not from a republican paper. The first I called on the list was the Boston Herald. The next is the Hartford Courant. I send the two extracts to the Clerk's desk and ask the Clerk to read them.

Mr. BURNSIDE. In regard to the extract from the Boston Herald I desire to state and to place on record that the Boston Herald is an independent paper, and if I had to give my opinion I would say that it is more democratic than republican. If the Senator now chooses, in view of what he announced, to have the extract read, I have no objection. If he thinks that is a proper way to conduct a discussion, I have nothing to say.

Mr. BROWN. Under the rule which I have laid down, with all due deference to the Senator from Rhode Island, I shall have the extract read unless one of the Senators from Massachusetts will say that it is not a republican paper.

Mr. BURNSIDE. The Senator from Georgia can lay down rules, and we can have our opinion as to the propriety of them.

Mr. BROWN. The rule I laid down was that I would take the opinion of a republican Senator from the State. When I reach Rhode Island I will ask the opinion of my honorable friend.

Mr. BURNSIDE. Then the Senator from Georgia is to be the autocrat of the Senate as to what shall be read. The Senator from Georgia stated distinctly that he would read extracts from republican papers.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The Senator from Georgia has the floor and cannot be interrupted without his consent.

Mr. BROWN. I have not misstated the case. I said that I did not know in each case whether it was a republican paper, and in any case if a republican Senator from the State where it was located would say it was not a republican paper, I would not have it read as an extract from a republican paper. Both the Senators from Massachusetts have declined to state that the Boston Herald is not a republican paper. I have not asked the Senator from Rhode Island whether it is; he can make his own comments about that, but the Senators from Massachusetts do not deny that it is a republican paper.

Mr. BURNSIDE. I do, Mr. President.

Mr. BROWN. You deny for them that which they will not deny for themselves.

Mr. BURNSIDE. There are twenty-five men right around me here all of whom think that I am right and that the Senator from Georgia is wrong.

Mr. BROWN. The Senator will permit me to say that that is outside of his State, and the Senators from the State had better make an issue in regard to that journal than other Senators not in the State. Let the extract be read.

The Chief Clerk read as follows:

[From the Boston Herald.]

WASHINGTON, *April* 13.

Another important matter particularly interesting to the Pacific coast is the ratification of the Chinese treaties. The commissioners returned last fall with a treaty restricting Chinese emigration, and another defining certain new commercial relations not previously existing between the countries. The former instrument will probably cause a somewhat extended debate, and may have to be recommitted for modification before it is acceptable to the Senate. It defines the class to be prohibited as laborers, and does not specify whether this shall be construed to include the skilled labor of artisans, such as cigar and boot and shoe makers, or not. Again, no mention is made of females, which is an oversight in the opinion of some Senators. The Californians are very desirous to have the matter settled before the summer emigration sets in. These are a few of the reasons urged why the dead-lock should be dissolved as soon as possible.

[From the Hartford Courant.]

There is apparently no reason why the democrats should abandon the course they have adopted in filibustering against the election of Clerk and Sergeant-at-Arms. Neither can they be said to be obstructing the regular business when they offer every day to go into executive session. If the struggle over the offices is to continue, it would certainly be wise to confine it to the usual hours of the daily session and not allow it to interfere with regular executive sessions. It is to be hoped that some such conclusion will be reached.

Mr. BURNSIDE. I did not hear the whole of the extract. I should like to ask the Senator from Georgia if that article charges any corrupt bargain?

Mr. BROWN. No, I do not think it does; but there are some more behind that have not been read. If the Senator will wait until I get through he may change his opinion.

Mr. BURNSIDE. I wish to make the point on that article that it contains no charge of a corrupt bargain, which proves that thus far I was right.

Mr. BROWN. I say I do not think that it does; but if we find some others as we go along that should, I may ask your opinion then about them and see whether we can agree.

Mr. BURNSIDE. Though it is immaterial whether the paper is republican or independent.

Mr. BROWN. I next send to the desk an extract from the American, of Philadelphia, which I understand to be a republican paper.

The Chief Clerk read as follows:

[From the American.]

The plain truth is that Mr. MAHONE was elected to the Senate by democrats and as a democrat, and never professed to be anything else until this debate. It is true that he needed and received some republican votes; but these were given him for a price, which was paid, and that bargain was closed. His faction of the party indorsed the nomination of General Hancock, and put before the people a list of electors pledged to vote for him. It is not so long since these very newspapers and Senators would have resented as slanderous the insinuation that they had any affiliation with Mr. MAHONE or he with them, and would have used language as strong as that employed in this debate by Senator HILL and other southerners.

Mr. BURNSIDE. Will the Senator allow me to ask him if the last extract read contains a charge of a corrupt bargain?

Mr. BROWN. I do not know that it does exactly; but it contains a charge that I think has something in it that looks a little wrong. I next send to the desk an extract from the Sacramento Record-Union, a paper published at Sacramento, California, an extract from the Denver Tribune, of Colorado, and one from the Portland Daily Oregonian, of Oregon.

The Chief Clerk read as follows:

[Sacramento Record-Union, (republican,) April 4.]

The whole Mahone business is productive of nothing but mischief. It has long been apparent that the republican Senators had made a fatal blunder in trafficking with the Virginia repudiator and turncoat. Had their purpose been in any way a respectable one the country might not have viewed the proceedings so severely, but when it is considered that all this humiliation and degradation has been incurred for the sake of fixing an indelible insult upon the republican party of California, not to speak of the result upon the national party of putting such a man as Gorham in a post of honor and responsibility, the whole incident seems fatuous and perverse in the extreme.

[Denver Tribune, (republican,) April 7.]

The humiliating spectacle of the United States Senate squabbling for days over the appointment of a Doorkeeper and a Secretary is still being continued, with the usual detail of small squabbling. There may be a great principle involved in the struggle somewhere, but if so it is done up in a very small wrapper. It can hardly be called a party question, since neither Riddleberger nor Gorham is a party man. The one is a Virginia repudiationist and the other stumped against the last republican State ticket in California.

[Portland Daily Oregonian, (republican,) March 30.]

It now seems probable that the Senate will never be organized till Gorham is "bounced." This whole squabble, so far beneath the dignity of the Senate, was worked up by him in order to get the fat place of Secretary of that body. Gorham is one of the professional gamblers in politics who ought to be sat upon whenever they begin to stir.

Mr. BROWN. The word "traffic" there, I will remark to the honorable Senator from Rhode Island, rather squints at the idea I spoke of; it does not exactly charge it, though.

Mr. BURNSIDE. I notice those extracts are from papers published on the Pacific coast and papers that could not have reached here probably at the time of which the Senator spoke. I certainly am not familiar with them.

Mr. BROWN. Possibly we may find more that is said on the Pacific coast.

Mr. BURNSIDE. The Record-Union, I am informed by the Senator from California, [Mr. MILLER,] is an independent paper.

Mr. BROWN. If the Senator from California will say it does not support the republican ticket——

Mr. MILLER. If the Senator will allow me, I will say that the Record-Union is an independent paper. It sometimes supports the republican ticket, and when it does not choose to do so it bolts it; but it might be classed as an independent paper with republican proclivities. The editor, I believe, is a republican.

Mr. FARLEY. I have no disposition to get into this controversy, but I want to say that this is the first time I ever knew the Sacramento Record-Union to be called an independent paper. My colleague knows better than I do, I suppose; but the paper has universally, since it has been a paper, supported the republican national ticket; and I have never known a contest in the State when it did not have at the head of its columns the names of the candidates nominated by the republican party. In 1875 there was a division in the republican party in that State. One wing of the party was headed by Messrs. Gorham and Sargent; the other wing was headed by Governor Bidwell and Newton Booth. The Sacramento Record-Union at that time did occupy a sort of supervision over both parties, but recognized the regular republican nominees as those who were entitled to be supported by the republican party. It has at no time failed to support the republican nominees of the party for President and the whole of the republican ticket since I have known anything about the paper.

I submit the question to my colleague if the Sacramento Record-Union has not been a consistent supporter of the republican party in that State? I claim that it has been, and I regret that it is so, for it is a very able paper; but it has pursued that course, as I understand, invariably. It very often expresses, as other newspapers do, independent sentiments; but invariably it supports the republican party organization. It has quarreled with its party frequently for the course that the party should have pursued, but it has been universally recognized as a republican paper. I apprehend there is not a correspondent on this side of the mountains who does not recognize the Sacramento Record-Union as a republican paper belonging to the Associated Press of the country. It was a warm supporter of General Garfield, a warm supporter of Mr. Hayes, and has been an advocate of the republican party ever since I have known anything about its organization. To say that the paper is independent because it sometimes expresses independent views, while always at elections it supports the regular ticket, may be reconciled, and still it may be an independent paper yet a positive, known, outspoken republican paper.

Mr. BURNSIDE. Will the Senator allow me to ask him a question?

Mr. FARLEY. Certainly; with a great deal of pleasure.

Mr. BURNSIDE. I wish to know if in 1867 that paper did not support the democratic candidate for governor?

Mr. FARLEY. I can say to my friend from Rhode Island that if that paper had an existence at all in 1867 (I am not positive as to that) it supported Mr. George C. Gorham, the republican nominee, for governor. My recollection is that the Record-Union was not then in existence; but there was the old Sacramento Union, which went out of existence. The Record-Union, which has carried on its own organization, has always been a republican paper. The old Sacramento Union and the Sacramento Record-Union are two different papers entirely. The old Sacramento Union was an independent paper except at presidential elections, when it always supported the republican ticket, but it opposed Mr. Gorham in 1867; but not the Sacramento Record-Union. They are two different institutions entirely.

Mr. BURNSIDE. I should like to ask the Senator whether this paper supported him or opposed him for the Senate.

Mr. FARLEY. It opposed me.

Mr. BURNSIDE. It opposed you?

Mr. FARLEY. I should say it did. It was a republican paper.

Mr. BURNSIDE. Are not the owners of the paper friends of the Senator?

Mr. FARLEY. I do not know who the owners of the paper are.

Mr. BURNSIDE. I do not know myself.

Mr. MILLER. I wish to make a statement, if the Senator from Georgia will allow me.

Mr. BROWN. Certainly.

Mr. MILLER. While what the Senator says about its being a republican paper and supporting the national republican ticket is true, so far as that goes, it is a paper the editor of which and the managers of which pride themselves upon their independence. It has so happened that in the last two elections the nominees of the republican party have been such men with such platforms as met their approval and their judgment, and they supported them; but it is in all essential particulars an independent paper. I do not know that it is important to state here exactly the status of that newspaper. I do not know that this is a trial by newspaper. When an argument is made I do not know that it makes any difference whether it is made in a republican or a democratic paper; we must take the argument for what it is worth in itself.

Mr. FARLEY. Will my colleague allow me to ask him a question?

Mr. MILLER. Yes, sir.

Mr. FARLEY. At the last election did not this paper and all its proprietors support the entire republican ticket in the State of California including the members of the Legislature that elected my colleague to the Senate?

Mr. MILLER. I believe it did, and it did so because acting as independent journalists they thought they were supporting the best side, which they evidently were doing.

Mr. BROWN. I believe, then, after the statements already made, that I shall insist on having the articles clipped from this paper go into the RECORD. As it is stated that in every instance it supports the republican candidates, I think it must be classed as a republican paper. The republican Senator from the State says it is independent enough sometimes to speak what it thinks, and that seems to be the condition of it just now. Its editors seem to believe that there is something very wrong in the course of the republican Senators here, and although a strong republican paper and an able one, it speaks out and condemns that wrong. It therefore has a right to be heard. I will next send to the Clerk's desk and have read an article from the Evening Telegraph, of Philadelphia.

Mr. BURNSIDE. Will the Senator allow me to ask him to please state whether these are statements of correspondents or editorials?

Mr. BROWN. They are taken from the editorials.

Mr. BURNSIDE. All of them?

Mr. BROWN. That is my understanding. I did not clip them all myself, but I am informed by those who did that they were. I intend to read no others if I know it.

The Chief Clerk read as follows:

Commenting on the alliance between Senator MAHONE and the republican Senators, the Philadelphia Evening Telegraph (republican) says: "In Virginia MAHONE rests all hopes of success upon a republican alliance, without which, backed up by the whole power of the national organization and of the Administration, the repudiation cause is doomed to overwhelming defeat. In a word, the legitimate end of this unholy alliance of spoils-grabbers, into which the real republicans in the Senate have been led through the caucus, like ring-nosed animals, will be to load the republican party of the nation with the worst and most blighting species of financial odium, fitly termed by the leading republican journals of New York 'naked dishonesty.'"

Mr. BROWN. I beg leave to call the attention of the honorable Senator from Rhode Island to the fact that this paper terms it an "unholy alliance."

Mr. BURNSIDE. I beg leave to call the attention of the Senator from Georgia to the statement of the Senator from Pennsylvania, [Mr. MITCHELL,] that this is not a republican paper.

Mr. BROWN. If he states that, then I shall not insist that that much of it is republican authority. I will ask the Senators from Pennsylvania how that is. I want to leave the matter to be settled between the Senators from the State and the paper.

Mr. BURNSIDE. I should like to ask the junior Senator from Pennsylvania [Mr. MITCHELL] whether that is a republican paper or not?

Mr. MITCHELL. I do not know why I should be called upon to give testimony in this case. I believe I have already given evidence in it, and I see no reason to change my opinion.

Mr. BURNSIDE. What did the Senator state, if he thinks proper to repeat it?

Mr. MITCHELL. I stated some days ago that if this were a republican paper it was one with democratic tendencies, and I have seen no reason to change my opinion. I have formed that opinion from a pretty careful reading of the paper for some years, and not from any personal acquaintance with the proprietors. I have observed so far in my life that newspapers in many instances express simply an individual opinion, and that in very many cases where they differ with a great organization which has the opportunity for counsel and the advantage of a cultivation of the sentiment of the country, such an individual opinion is more frequently in error than that of a community or organization.

Mr. BROWN. Will the honorable Senator permit me to inquire of him whether this paper usually supports the democratic or republican candidates at elections?

Mr. MITCHELL. I can say in reply that I have known of instances where it supported the democratic candidates. For instance, in the late senatorial contest at Harrisburgh it supported on one occasion the late Senator from Pennsylvania, Mr. Wallace, for Senator.

Mr. BROWN. Which side does it usually support in elections?

Mr. MITCHELL. It supported also the liberal or independent candidate for Senator, my late colleague in the House of Representatives, Colonel Bayne, of Allegheny.

Mr. BROWN. Will the honorable Senator please inform me which side it ordinarily supports?

Mr. MITCHELL. Indeed I do not know that I could testify as to that. I think it opposed the regular republican candidates at the recent municipal election in Philadelphia.

Mr. BROWN. How was it in the last presidential campaign?

Mr. MITCHELL. I think it supported the republican candidate. I suppose I am under cross-examination now.

Mr. BROWN. Then I will leave it on the record with that statement.

Mr. MITCHELL. I wish to say in this connection, if I may be permitted, that the Evening Telegraph is a paper for the opinions of which in many cases I have a very high respect, as I have for the opinions of many other independent papers in the country, as I have for those of individuals in many cases; but where it gets on the wrong track, and I find myself differing with it, I certainly cannot subscribe to its opinions.

Mr. BROWN. I will next send to the desk an extract from the Hartford Courant, of Connecticut.

The Chief Clerk read as follows:

[From the Hartford Courant, April 14.]

Unfortunately, *the republicans are at a disadvantage; for* the democrats are any hour ready to go into executive session, and *cannot, therefore*, in the strict view of the case, *be accused of blocking the public business*, or of opposing the administration. * * * There has, however, one difficulty recently arisen that puts a somewhat humorous aspect on the case. MAHONE can't get a pair! He alone of all the Senators is obliged to stay there day after day. The democrats will none of them pair with him unless he will avow himself a republican formally. * * * The republicans have *undertaken something they cannot carry through*; the only extrication for them is to loosen the chains of caucus, and let individuals vote as they choose on the question of executive sessions. It is childish to complain of the democrats when reports come of delay and damage to public business because the President's appointments are not confirmed. * * * There is no way but for republican Senators to accept the facts. And the sooner they do it the better. It is very suspicious that *the delay, after all, of going into executive session arises from a section of the republican Senators* who want to thwart the President. And if that is true, the state of things is simply intolerable. They are not masters of the situation, and should no longer hesitate. We understand the importance of the fight. It may be that the inauguration of a new era of politics depends upon it. But it seems quite possible for the Senate to go into executive session and confirm the necessary and undisputed appointments, and then continue their fight for the organization of the Senate until December if necessary.

Mr. HAWLEY. I want to say for the gentleman's comfort that that is a republican paper. It is not always quite right in my absence, but it is a very sound republican paper.

Mr. BURNSIDE. And it does not accuse us of a corrupt bargain.

Mr. BROWN. I see it does not. We will try another. I will return to the Pacific slope again, and I will ask that an extract be read from the San Francisco Argonaut. I understand the editor is Mr. Frank Pixley, who was a member of the last republican convention at Chicago.

Mr. HAWLEY. And he stands by it, which the Senator does not do.

Mr. BROWN. I was not a member of the last one, nor of the one before that nor of the one before that.

The Chief Clerk read as follows:

The very *disgraceful bargain* between republican Senators and the democratic traitor from Virginia has been consummated. "Black-and-tan" is to be Secretary of the Senate, and one of MAHONE'S followers is to be Sergeant-at-Arms. This is the most open, most disgraceful, and most damaging political bargain that has ever been consummated in American politics. It is very small and very contemptible business, and ought to do the republicans harm in the opinion of all honorable and honest men.

Mr. BROWN. The language there I will call the attention of the honorable Senator from Rhode Island to is a "very disgraceful bargain;" it does not say "corrupt."

Mr. BURNSIDE. I believe that paper is published by a personal enemy of Mr. Gorham. The Senator from California [Mr. MILLER] says it is not a republican paper, and he is the authority in this case.

Mr. MILLER. The paper edited by Mr. Pixley is a literary paper.

Mr. BROWN. Was not the editor a member of the last republican convention at Chicago?

Mr. MILLER. Yes, sir.

Mr. BROWN. Did not his paper support the republican candidate for the Presidency?

Mr. MILLER. It did in a certain way.

Mr. BROWN. Then if it did, it is republican enough for my purpose.

Mr. MILLER. The editor, I will inform the Senator, was a democrat, or supported Mr. Greeley for the Presidency when he ran. It is not a political paper, although occasionally articles of a political character appear in it. It is independent in politics, in religion, literature, finance, and everything else.

Mr. BROWN. I have known a good number of that sort of independent papers, but they usually come home to one side when they are to give their support; and as the editor of this paper was a member of the convention that nominated the last republican candidate for the Presidency, and as the paper supported him, I think it is worth while to have the extract read. I will next send to the desk and ask to have read an extract from the Pittsburgh Dispatch of Pennsylvania, if that is not objected to as not being a republican paper.

The Chief Clerk read as follows:

[From the Pittsburgh Dispatch, republican.]

The great trouble with the average thick-and-thin party organ is that it has zeal without judgment, and inclination divested of knowledge to govern it. In its narrow vision whatever the party to which it owes allegiance does is right, and every enormity committed by the bosses upon whose pleasure its life depends at once takes on the sanctity of inspiration.

Under these conditions it is not surprising that all the party organs join in the chorus approving the *disgraceful bargain* with MAHONE. That it involves a sacrifice of every principle that has marked the success of the republican party makes no difference to the party organ, so long as it is commanded to pipe forth its ambiguous praise. That it implies a *disgraceful* and *dishonorable alliance* with *despicable characters* is a matter of no concern. Maintained upon the fruits of plunder and the drippings from official patronage, it has grown callous to all sentiments of patriotism and considerations of virtue.

Mr. BROWN. I call the attention of the honorable Senator from Rhode Island to the fact that this article speaks of it as a "disgraceful bargain" and a "dishonorable alliance."

Mr. BURNSIDE. As its own opinion? I should like to know whether it is the language of a correspondent or an editorial. I shall take them up in turn and find out how many are correspondents' articles and how many are editorials.

Mr. BROWN. That is right; I have no disposition to misstate. I desire to have another article read from the same paper, the Dispatch, and from the heading there, as it is the usual editorial heading, I do not see that it is from a correspondent at all. There are certain portions of the article that relate to another matter that I have run the pen through. I only desire the parts read that bear on this transaction.

The Chief Clerk read as follows:

THE SENATORIAL DEAD-LOCK.

At an early stage of the disgraceful contest now waging for possession of the paste-pots of the United States Senate the Dispatch expressed its deprecation of the movement and pointed out that the real purpose of maintaining the dead-lock was concealed under an ostensible pretense of disrupting the political solidity of the South. To any sincere motion looking to such a consummation we would give cheerful and enthusiastic support under the conviction that it would contribute to the peace and fraternity of the whole country, but the thin veneering of patriotism which glossed over the cheap buncombe that animated the actors in this comedy was so transparent as to expose its naked and palpable dishonesty. Fully satisfied, therefore, of insincerity on the part of republican Senators, and repelled by the dishonor which a coalition with unrepentant rebels, democratic repudiators, and disreputable adventurers would impose upon the republican party, intelligent and independent journals had no alternative but to first expose and then *denounce* it as both *unclean* and unholy.

* * * * * * *

The truth is the matter is so palpable that only the most dense obtuseness, or that equally potent agent of imbecility, partisan blindness, is sufficient to obscure it. The facts are these: The Senate assembled on Friday, March 4. On the following Tuesday the democratic Senators presented their resolution for the reorganization of the Senate committees. Owing to vacancies caused by death and resignations there was a clear majority of democrats in the body. The opposition Senators rightly insisted that it was unfair to organize the committees until after the vacancies had been filled, and with remarkable unanimity agreed that the only business in order was executive business. In this way, by dilatory motions, and in a few cases breaking the quorum by refraining from voting, the democratic plan was defeated, until the several elections filled all the seats. Then a resolution to organize the committees on a republican basis was substituted for the other, and after a delay of one day, under the rules, was agreed to.

But all this time there was not a word about electing Senate officers. In fact,

whenever the matter was broached the purpose was disclaimed. An impression seemed to have obtained currency that a *bargain with* MAHONE had been struck by which one of his democratic-repudiator adherents was to be taken care of, but no one thought it would be consummated before the assembling of the regular session in December. The precedents of the Senate all pointed to this course, and the parties to the bargain, if there was a bargain, seemed not to contemplate the rupture of precedents so ancient and honorable.

* * * * * * *

That he and his political associates asserted that executive business was the only business in order made no difference, for consistency is no longer a highly-prized jewel in politics. *That an alliance of disgraceful and despicable character, which would weigh like a funeral pall upon the party, was developed, was alike a matter of indifference.*

* * * * * * *

And this is the situation to-day. There are Senators on the floor who are able to appreciate the value of preserving untarnished the fair fame and good name of the republican party. There are Senators on the republican side of the Chamber whose patriotic emotions would impel them to resist any movement that retarded the course of the public service, but they seem to be paralyzed by that senseless sentimentality designated senatorial courtesy, until they are becoming *particeps criminis* in this great outrage.

We call upon Senator JOHN I. MITCHELL to break from this suicidal and senseless compact. He is the representative of independent and reputable republicans in Pennsylvania.

Mr. BROWN. That speaks of it as an "unholy alliance."

Mr. BURNSIDE. But not as a "corrupt bargain."

Mr. BROWN. Two or three did call it a bargain in pretty strong terms.

Mr. BURNSIDE. But they were not republican papers. No republican paper has yet called it a corrupt bargain. Those were independent papers.

Mr. BROWN. I call any paper a republican paper that always supports the nominees of the republican party.

Mr. BURNSIDE. I will have a letter scrap-book here to-morrow showing something from democratic papers down in Texas.

Mr. BROWN. Does the honorable Senator from Pennsylvania [Mr. CAMERON] state that the Dispatch never has supported the republican candidates? I ask, for I do not know.

Mr. CAMERON, of Pennsylvania. Not within my knowledge; and I have had some connection with politics for about twenty-five years.

Mr. BROWN. It never supported the republican nominees?

Mr. CAMERON, of Pennsylvania. Never to my knowledge.

Mr. BROWN. Does it support the democratic nominees?

Mr. CAMERON, of Pennsylvania. I do not think it could support anything good, either democratic or republican.

Mr. BROWN. As I have heard very different accounts from some other sources, I will put that down as a difference of opinion between the honorable Senator from Pennsylvania and others.

Mr. CAMERON, of Pennsylvania. You can put it down as the truth, coming from me.

Mr. BROWN. As I understand it, there is a difference of opinion, and others regard it as a good republican paper.

Mr. CAMERON, of Pennsylvania. I do not think any one so regards it.

Mr. BROWN. I next send to the desk another extract from the Record-Union, of Sacramento.

Mr. BURNSIDE. I will mention that the Senator from California [Mr. MILLER] has already stated that that is not a republican paper. He is the tribunal which the Senator endeavored to establish for the decision of this matter.

Mr. BROWN. I will add that the Senator from California admits that it always supports the republican nominees.

Mr. BURNSIDE. No, I do not think the Senator from California admitted that.

Mr. BROWN. He will not deny it, I think.

Mr. BURNSIDE. The Senator from Georgia has made the republican Senator from the State the umpire in this matter. He said he would leave it to the republican Senator from the State. Every single paper he has quoted from here has been discredited.

Mr. HAWLEY. Except mine.

Mr. BURNSIDE. Except the paper of the Senator from Connecticut, and that does not charge a corrupt bargain; so that so far I am entirely right.

Mr. BROWN. I do not think I am making any mistake about it when I read from papers that are admitted to have supported generally the nominees of the republican party.

Mr. BURNSIDE. Does the Senator in this case refuse the determination of the umpire and jump the track?

Mr. BROWN. No, sir.

Mr. BURNSIDE. Let your umpire decide; you objected to my decision. For one day let the Senator stick to his word, and not fly the track.

Mr. BROWN. I am going to try to keep cool, very cool in this matter, for I do not want to do anything wrong in it.

Mr. BURNSIDE. I shall not say that I am cool; if I did, I should bring the house down. [Laughter.]

Mr. BROWN. As one of the Senators from California, the democratic Senator, says that this paper always supports the republican nominees, and as the republican Senator from California does not deny that as I understand, and expressly admits that it did support General Garfield for the Presidency, I think I have a right to put the extract on the record and let it go to the country, and let the country decide whether it is a republican paper or not.

Mr. BURNSIDE. I am willing to leave it just as it is. The Senator has appealed from his own tribunal, his own umpire; so I have nothing further to say about it.

Mr. BROWN. I simply had stated that if a republican Senator from the State would say that a paper in his State from which I quoted was not a republican paper, I would not insist on putting it in as an extract from a republican paper, and I shall not unless there is other proof which satisfies the country beyond question that the Senator is mistaken. I will simply leave this question to the Senators and the editors at home to settle between themselves.

Mr. BURNSIDE. When the Senator first began he did not make any conditions. He had undertaken to show that republican papers in the country had charged a corrupt bargain on the republican Senators, and he said he would leave it to the Senators from the State to decide if a paper was a republican paper, and he would not have the article read if the Senators from the State said it was not a republican paper. However, I am very glad to have the extracts read.

Mr. BROWN. I respectfully submit to the honorable Senator from Rhode Island that he is getting very technical about the matter. Even if the Senators from the State were to happen to make a mistake about it, that ought not to exclude from the Senate and the American people evidence as to whether it is a mistake on a Senator's part and whether the paper is a republican paper. If all the evidence does not show that it is a republican paper, then the country will give no credit to it as such. If the evidence shows that it is a republican paper, the country will say that it is republican, notwithstanding the Senators from the State may think differently.

Mr. BURNSIDE. The whole subject-matter at issue is so small that you have to be technical to get at it. It is not big enough to treat in a general way, and you have to be very technical in order to get anything out of it at all.

Mr. BROWN. I am a little astonished that so small a matter should appear even to ruffle the feeling or the temper of the Senator from Rhode Island.

Mr. BURNSIDE. The Senator made the issue with me the other day, and claimed that he could show from the republican press of the country that they charged a corrupt bargain upon this side. Unless the Senator supports his claim with something stronger, it will be seen that I was exactly right in the position I took.

Mr. BROWN. I desire to have the extracts read, and if I do not show, as I may not have the particular paper which says there was a corrupt bargain, I think I can get it.

Mr. BURNSIDE. I did not say a single paper could not be produced, and even if twenty should be produced here out of 3,000 republican papers in the country, what impression would that make upon the mind of any reasonable, fair man in politics or business? Could you take the absolute assertion of twenty republican papers that we have made a corrupt bargain and hold that up to the Senate and the country as a representation of the opinion of the republican press of the country of 3,000 newspapers? It is too small a thing to take into consideration at all, and I would not think of it for a second if the Senator had not tried to make some kind of issue; and I thought I would be civil enough to meet him.

Mr. BROWN. The Senator from Rhode Island does not know anything about others that I have got behind; I may have twenty-five or a hundred out of 3,000.

Mr. BURNSIDE. I do not care if you have a hundred out of 3,000, I can bring a scrap-book here to-morrow with articles from Texas papers commenting on all you gentlemen, and from the Vicksburgh Herald, and I can show what they say.

Mr. BROWN. I would not ruffle the temper of my friend, for whom I have great respect——

Mr. BURNSIDE. I say again that I do not declare I am cool because that would bring the house down, but my habit of speaking leads people to think I am mad when I am not. I am not the least bit angry.

Mr. BROWN. I know the Senate understands it; it is only a way my friend has; he is never excited; and I would not excite him for any consideration. As I have said, I have a great many more papers from which I shall read. Indeed as it seems this is not exactly a thing that is most pleasant to the Senator from Rhode Island, I do not know but that I may stop before I get near through; I may lay some aside for another installment; I may want to take up the matter when he is better rested. I have a considerable installment behind.

Mr. BURNSIDE. The Senator has read from about six papers, and now will he allow me to have an extract read from the Louisville Courier-Journal?

Mr. BROWN. Not until I am through. Then I will give you days, if you desire.

Mr. BURNSIDE. This is the only extract I ask to have read at this time.

Mr. BROWN. No, sir, I will not let you interpolate it now, but you can take a whole day and read as many as have been read on our side. I prefer not to do it now, but I want to go on with the evidence from republican sources. I ask to have another article read.

The Chief Clerk read as follows:

But there are too many indications that the dominant party of the present time is rapidly yielding to the degrading influences which assail all long-established factions, and the present situation in the United States Senate is a significant reminder of the progress that is being made toward degeneracy. *The Mahone bargain, notwithstanding all attempts to cover it up, stands out in ghastly deformity as*

one of those discreditable and unprincipled compacts for the making of which most people, until recently, believed the democrats alone competent. The whole plane of the transaction is so low that it demonstrates a very much greater demoralization than appears on the surface. In adopting MAHONE, the republican Senators have distinctly condoned the doctrine of financial repudiation. It is nonsense to pretend that because MAHONE's faction call themselves "readjusters," therefore they are not repudiators. The debt of Virginia was not a carpet-bag debt, but in all senses an honest debt. It amounted to nearly thirty-three million dollars. Riddleberger, the republican caucus nominee for Sergeant-at-Arms of the Senate, carried a bill through the Virginia Legislature which scaled the debt down to $19,500,000. That bill repudiated one-third of the debt, and without any rational pretext. It further refused to recognize accrued interest. It reduced the current interest 50 per cent., and it reserved the right to tax the bonds in such a manner that all interest would be cut off. It was upon this platform that MAHONE was elected to the Senate. This is his financial creed. It is an infamous creed, and those who have adopted him and pledged the Federal patronage to his faction have beyond all serious question committed themselves to the atrocious financial programme which he represents.

When a party can do such a thing as this, and above all when it can do such a thing as this without provoking instant and general condemnation of its rank and file, it is in a very serious condition. When further we reflect that this shameless abandonment of principle, this hob-nobbing with thievery, has been agreed upon for no higher purpose than the maintenance of partisan control of the Senate, we cannot fail to realize that the signs of decadence above referred to are here most conspicuously apparent. When a party has reached the length of caring infinitely more for the spoils than for anything else that can be named, it cannot be doubted that it is approaching the end of its usefulness, to say the least.

Mr. BURNSIDE. From what paper is that?

Mr. BROWN. It is from a California paper, the Record-Union of Sacramento.

Mr. BURNSIDE. The one that the Senator from California [Mr. MILLER] said was not a republican paper.

Mr. BROWN. The one that I have proved was a republican paper.

Mr. BURNSIDE. The Senator has not proved it; I take issue with him there distinctly.

Mr. BROWN. I leave it to the country to judge.

Mr. BURNSIDE. Your own umpire says it is not a republican paper.

Mr. BROWN. My umpire will not say that; he admits that it supports the republican ticket generally, and supported the last republican candidate for President; therefore he will not say it.

Mr. BURNSIDE. It is of little consequence, but I insist on the umpire being protected; I do not want him to be thrown overboard in this way.

Mr. BROWN. The article speaks of it as a ghastly deformity and a discreditable and unprincipled compact. That is pretty strong language.

Mr. BURNSIDE. But it is not from a republican paper.

Mr. BROWN. I leave the country to judge; but I insist that it is.

Mr. BURNSIDE. I do not think the country will care a snap for it. It will not think any more about it. If the Senator believes he is making an issue here that the country will think anything about, he is very much mistaken.

Mr. BROWN. I do not suppose the country will be disturbed by it, for I see the Senator from Rhode Island is not. I do not want to disturb anybody. I am simply reading these extracts because it seems they maintain the position I took the other day in reference to the attitude of some of the republican press. As I think very well of that paper, I will send up one more extract from it and have it read. The date is the 15th of this month. It was said the other day, if I recollect, that the republican papers are rather coming into the idea. This is very late; it only came here to-day from California.

The Chief Clerk read as follows:

Now Senator MAHONE is, unfortunately for himself, in very much the same kind of position as Nell Gwynne. The popular belief in his political virtue may be said to have ceased to exist. Few people, perhaps, believe that he sold his vote in a direct and open way, as venal voters sell the franchise at election. But there certainly is a widespread conviction that he made a bargain with the republicans whereby he was to secure the Secretary and Sergeant-at-Arms of the Senate, and whereby, also, his readjusting friends in Virginia were to obtain the support derivable from Federal patronage. And if Mr. MAHONE holds himself ready to do battle with all who think thus of him, he will find that he has undertaken a contract which is several sizes too large for him to execute. The plain truth is that nobody doubts his venality, and that there never has been any serious denial of it attempted.

The republicans are by their present conduct only bringing these facts closer home to the people. They are holding up MAHONE, and talking about him, and causing him to be talked of, so much, that presently everybody will understand the whole situation perfectly, and what is still more serious, everybody will remember it. The democrats, in baiting MAHONE, are acting with quite unaccustomed sagacity. They have nothing to lose and very much to gain by this dead-lock. They know that their best policy is simply to uncover the whole of the *discreditable bargain*, and to cause it to be exposed to the country, and, as it were, fixed in the pillory for all to gaze their fill at. They are aware also that the republican masses are not at all satisfied with the choice of George Gorham for Secretary of the Senate; that he is regarded as a thoroughly untrustworthy, disloyal, disreputable adventurer; and that because of the putting forward of so objectionable a person, the republican members of the Senate will obtain no support from the party. In fact this is a machine quarrel, and one of the dirtiest of the kind, and no intelligent republican desires the success of the republican Senators in it. The man Gorham ought to be dropped, and the man Riddleberger, and the man MAHONE. The republican party can hold relations with neither of them save at the sacrifice of its own reputation.

Mr. BROWN. I have just had handed to me the American Newspaper Directory. In that I see the papers of the United States are classified, and the papers that I am reading from are put down here as republican. The directory may be wrong. I must leave that to the public and those who get up the directory to decide. I suppose each paper in giving its name has itself classified politically as it really intends to be classified; and as they have the names of their papers in the advertisements put into the directory as republican, and still insist that they are such——

Mr. BURNSIDE. Are all the papers the Senator named classified as republican?

Mr. BROWN. I desire to call the attention of the honorable Senator from Rhode Island to the directory especially, and I state that they are all classified as republican.

Mr. BURNSIDE. All the papers named are?

Mr. BROWN. The three you have so much contested.

Mr. BURNSIDE. How is the Boston Herald put down?

Mr. BROWN. I have not looked at that. To accommodate my friend I will have that looked to and inform him. If it is not republican I certainly do not wish to quote it as such.

Mr. President, I have some other extracts here and some others down at my room, but as I do not desire to make my friend from Rhode Island nervous—and I am afraid he will get a little so—I think I shall suspend this reading for the present, and probably bring in the other installment after he has introduced his that he speaks of. I merely want, as a lawyer has to do, to have some evidence in rebuttal after I have heard his evidence, and I shall therefore reserve the balance for the present.

Mr. BURNSIDE. Now, Mr. President, I shall detain the Senate but a moment, and merely to reiterate what I stated the other day in the Senate, that the republican press as a body have made no such charges; and until better evidence comes, I deny that these are republican papers. I send to the Clerk's desk a little article from a sound democratic paper—everybody will acknowledge that—and I think that touches the case about as closely as anything can. I ask to have that read.

Mr. BROWN. What paper is that from?

Mr. BURNSIDE. The Louisville Courier-Journal.

Mr. BROWN. That is democratic.

Mr. BURNSIDE. I think there is more good sound sense in one line of that than in a volume of such stuff as the Senator from Georgia has had read.

Mr. BROWN. I have no doubt that it will suit the Senator's purpose better.

The Chief Clerk read as follows:

HITTING THE NAIL ON THE HEAD.

[From the Louisville Courier-Journal, democratic.]

As the debate in the Senate proceeds the democrats are put more and more in a false position. The refusal to permit the constitutional majority to complete the work of organization rests upon nothing more substantial than personal good-will for a few officials who may be embarrassed by the change. The country does not sympathize with this amiable sentiment. The longing of Senators after vainglorious personal display should be subordinated to great public uses. It is a truly regretful circumstance that this is not the experience of the hour, and consequently we greatly apprehend that we shall lose the advantages which belong to the situation and which would otherwise accrue to us.

Mr. BURNSIDE. I said the other day that I did not think the Senator could produce any republican papers that called this a corrupt bargain. I should not have been surprised if he had produced half a dozen or ten, but he has not. I should not have been at all surprised if he could have produced a dozen or twenty that said this was a corrupt bargain out of all the 3,000 republican newspapers in the United States; but he has not produced one that calls it a corrupt bargain. He has produced articles from independent papers that squint that way, that says it looks like a corrupt bargain, and democrats have a right to think it is a corrupt bargain, and all that. That is not a very bold way of talking, and it is indulged in a little too much in all parts of the country. We should all be better off if we did less of it. Now, I maintain that I was quite right in what I stated the other day that the Senator cannot show that the republican press of this country thinks in the least degree that we have been guilty of a corrupt bargain.

Mr. BROWN and Mr. HAWLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. HAWLEY. If the Senator from Georgia has any more to read, I will wait.

Mr. BROWN. Not now. I stated what the papers were from which I read.

Mr. HAWLEY. I thought perhaps the Senator might continue this exercise until warm weather. [Laughter.] It seems to be quite as interesting as anything we can ourselves invent on the spot. I had not seen the distinguished Senator from Georgia till we met at this session, since as president of the Chicago convention in 1868 I had the great pleasure of welcoming him to the platform in response to an enthusiastic call from the whole audience; and this is the manner in which he was brought to our attention, though his presence was well known; the news came before him! Said a distinguished delegate from the State of Louisiana while we were waiting for the committee on resolutions:

But we have another marked event, of special moment—that there is with us to-day, in full heart and in full fellowship, one of the former governors in the days of the rebellion, of one of the rebellious States, who has since become reconstructed, [applause,] has proved himself, in the fire, as true as steel, a genuine convert, and in fellowship with the republican party.

I move, sir, that during the *interim*, until we have the report of the committee on credentials, ex-Governor Joseph E. Brown, of Georgia, be invited to address the convention. [Applause. Cries of "Brown!" "Brown!"]

[Laughter.]

Whereupon your humble servant said:

It is hardly necessary to put a motion which has such a reception. Will Governor Brown address the convention?

He made a few introductory remarks with his customary modesty and said:

I do not wish, sir, to intrude upon the proceedings of this convention. I came here, as has been well remarked, a reconstructed rebel. [Laughter and applause.] I was an original secessionist. [Laughter. Cries of "That's frank!" "An open confession is good for the soul!" "Platform!" amid which Mr. Brown advanced to the stage.]

I omit the larger part of it, though I will lend him the book. He proceeded in the course of time to say:

Hence I have advocated every measure, from that time until this, for reconstruction. [Applause.]

Every one of the reconstruction measures. They had been going about three years then, beginning in 1866 and continuing in 1867, and this was in 1868:

When the President of the United States proposed his plan I advised our people to accept it, because we had fallen, and we had no other power to negotiate with but him.

Again:

As I understood the doctrines of the democratic party, they were State sovereignty and the right of secession. The sword has established a different doctrine, and hence it is that I am no longer bound by party allegiance to stand by the democratic party. Where do I naturally fall, then? The Hamiltonian and Websterian construction of the Constitution has been established by the sword. I have acquiesced in that, and as I find the republican party on that platform to-day my oath has bound me to abandon the doctrine which the democratic party stood upon, and that naturally leads me, as I think, into the republican party.

And again:

Our democratic friends have appealed to the whole country against negro suffrage, have showered anathemas upon it—

And this was before we had the fifteenth amendment—

and denounced it as an outrage upon humanity and upon society; and yet, in the late elections there the negro who would vote the democratic ticket was really a very respectable fellow, [laughter,] while a white man who voted the republican ticket was a scalawag and a traitor.

There has been a little change in Georgia since then. And again—and this is the interesting part, because I was reminded of it by his remarks concerning bargains—

Just in conclusion let me say, while we have a hard fight to make in Georgia, if you will give us the fruits of the victory we have lately won in a desperate fight we will carry Georgia for General Grant.

Conditions precedent, a bargain, though; if they could have the patronage they would promise to carry the State! Then speaking of the bill for the complete admission of Georgia to its rights he said:

And the amendment we desire is this: That the Senate of the United States amend that bill so as to allow the governor-elect, Governor Bullock, to convene his Legislature on ten days' notice; let him be inaugurated, let them act; and they will adopt the constitutional amendment; and then let them elect Senators and receive us into Congress, and give us control of the State government and its patronage, which we fought for and won, and which we must have if we are to succeed in this contest. [Great applause.]

[Laughter.]

Well, Mr. President, he got it. No man could have resisted that pathetic entreaty; it was not in the heart of the Administration or of Governor Bullock. His friend, Governor Bullock, made him chief-justice of Georgia. In due time he quit it. I do not know the details of all that history, but he is a very persuasive man. It was only in this late campaign that he besought of the colored men of Georgia to sustain him against the Bourbonism of that State, and remarked, upon winning the victory, that it was the death-knell of Bourbonism in Georgia, and the night before there was to be a Senator chosen he made that very candid and fair and creditable speech concerning the rights and the votes of the colored men, from which an extract has been read by himself here, and he got the eighteen, I believe it was, republican votes in the Legislature the next day when the election took place; and we had every right to expect him to take a seat upon this side of the House. I am astonished that he should have been thus false to the great body of enthusiastic black and white men who sustained him there and gave him every republican vote in the Legislature. I affirm that on his record we had a better right to expect him here than the gallant soldier from Virginia. With that persuasiveness which has ever accompanied him he swung from side to side in the great combat; he took the great prize from the democratic party, to which he had lately returned, and now comes here to lecture us about a bargain. [Laughter.]

Mr. BROWN. Mr. President, the honorable Senator from Connecticut [Mr. HAWLEY] has rehearsed nothing new here. I have already, two or three times, referred to the fact in this Senate that there was a period when I acted with the republican party. I have never on any occasion deceived anybody.

Mr. HAWLEY. Never?

Mr. BROWN. Never, never; and there was no utterance that I made in the late campaign that could deceive anybody on this question. At the time I met the honorable Senator in Chicago, I was acting with the republican party, because they stood upon the reconstruction measures and the democratic party did not stand there. I told them, with him in the chair there before me, with all the gravity he could put on upon such an occasion, that I was an original secessionist. I did not pretend that I was a Union man; but I did say in the same speech, I think, what he has not read—though I have not looked at it in ten or twelve years—that I had sense enough to know when I was whipped. I fought you as long as there was any chance to fight for our principles; but when we were conquered I surrendered, and I saw that slavery was gone and the right of secession was gone. There was a large majority of the white people of the South who did not think that the reconstruction measures that had then been put upon us by Congress would ever go into effect. The democracy of Georgia and of the South believed that the democrats would come into power and that under democratic auspices and administration the reconstruction measures would not be carried out. I was satisfied they would be, and that the best thing we could do was to accept them, and accept them at once, and so advised my people. In other words, I took the position exactly as I stated there, that the doctrines of Jefferson and Calhoun on that subject could no longer be maintained; that the sword had decided against the right of secession, and we had to fall back upon the State-rights theories of Webster and Clay.

I will further remark that up to the end of the war I had never on any occasion failed to vote and act with the democratic party. We had already seen enough then to be sure that the democratic party when it met in convention would not plant itself upon the reconstruction measures. I had advised my people about the time the reconstruction acts were passed to accept them at once; I had said "agree with thine adversary quickly," our conquerors have the power to dictate the terms, and we have nothing to do but submit to them. If we could not sustain our cause when we had 500,000 bayonets in our hands it was folly to talk about sustaining it after our armies had surrendered and the Government stood over us with 1,200,000 armed men whom it had on the muster-rolls when we surrendered. There was no other alternative but acquiescence, and I considered it the height of folly to make any resistance. Therefore my opinion was that the best thing we could do was to accept at once the terms dictated by the conqueror; and as the republican party had the control of the Government it represented the conqueror. I thought it best to act with you for the time in the hope that these troubles might end there.

The democracy took a different course. They soon after met in convention, and they laid down a platform that the reconstruction measures were unconstitutional, null, and void, and they nominated a candidate for Vice-President who had written a letter and published it, in which he stated in substance that it was the duty of the President of the United States to declare them so and refuse to execute them. The democracy at that time had not learned that the war had wrought a great change and that we had lost the Jeffersonian theory and the theory of the Virginia and Kentucky resolutions. They believed that the people of the United States revolting at these reconstruction measures would sweep them from the statute-book by putting the democratic party in power. I did not think so. There we separated, and separating at a time when there was so much feeling, so much vindictiveness as naturally grew up after the war and under such a separation, it was very certain that without the patronage of the Government we could not carry the elections in Georgia and I very frankly stated so. We were not at that time, however, acting under the obligation of United States Senators.

It was the ordinary case of a party convention, the convention of the republican party, which, whatever it professes, acts upon the principle that to the victors belong the spoils. It was a suggestion that the party convention give its due share of the spoils to its party friends in our section. Negotiations for a division of the offices among the members of a party convention is one thing; a contract, if one should be made, between United States Senators to give a particular Senator certain offices for his friends in consideration that he would vote to give other Senators the chairmanships of certain committees, would be another and a very different thing. There is therefore no analogy between what occurred at the Chicago convention and what some of the republican newspapers charge has occurred in this Senate.

I was not negotiating then with a constitutional body that has legislative powers, or a body that has solemn official duties to perform. If it was a negotiation at all, it was a negotiation with a mere party convention. Therefore, as already stated, there was no similarity between the cases. If there has been any improper negotiation here—and about that I have nothing now to say—it has been between the Senator from Virginia and other Senators. A very different case from a speaker from a particular State in a political convention saying "you must give us certain patronage or we cannot succeed." But you did not give to the republicans of Georgia their share of the patronage. You did not have the offices to spare; you wanted Federal patronage at home, and very little of it came to Georgia; only what was there in the State. If it was a compact of a political character simply between an individual and a political convention, it was not carried out on your part, though I admit the fact that the Senator states that I was afterward appointed chief-justice of the State and accepted the position and for the time I retired from politics. I was appointed by a republican administration in Georgia and I see no impropriety in my having accepted the position from that administration when I was acting openly with that party.

On the subject of patronage allow me to say that since I have ceased to act with your party in 1872, you have done very gross injustice to your own friends in Georgia and the South generally. There is no use in talking about any trade in regard to that sort of patronage. It is distributed by politicians not acting under official obligations for political effect; but you have needed it at home I suppose, as I have said. And I read here the other day from the Official Register to show that you did not give in the Departments

in Washington to Georgia one-half the number of appointments that she is entitled to. And yet you complain all the time that you cannot carry elections there and that republicanism cannot prosper there. Now, just change this rule over to Connecticut and Rhode Island——

Mr. HAWLEY. Will the gentleman come back again if we will give him all the patronage?

Mr. BROWN. No, sir, not for all you could possibly give me. You could not get me to go back under any circumstances until you mend some of your ways.

But I say in Connecticut and Rhode Island and other States you take the patronage, and if you did not get it you would not carry your elections there; it is very hard work occasionally for you to carry them even with all the patronage thrown there.

But there was a time when I came back to the democracy, or they came to me—it does not matter which—in other words, after having made an honest effort to get rid of the reconstruction measures in 1868, which I predicted before they went into it would prove a failure, the democratic party found that these measures were fixed facts, the constitutional amendments had been adopted, they were part of the Constitution of the United States, and the Supreme Court held the reconstruction acts constitutional; and my honorable colleague on my left, [Mr. HILL,] who had taken strong ground and was the ablest leader of the democracy in 1868, seeing in 1870 that these measures were fixed upon the country, was among the very first to come out and acquiesce in them and advise acquiescence, and he has stood there from that day to this.

The democratic party then met in 1872 and nominated Horace Greeley for President, and they adopted the reconstruction measures as fully as the republican party had done. I went with you in 1868 because the democratic party refused to adopt them when I thought it was best for our people that they should, and because there was in that day of excitement violent discussion and violence of various sorts, and I thought it would lead to another revolution if we undertook to resist them. I therefore thought it better for all sections of the country that we should adopt them at once, and I stood on them. But after the democracy had made the effort to get rid of them and had met in convention and solemnly adopted them, there was then no further reason why they and I should not act together, especially after the legislation and practices of the Government under General Grant's administration up to that period, much of which I did not approve.

When the democrats came to that platform in 1872, and from that day to this, I have continued to act with them. Therefore I was always a democrat on all occasions when they were acting upon the platform they stood upon prior to the war. I saw after the war that that platform could not be maintained, and as I stated here a few days ago I am always on one side or the other, and when I could no longer act with them I acted with you upon the reconstruction measures. When they came back and planted themselves upon them, I believed it was better for the country to stand with them, and I then took my position with them again and I have acted there ever since.

After I left the supreme bench of Georgia, where I resigned my position, I took no active part in politics so far as running for any office was concerned; but I was independent and outspoken as a democrat, made speeches, and wrote letters and published them when I pleased, as I always expect to do. And there was no question about my position.

But there came a period when I was appointed to fill a vacancy in the Senate, very unexpectedly called from my private business. There was, as stated a few days ago by a Senator here, an assault made upon the governor for appointing me to the place on the ground that I had once been a republican and acted with you in favor of the reconstruction measures. That assault was made upon me by the Bourbon democracy. I have heard frequently the use of the term "Bourbon" here. I am not a Bourbon democrat; I am a national democrat. I stood upon the platform of the national democracy during the campaign for governor and Legislature in Georgia last fall. I proclaimed it everywhere, I deceived nobody, I stand there to-day. I made the issue with the little wing that still exists there of Bourbon democrats. I will tell you just what I mean by Bourbon democrats.

The democracy were not Bourbon necessarily in 1868, though I thought the tendency was that way when they tried to maintain the old doctrines that had existed prior to the war by an appeal to the people; but after having made that appeal and the people having decided against them and the reconstruction measure having been ratified and become fixed as part of the supreme law, then I think it was Bourbonism for a man to refuse to recognize that fixed fact and continue to say that the reconstruction measures were unconstitutional, null, and void. The person who led, not as a candidate, but was really the head of the opposition to me, was a very distinguished and able gentleman who once sat upon this floor, Hon. Robert Toombs. He made a speech in Atlanta against me about three nights before my election, in which he took the position that the democracy in 1868 were right when they declared the reconstruction acts unconstitutional, null, and void; and he then declared them still unconstitutional, null, and void. He is the leader of a little wing of democrats there and fought me. I say a man who has learned no more than that, who still stands for the old platform adopted prior to the war, and who has not learned that the constitutional amendments are obligatory upon the country, and who now proclaims the reconstruction measures to be still unconstitutional, null, and void, I class as a Bourbon. There is a very small class of those democrats in Georgia. They are very respectable, however, in point of ability. I made the issue with this class squarely and stood where I have stood on this issue ever since the passage of the reconstruction measures. I stood for a free ballot and a fair count, and I still stand there. I have deceived nobody.

And here I want to notice a remark made to-day by my honorable and esteemed friend the Senator from Ohio [Mr. SHERMAN] that I have not quite met the expectations on that side of the Chamber in the course I have taken with the democracy, as I understood the substance of his remark to be. I promised nothing else; and the republicans of Georgia and their leaders will say so. A day or two ago I saw in a New York paper an article as full of errors as one could be in reference to my course there, stating that I had said in my speech the night before the election, and had omitted it in the publication, that if I were elected I would not go into the democratic caucus. There were over two thousand people who heard that speech, quite a respectable audience. All the senators and representatives in the Legislature were present. I said no such thing. Let us look a minute at the improbability of it, if it needs any discussion. There are two hundred and nineteen senators and representatives in our General Assembly, two hundred and nine of them democrats and ten of them republicans. If in courting the republican vote there I had said in a public speech, "If you republicans will elect me I will not go into the democratic caucus," nothing could more certainly have sealed my defeat next day with two hundred and nine democrats there as part of my audience hearing it. If I had been going on mere political policy, I or any other man would have had more sense than to make such an appeal.

Mr. HAWLEY. Will the gentleman kindly state what was the division between the Norwood and the Colquitt democrats; what was the respective strength of those two parties in the Legislature?

Mr. BROWN. Governor Colquitt carried the election by about fifty-five thousand majority; I do not remember exactly the figures.

Mr. HAWLEY. I speak of the members of the Legislature. How were they divided? Was there not a division in that respect?

Mr. BROWN. I do not remember without looking back at the list; and I do not know in every case whether a particular member was a Colquitt democrat or a Norwood democrat. I did know who was a Brown democrat and an anti-Brown democrat. I also know this, that in many counties where there were Brown democrats run for the Legislature they carried a much larger majority than Governor Colquitt carried. I will take my own county, Fulton, where Atlanta is located; Governor Colquitt carried that by 230 majority; there was a regular Brown democratic legislative ticket and an anti-Brown ticket, which was a sort of fusion ticket, run. There were three members of the house elected from that county. The man who received the lowest vote on the Brown ticket was elected by over a thousand majority over the highest on the anti-Brown ticket. In the county of Cobb, adjoining us, Governor Colquitt carried it by about three hundred and ten majority, as I recollect; the Brown ticket carried it by about eight hundred majority.

Mr. HAWLEY. The republicans supporting it.

Mr. BROWN. Some did and some did not; I think I got the larger part of them. I know I tried to, as I suppose the Senator would have done under similar circumstances. Take the county of Bartow next to that, and ex-Senator Norwood carried that county by over six hundred majority, and yet the candidates for the Legislature who ran on the Brown ticket were elected. So that I did not exactly run on either of them; my name was run more with Colquitt, it is true, but a great many of Norwood's friends were among my warmest supporters. And I will say in reference to the republicans, as that is mentioned, that I have always had their confidence, and I flatter myself I have it to-day. There may be a few here, and I tell you they are very few, who are desiring positions who may think it would be popular with the Administration to tell you I have not that confidence, but if you go with me to Georgia I will show you that those whose opinions are worth most there, as well as the mass of the republican party, are still my friends and I have their confidence. I have not deceived them. I did all I could to get their votes for my friends to the Legislature, and I believe that was the course any honorable man would take under the circumstances, and I believe that a large majority of them sustained me in the elections.

Of the ten republican representatives every one voted for me. I did not need their votes to secure my election, because I had nearly two-thirds of the democrats in each house, but I was just as thankful for the votes of my republican friends as I was for the votes of the democrats, who were my friends. I said to the republicans that I was a national democrat, that I should act with the democratic party; at the same time that I would do all I could in Washington, if I came here, to see that justice was done to them as well as the democrats, and I intend to carry that out. While I act with the democrats and am a democrat, I intend to continue to insist that the republican Administration do justice, which it has not done, to the republicans of Georgia. You have never done justice to the colored people there; you have never done justice to the republican leaders there who are white. I have already given the reasons by referring to the Official

Register. You have never distributed patronage to them as you have in your own States in political campaigns. And while I would be glad, as I stated the other day, to get a portion of the patronage for the democrats, still, as you are determined that "to the victors shall belong the spoils," and that a minority of the people of the United States known as the republican party shall have all the spoils, I am not going to make an issue on that. You will go on upon that platform, and I will continue to demand for the republicans of Georgia, as I and my colleague alone represent them upon this floor, their proper share. And if you give to the Senator from Virginia the executive patronage of Virginia because he goes for "a free ballot and a fair count," then I demand that for the democracy of Georgia as well as the republicans. There is no division in Georgia on that subject. You can bring no case in the late elections there for years past where there has been any violence or any fraud in our elections. There may have been somebody with a broken nose on account of some personal difficulty in our late election.

Mr. McMILLAN. May I ask the Senator from Georgia whether at the last election there was not a disturbance in Georgia at Forsyth, where the supervisors of election were interfered with?

Mr. BROWN. No, sir; none that ever I heard of.

Mr. McMILLAN. I have heard such a statement made as to the last election.

Mr. BROWN. I never heard of it, and my colleague says he never heard of it. I think it is probably a little like the story of the factory that was burned in Mississippi.

Mr. McMILLAN. I received the statement from a Georgian.

Mr. BROWN. There was no disturbance there that any honorable republican will complain of; I never heard of it.

Mr. McMILLAN. Is there a polling place there at Forsyth?

Mr. BROWN. Yes, sir; there is.

Mr. McMILLAN. That was the place indicated.

Mr. BROWN. Forsyth is the county-seat of the county of Monroe.

Mr. McMILLAN. Forty or fifty miles from Atlanta, is it not?

Mr. BROWN. Yes, sir, about eighty; and there was a large poll there, but I never heard of the slightest trouble there that kept anybody from the polls. There may have been a fight, some men may have fallen out as they did in your State and had a fisticuff.

Mr. McMILLAN. Was the vote of that place returned and counted?

Mr. BROWN. It was honorably returned and honorably counted. No, I defy you to point to any wrong in the election there. It was held as freely as it was in any of your States and you cannot produce the evidence to the contrary.

I say then that the democrats stand to-day for "a free ballot and a fair count;" they stand for internal improvements by the General Government, improvements of rivers and harbors. They stand as I do for free education, for taxing ourselves all we are able to bear to educate our children, and for calling upon the Federal Government to help educate the colored people. They stand for whatever can be done to develop the agricultural resources of the whole country. They stand for all that can be done to develop the mineral resources of the country and under a just and fair system they stand for maintaining, as far as it can be done consistently with the rights of other classes, the manufacturing interests of the country. They stand for a sound currency. They stand for a progressive move forward.

I took the position that the world moves and we must move with it. I stand there to-day, and the democracy of Georgia stand there; and if I had taken my seat on the other side of the Chamber, as in the case referred to the other day by the Senator from Connecticut, [Mr. HAWLEY,] I suppose I should have been considered all right. But as I pledged myself before I came here to the people everywhere, republicans and democrats, to act with the national democracy, I will not deceive them, and I have not. And I say you cannot truly charge us with anything but fair play in the elections. You cannot charge that there was any unfairness in the count. As I have already stated, we have a much freer ballot there than they have in some of the New England States whose constitutions and laws I have discussed upon this floor, and a freer election than they have in Connecticut. I have misled nobody. I have proclaimed myself a democrat all the while since 1872, and I ran on that platform; I have stood there from that day to this. I told the republicans in Georgia that I was a democrat and should act with the democratic party, but I would try to do justice to them, and I intend to do it as their representative here, they having no republican representative; and I shall continue to press their rights upon your consideration. I intend to do them the same justice that I do the democrats. That is all the pledge I have made to them, and I am going to try to redeem it in the strictest good faith. That has been substantially my political history. I have not denied at any time that I went to the republican convention at Chicago in 1868 and that I supported your nominees with all my power. I do not expect to deny it, and if the democrats stood to-day upon the Seymour and Blair platform of 1868 I should be standing with you, notwithstanding your errors and malpractices. But when the democrats came back to the reconstruction platform that I stood upon, I preferred then to act with them. I did it openly and squarely and fairly, and have had no concealment about it.

This is substantially my record, Mr. President. I have stated what I understand to be a national democrat and what I understand to be a Bourbon democrat. Standing upon the democratic platform and fighting that gallant little Bourbon wing, which has a great deal of brain power and a very small number of followers, I succeeded upon that platform. I was sustained by more than two to one of the people of Georgia, judging from the vote given me by their representatives, and I think I may say by more than that proportion of the people who voted for those representatives. Ten out of the number were republicans and the rest were democrats. I have carried out every pledge I made to them. I have come here and acted as I told them I should do, and I shall continue to act so, and I am very sorry if anybody's expectations have not been realized. It may have been that on account of the platform that I laid down for myself, because it is substantially the democratic platform of the Union, which I said I would stand by in a speech the night before the election, you were led to think at the North that that could scarcely be democratic doctrine down there, and you thought it was an advance step and being so I ought to come here and act with your party. If that is your meaning, then I can simply say you have misunderstood Georgia and the South. We have all advanced forward to the position I have already mentioned there, and if you have not learned it you will learn it. You will find no more Bourbonism there in power. I do not remember making the remark that that election sealed the fate of Bourbonism there, but I might have made it very truly. It is very certain that Bourbonism as I have described it has not power there, and cannot have again. We intend to go forward with the age, we intend to go forward on the platform I have already mentioned, we intend to go forward for the great material prosperity of this country. We intend to unite with you in building up this country. We intend to do all we can in the South to aid in making it a great country. We have the soil and the climate and the mineral wealth, and everything that is necessary to invite capital. We invite you all, and we will treat you well any time you come there. You are bringing capital to us. We are glad to see it; we intend to protect it, and as I stated the other day in the remarks I made you make a mistake when you think that either southern capitalists or northern capitalists will encourage you in a movement to re-reconstruct the South or to put the ignorant people there, white or colored, over the intelligence and the virtue and the property of the State. You do not do it in your own States and you cannot do it there. Intelligence and wisdom and experience and intellect will always by one means and another control in every society; it will do it with us as it does it with you. While we do that, we shall act on a line that will do full justice to everybody; we shall coerce nobody from the ballot-box or to the ballot-box; we shall drive nobody from it by educational restrictions or like restrictions, but we will in good faith take care of the weaker class and act honorably and honestly by them. Where they unite with our party we will give them what you have not given them, a fair showing for the offices; we will do all we can by policy and by fair means to carry our elections, and we expect generally to do it.

Now, one word about "the solid South" that has been referred to, and I have done. I have spoken a little longer than I expected. "The solid South" was referred to to-day as a standing menace. The solid Northern States are not regarded as a menace. There are sixteen Southern States that, on account of the course you have taken as the republican party, believe their safety is with the democratic party. They happen to be together in one section; they can be counted on in advance for the democrats because they know the democratic platform and the democratic doctrines, and they vote for them as an old whig State used to vote for the whigs and a democratic State for the democrats. They have 138 votes. Then I mentioned the names of fourteen States the other day that have 149 votes in the electoral college that are just as solid for the republican party as the South is for the democratic party.

Mr. HAWLEY. Oh, no!

Mr. BROWN. Just as solid; it is as impossible for us to carry them; and the fight in each case is for the doubtful States. If we carry the doubtful States we carry the election, as we expect to do the next presidential canvass. If you carry them contrary to our expectations you will carry the election. Therefore there are fourteen solid Northern republican States to sixteen solid Southern democratic States, and the rest of the States are doubtful. In each contest it is your interest to say to the North that the South is solid for the democrats. Well, we can say with equal truth fourteen Northern States are solid for the republicans. The fight, then, is for the doubtful States.

Now, whenever you cease to do us injustice, and permit the Southern States to manage their own affairs in their own way as you claim the right to do and as you do, "the solid South" may soon be broken; but as long as you proclaim it in the Senate that the purpose of the majority here is to act in such a way as to control the elections in States, you drive the South solid for the democratic party. I had much rather have a division, not on the color line as it has been, but to see it cut across the other way, a part of the colored people and a part of the white people acting on each side; and if you would act toward us in such a manner that we believed you looked to our prosperity—I do not mean your northern people, but northern politicians—you can soon split us in spite of all we can do; but as long as you pursue the course now pursued you drive us to a solid South, whether you succeed or not.

But I say this in behalf of your own people: I do not believe the people who are the constituents of those of you who are most ultra

in this fight will sustain you in it. I may be wrong. I believe the people of the North and the West desire to bury these difficulties out of sight, and that the whole country be restored again to peace and harmony, that we come together now that slavery is out of the way, and no reason why we should not, and destroy all these distinctions of North and South and East and West, and that we move forward in one grand and glorious career for the general prosperity and building up of this country. That is what we want in the South. We are ready to strike hands with you on that at any time, and as soon as you meet us on that ground we shall have no more wrangling over the subject, in my opinion.

Now, as to my political consistency, I simply have to remark that I do not pretend that I am consistent, and I think I might name a number of you over there, as my honorable friend from Vermont [Mr. MORRILL] named this morning, who have changed party relations time and again. I am as consistent as some of you are. I was once a democrat, then for four years I was a republican; after that I became a democrat again, acting according to my own convictions. Some of you have had experience somewhat similar. Whether you have changed back again to the party you left or not, you have made changes, and important changes; you have modified your opinions. I have done the same thing, and I have acted with the organization that in my opinion it was best to act with. If you hold every man to consistency, you will find very few Senators here who can stand the test. I do not pretend that I have been consistent; if I were, I should be to-day fighting for slavery and for the right of secession. If I went on the Bourbon ground of never changing, which is called consistency, there is where I should stand. You may say that consistency does not require that, that consistency permits a man to act on his best judgment. Then I claim that I have been consistent. I think it is a man's duty to act on his best judgment in view of all the facts and circumstances by which he is surrounded. That is what I have tried to do. That which is expedient in statesmanship to-day may not be expedient twenty years hence. The man who says he never changes is a Bourbon in fact, and is not apt to be a wise man. The Senator from Vermont [Mr. MORRILL] informed us this morning that John P. Hale, Hannibal Hamlin, John Quincy Adams, John C. Calhoun, and other distinguished Americans, had some of them on more than one occasion changed their political relations. Doubtless they did so from conscientious conviction, and if I have changed mine I have acted on like convictions, and I at least find myself in distinguished company not only of that but of the present generation.

Mr. HAWLEY. Mr. President, there are one or two suggestions and criticisms, and perhaps an inquiry or two, that I should be glad to make; but I hardly think it worth while to detain the Senate to-night.

Mr. DAWES. Will the Senator yield to me a moment?

Mr. HAWLEY. Yes, sir.

Mr. DAWES. I wish to say, Mr. President, that after listening to the interesting confession of the leader of the democratic side of the Chamber as to his disappointment in not receiving the consideration for what he alleges to have been a bargain made with the republican party at Chicago as the reason for going back and taking——

Mr. BROWN. I did not give any such reason for going back. The Senator from Massachusetts——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. DAWES. Yes, sir.

Mr. BROWN. The other evening when the question was asked me whether I did not think my life was not safe in Georgia at one time, I responded, qualifying my answer, by saying that for two years before I went back to the democracy I was as safe as any man in Georgia. Just after that the Senator got up, when I was talking with his colleague, so that I did not hear him, and made the statement substantially that the Senator from Georgia had stated that his life was not safe while he acted with the republicans, but when he got back to the democrats it was safe again, and then moved to adjourn. I do not choose to have the Senator take that sort of advantage again.

Mr. DAWES. Mr. President, is the Senator through?

Mr. BROWN. Yes, I have got through with that matter.

Mr. DAWES. I hope the Senator will hear me now.

Mr. BROWN. I simply want to say to you that I did not say that the political party with which I was allied in 1868 did not pay the consideration, and that I went back for that reason. I went back for no such reason. I got all I could have asked. I was appointed chief-justice of my State for twelve years; I resigned it after a little over two years. I have no right to complain, and I did not say I went back because the contract was not kept, for it would not be true, and it is not true if anybody else should say it.

Mr. DAWES. Mr. President, I will try to not misunderstand the Senator. I know the difficulty in understanding him. Perhaps if he will listen to my repetition of what I said——

Mr. HARRIS. I hope the Senator will speak loud enough for us to hear him on this side.

Mr. DAWES. I will try to speak loud enough. Perhaps if the Senator from Georgia will listen to a repetition of what I said, he will see that I have not misunderstood him. I said after having listened—he will tell me the moment I misstate him—to the confession of the leader of the other side of his disappointment——

Mr. BROWN. I did not confess that I was disappointed at all.

Mr. DAWES. Then, Mr. President, I take it that we are to infer that he did not mean when he got up on that platform to be understood as he said.

Mr. BROWN. Yes, sir; I meant all that I said.

Mr. DAWES. I so understood the Senator, and I am not to blame for assuming that the Senator was sincere. I will amend it now, and say that after having listened to the confession of the leader of the democratic side—I see he does not misunderstand me so far——

Mr. BROWN. You are wrong there. I am not the leader. It is impossible to get you right.

Mr. DAWES. After the confession of the fact, whether he was sincere or not—I leave that out—that he did not get the consideration for what he alleges was the understanding at Chicago, and also——

Mr. BROWN. I said no such thing.

Mr. DAWES. Let me state it all—and also his reasons in that connection for going back to the lead of the democratic party—now if he will tell me wherein I have misstated him, I will stop.

Mr. BROWN. There is not one word of what you have stated that represents me correctly.

Mr. DAWES. Then no mortal man can represent the Senator.

Mr. BROWN. I can be misrepresented, though, I discover, without any difficulty.

Mr. DAWES. Mr. President, I will amend the statement. After having tried to the utmost of my ability to understand and represent correctly the Senator from Georgia, the leader of the democratic party on that side of the Chamber——

Mr. BROWN. That is not correct.

Mr. DAWES. And having utterly failed myself to understand what he means, I do think it is time for us to adjourn and reflect upon it; and therefore I desire to make a suggestion in order that we may have ample time. The nation has erected a statue to a great naval hero which is to be unveiled in this city on Monday with appropriate ceremonies. I think it becomes the Senate of the United States, certainly if they shall at that time have fully understood the leader of the democratic side of the Senate, to adjourn over and attend those ceremonies; and therefore I move that the Senate do now adjourn until twelve o'clock on Tuesday next.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate do now adjourn until twelve o'clock on Tuesday next.

Mr. HARRIS. I ask the Senator from Massachusetts to withhold his motion to adjourn over. I shall quite agree with him at the proper time, but not now. There is Saturday intervening, and the public business demands the attention of the Senate. I hope he will make his motion to adjourn until to-morrow, and on to-morrow when he makes his motion to adjourn over until Tuesday next for the reasons assigned by him, I shall quite agree with him and join him and support him.

Mr. DAWES. Mr. President, recollecting that the Senator from Tennessee yesterday, following his own impulses, voted to adjourn over then till next week, and only changed his vote because the mover of the motion had changed his mind, and not from his own judgment, I can hardly follow the Senator's suggestion. Therefore I adhere to my motion.

Mr. HARRIS. Mr. President, I desire to say to the Senator from Massachusetts that I conceded a great deal to the desire of the Senator who moved to adjourn over on yesterday; but when that Senator indicated a disposition to retire from the request he had made of the Senate, he left me no motive to adjourn over. While I am always ready to concede to a Senator on this floor anything that I can consistently concede to oblige him, when that Senator retired from his request I voted against adjourning over, and I am now opposed to adjourning over to-morrow because that is a day that we may utilize. For the reasons assigned by the Senator from Massachusetts I shall not hesitate to adjourn over Monday from to-morrow.

Mr. DAWES. Mr. President, the Senator from Tennessee, more I think than any other Senator, has moved to adjourn the whole proceeding till December. He has made so many motions of that kind that it is utterly impossible for me to follow him or for any other Senator who regards the business to do so. I must adhere to the motion.

Mr. HARRIS. Mr. President, I have moved to postpone the consideration of the resolution proposed by the Senator from Massachusetts till December, and I think it ought to be postponed to the end of eternity as well as to the end of time.

Mr. DAWES. That would take the Senator too.

Mr. HARRIS. But I have been ready every day and every hour of every day to proceed to the consideration of that business for which this session of the Senate was convened, as the Senator very well knows, and he has led the cohorts on the other side in opposing the consideration of the only business for which this session of the Senate was convened by the executive department of this Government.

Mr. DAWES. Now, Mr. President, I hope we may have a vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts, that the Senate do now adjourn until twelve o'clock, noon, on Tuesday next.

The motion was agreed to; and (at five o'clock and five minutes p. m.) the Senate adjourned till Tuesday, the 26th instant.

TUESDAY, *April* 26, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

The VICE-PRESIDENT laid before the Senate a letter of the Attorney-General, transmitting, in compliance with the resolution of April 18, copies of correspondence received from Warren S. Lurty, United States attorney for the western district of Virginia, in relation to the late report of C. C. Lancaster, special agent of the Treasury Department; which was ordered to lie on the table.

BANKRUPTCY INVESTIGATION.

Mr. EDMUNDS. I ask the consent of the Senate that the Committee on the Judiciary have leave to sit during the recess of the Senate (if that should ever occur) and to employ a stenographer, the object being to pursue some investigations relating to the subject of bankruptcy during the recess.

The VICE-PRESIDENT. The Chair hears no objection. There being no objection, it is so ordered.

Mr. EDMUNDS. I ask also that the necessary expenses of the committee be paid out of the contingent fund of the Senate.

The VICE-PRESIDENT. The Chair hears no objection. There being no objection, it is so ordered.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of the last day's session, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. COCKRELL. I move that the Senate now proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri. [Putting the question.] The noes seem to have it.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. SAWYER.]

Mr. WALKER, (when Mr. GARLAND'S name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] I make the announcement for the day.

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] I announce the pair for the day.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. COKE, (when Mr. MAXEY'S name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] I make the announcement for the day.

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay." I shall probably not announce the pair any more to-day, as the Senator from Kentucky is absent and will not be here.

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

The roll-call was concluded.

Mr. BLAIR, (after having voted in the negative.) I am paired with the Senator from Virginia, [Mr. JOHNSTON,] reserving only the right to vote to make a quorum. I withdraw my vote; it was given by accident.

Mr. FERRY, (after having voted in the negative.) I now recollect that I am paired with the Senator from Delaware [Mr. SAULSBURY] and I withdraw my vote.

Mr. BECK. I have been requested to announce that the Senator from Delaware [Mr. BAYARD] is paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

Mr. COCKRELL. I will announce for the day that my colleague [Mr. VEST] is absent at home on account of sickness in his family, and is paired with the Senator from Kansas, [Mr. PLUMB.]

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Beck,	Farley,	Hill of Georgia,	Pendleton,
Brown,	George,	Jackson,	Pugh,
Call,	Gorman,	Jonas,	Ransom,
Cockrell,	Groome,	Jones of Florida,	Slater,
Coke,	Hampton,	Lamar,	Vance,
Davis of W. Va.,	Harris,	Morgan,	Walker.
Allison,	Cameron of Wis.,	Dawes,	Harrison,
Anthony,	Conger,	Edgerton,	Hawley,
Burnside,	Conkling,	Hale,	Hill of Colorado,

NAYS—24.

Hoar,	McDill,	Miller,	Platt of N. Y.,
Ingalls,	McMillan,	Morrill,	Rollins,
Logan,	Mahone,	Platt of Conn.,	Sherman.

ABSENT—28.

Bayard,	Fair,	Kellogg,	Sawyer,
Blair,	Ferry,	McPherson,	Sewell,
Butler,	Frye,	Maxey,	Teller,
Camden,	Garland,	Mitchell,	Van Wyck,
Cameron of Pa.,	Grover,	Plumb,	Vest,
Davis of Illinois,	Johnston,	Saulsbury,	Voorhees,
Edmunds,	Jones of Nevada,	Saunders,	Williams.

So the Senate refused to proceed to the consideration of executive business.

Mr. DAWES. I hope we may have a vote on the resolution now.

Mr. HARRIS. I move to lay the resolution of the Senator from Massachusetts on the table.

The VICE-PRESIDENT. The Senator from Tennessee moves to lay the resolution on the table. [Putting the question.] The noes seem to have it.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. SAWYER.]

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. VEST.]

The roll-call was concluded.

Mr. BUTLER. I will announce for the day that I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. KELLOGG. I am paired with the Senator from Illinois, [Mr. DAVIS.]

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Beck,	Farley,	Hill of Georgia,	Pendleton,
Brown,	George,	Jackson,	Pugh,
Call,	Gorman,	Jonas,	Ransom,
Cockrell,	Groome,	Jones of Florida,	Slater,
Coke,	Hampton,	Lamar,	Vance,
Davis of W. Va.,	Harris,	Morgan,	Walker.

NAYS—24.

Allison,	Dawes,	Hoar,	Miller,
Anthony,	Edgerton,	Ingalls,	Morrill,
Burnside,	Hale,	Logan,	Platt of Conn.,
Cameron of Wis.,	Harrison,	McDill,	Platt of N. Y.,
Conger,	Hawley,	McMillan,	Rollins,
Conkling,	Hill of Colorado,	Mahone,	Sherman.

ABSENT—23.

Blair,	Fair,	Kellogg,	Sawyer,
Bayard,	Ferry,	McPherson,	Sewell,
Butler,	Frye,	Maxey,	Teller,
Camden,	Garland,	Mitchell,	Van Wyck,
Cameron of Pa.,	Grover,	Plumb,	Vest,
Davis of Illinois,	Johnston,	Saulsbury,	Voorhees,
Edmunds,	Jones of Nevada,	Saunders,	Williams.

So the motion to lay the resolution on the table was not agreed to.

[A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the pending resolution indefinitely.

Mr. JONES, of Florida. Mr. President, a few days ago I indicated to the Senate that it was my wish and purpose to make a few brief observations in reply to a portion of the speech delivered by the Senator from Maine [Mr. FRYE] before his departure. I very much regret that the Senator from Maine is not now in his seat, for what I have to say I should prefer to utter in his presence.

He delivered a very remarkable speech for the Senate of the United States. It was remarkable in many respects: first, coming from an experienced legislator; secondly, because of the fact that it was calculated more than any public utterance that I have ever heard here to inflame the passions of the American people. I regret it, because I did not look for such a harangue from that quarter. It is true that he put the State which I in part represent to the front. He took occasion to allude to her local affairs, to her system of schools, her local government, and all that kind of thing, and drew a comparison between Florida and Massachusetts and some other States in the Union.

Those who know me in this body know very well that I have never been in the habit of casting reflections upon any of the States in this Union. I have never forgotton in my place in the Senate that I represent the whole country and that I am just as much a Senator of Massachusetts as I am of Florida. In all matters affecting the interests of this great people I shall always feel, or at least try to feel, that I am not here to draw comparisons between the respective States of this Union. I shall try to regard the country as a common whole, and myself as a common legislator having in view the interests of an entire people.

I was mortified, therefore, when I heard the Senator from Maine, no matter with what provocation he might have conceived himself justified in resorting to it, getting into a little, narrow groove and

undertaking to disparage and to condemn what he could find objectionable in any quarter of his country.

I have but very little to say in regard to this matter. I was mortified at the time, I am mortified now, because when I found the Senator disposed to push forward that elevated civilization of which he boasts and the influence of which has been felt not only throughout this continent but the world, the civilization of New England, I was sorry to see that he presented such a poor type of it, when he felt it to be his duty to hold up any part of the United States to the condemnation of the world.

This country is a whole. The Union of these States must be dear to every man who has in him the attributes of a true statesman.

The Senator from Maine went on to draw a comparison between what he called the civilization of the North and the civilization of the South. The one he characterized as a civilization of the schoolbook and the Bible; the other the barbarism of slavery. I think the time has arrived when that kind of discussion ought to end. There was a time when party feeling and sectional prejudice ran so high in this Chamber that it might have been justified, but I think that time has passed.

Let us look at this matter for a moment. What is the civilization of the one or the other section of the country? They all emanated from a common source. In what differs the civilization of Massachusetts from the civilization of the South? They were both settled by a common stock of men. They both carried to this continent the same principles of liberty, the same notions of civil polity. It is true that the one landed on the James River, and the other at Plymouth; but they were all Englishmen, and they carried to this continent the same free principles, and they have taken root in a common soil.

Who was it that planted slavery on this continent? Who is responsible, I ask you, for that barbarism about which the Senator from Maine has said so much? Are the southern people responsible for it? Are the people of New England responsible for it? Is any portion of the people of this country responsible for it? I say not. It was planted here by a superior power. It was planted here by the mother country and upheld and maintained for years under the imperial power of Great Britain, and despite many honest exertions on the part of the colonies to rid themselves of it.

I will say to the Senator from Maine that no portion of the American people tried harder to stop the tide of barbarism, if he would call it that, than the people of the South. The very first movements made to check and to stop the introduction of slavery upon this continent came from the South, and they came from it even before Massachusetts or any New England State raised her voice, but without avail; and this system was planted here against the protest of every liberty-loving heart. Still the Senator comes forward here and says that the people of the South are to be regarded as forming a distinct civilization on this continent, because against their will and their wish this slave system was planted among them by a political power over which they had no control. It was here when the Revolution opened; it pervaded the whole country; it existed in Massachusetts and in every New England State. By degrees they got rid of it; not any sooner, I suppose, than was in accordance with their local interests. Nevertheless it was there. It lingered in the South a while longer than it did in the North, and for reasons that have been often stated here. Private interests possibly became interwoven with it so that it continued until a very recent period; but I do protest in all sincerity against this thing being set up here in the shape of a distinct civilization, and that the men of the South and the children of the South shall have branded upon their brows the brand of barbarism because they happened to be identified with slaveholding interests.

There was a time in the history of the world, and that was when the Saviour of man first put in His appearance upon the earth, that slavery in its worst form existed in the Roman Empire. When the Saviour of man made His appearance on the earth slavery in its most galling form existed within the Roman jurisdiction, and nothing can be found on record to-day emanating from Him or any of His apostles showing that a protest went out against it. He was more anxious to accommodate himself to the weaknesses and the prejudices of men, to spread forth the spirit of the Gospel than to run counter to the customs which He found ingrafted upon society when He first made His appearance upon earth. It was in that spirit that He uttered the celebrated scriptural saying that is so often alluded to, but so little understood: "Render, therefore," said He, "unto Cæsar the things which are Cæsar's; and unto God the things that are God's." He found slavery there in its worst form, not Africans bound in chains, not Indians wedded to captivity, but He found men of His own blood, for He came among us, as we know, in human form. He found men of the white race wedded and bound to a system of slavery the most galling that this world ever saw, and in the midst of all His teachings and His preachings, which to-day form the foundation of our Christian system, not one word can be found that emanated from Him in protest against this barbarous system.

We are now called upon by the Senator from Maine in the nineteenth century to bear the charge of being barbarians because the white masses of the South were compelled to submit to the introduction and long continuance of a system of labor which existed upon earth when God himself preached the Christian doctrine. I am not here for the purpose of making any apology or argument for it; I am not here to defend the right, abstract or otherwise, of man to hold property in man—it belongs to the past—but to-day in this high presence and in the hearing of the American people I say that the section from which I come is no more responsible for slavery or the consequences arising out of it than the people of any other State of the Union.

I would not undertake to antagonize the statesmanship of the Senator from Maine by the opinions of anybody, because I know that he is a very considerable man, but I would cite the opinion of a man who I would say, in all deference to the Senator from Maine, was equal to his own conception of himself when he announced on this floor that this continent was divided into two distinct civilizations. Who was that man? Where were our friends in the beginning of the great contest which culminated in the independence of this country? Where were the men who were outspoken in behalf of this struggling people? There was a time when there was something more necessary than mere physical power to enable this great people to accomplish what they succeeded in accomplishing in 1776 and in 1783. The public opinion of the world was appealed to. It was not only a battle of arms, but it was a great battle of moral forces, and without the support and sympathy which this country received from other quarters of the globe I am one of those who think that our independence never would have been achieved. It is true that we received material aid from France. She sent her armies and her generals here, and they participated in many of our great battles, notably in that of Yorktown, where I am proud to say the surrender of Cornwallis will be shortly commemorated by a monument worthy of the great event; but outside of the material advantage which was given to us in Europe we had the support of some of the greatest thinkers of that continent, we had the support of Mr. Burke, we had the support of Lord Chatham, and many like them, and they made a fight which is seldom made in behalf of a foreign people. Mr. Burke, in his place in the House of Commons, was called upon at one time to bear the whole brunt of the American contest; he had to meet every argument that was urged against the claims of this people to recognition as an independent power. He felt himself called upon to enter into a close and philosophical analysis of the condition of this continent and to present it to the mind of the world, and what did he say? Did he say, in the language of the Senator from Maine, that there were two orders of civilization existing here? Did he say that there was a civilization known as the civilization of the Bible and the school-book and the civilization of slavery, or rather the barbarism of slavery? In trying to attract sympathy and to secure support for the struggling Republic, did he in his high place in Parliament, with an eloquence never surpassed, undertake to say that this continent was divided in this way at that time, although slavery existed here then just as it existed before the civil war, possibly in a form more severe? Let me read a few lines from his great speech in defense of the colonies. In accounting for the spirit of freedom which was giving the mother country so much trouble he said:

> Sir, I can perceive by their manner that some gentlemen object to the latitude of this description, because in the southern colonies the Church of England forms a large body and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies which in my opinion fully counterbalances this difference and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world those who are free are by far the most proud and jealous of their freedom. Freedom to them is not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom as in countries where it is a common blessing and as broad and general as the air may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks among them like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward.

I will put that authority against the authority of the Senator from Maine.

Mr. HOAR. Mr. President, may I ask the honorable Senator from Florida if he cites that passage of Burke as himself indorsing it and affirming its truth to-day, or does he believe with me that it contains as much falsehood, crowded into half a dozen lines, in principle as was ever put together by the genius of man?

Mr. JONES, of Florida. I do not believe there is any falsehood in it.

Mr. HOAR. Does the Senator now affirm that liberty exists in greater purity among the masters of slaves, being founded upon a distinction of rank and caste, and not upon justice? Does he believe that the affirmation of the opening sentences of the Declaration of Independence or this affirmation of Burke which he has cited speaks the truth——

Mr. JONES, of Florida. I did not yield for a speech.

Mr. HOAR. Now that is the question I should like to ask.

Mr. JONES, of Florida. I yielded for a question. I undertake to put the opinion of a great political philosopher, one of the strongest liberty-loving men that ever trod the earth, a man who did more in his day and generation for this people than any man who lived beyond the confines of its territory—I undertake to put his opinion against the opinion of the Senator from Maine on whose speech I was commenting. The Senator from Massachusetts has no right to call for any abstract opinions of mine. This is a question of the past. I believe that the observations of Mr. Burke were founded in true

philosophy. He gives evidence of it a little further on, and I will cite it, when he says that what was stated in his speech was true in all the ancient commonwealths from the time we had any idea of government in the world.

Sir, when the great contest for independence began there was as much ground and reason for drawing the parallel, far more in reality than exists to-day.

Mr. HOAR. Will the Senator pardon me? I took the liberty of asking him whether he indorsed this statement, which he has, as I understand, indorsed, because it seems to me a very interesting question. I understand, if the Senator will pardon me for saying it, that the Senator has stated the precise issue which divides the two sides of this Chamber and the two parties of this country to-day, and we accept it.

Mr. JONES, of Florida. Mr. President, my opinion would be worth very little upon a question which is no longer practicable; and if I have deprecated anything more than another it has been the bringing forward here by Senators of a question which ought to be considered as obsolete; but when we come to indulge in a system of reasoning respecting it, it is perfectly legitimate to put the opinion of Mr. Burke against the opinion of Mr. FRYE. The world recognizes the one as a thinker and a statesman. How far the thoughts of the other will ever travel beyond the territorial jurisdiction of his own State or country remains to be seen.

But, sir, nothing mortified me more than to find this question brought forward here at this time in connection with this senatorial dead-lock as it has been called. When Washington put in an appearance at Cambridge to command the shattered forces of the colonies he was a slaveholder. Did any man in New England at that time undertake to impeach him because he was connected with that denounced civilization? He was connected with the barbarism of slavery for he was a slaveholder at that very time, and he commanded the men of New England in that great contest, and they yielded ready and implicit obedience to his commands throughout the trying days of the Revolution notwithstanding that he was a great Virginia barbarian.

At the very time that Thomas Jefferson penned the Declaration of Independence he was a slaveholder. The immortal lines which are celebrated now nearly every year in New England emanated from a man who was identified with that barbarism. Why was it that no protest went forth to the civilized world against perpetuating the language and the worth of a man who was so identified with this abominable system? And still there was not an intelligent man on this continent who did not know at the time Jefferson wrote those immortal lines that he was the owner of slaves and that he continued so down to the very day of his death? And who, I ask you, in the whole scope of political operations on this continent ever did more to advance liberty, to promote the country's prosperity, its well-being, and its consequence than that immortal man? Look at the history of the Revolution, and see who were identified with it who were in the same category with Jefferson.

Now, Mr. President, it is too late in the day for any man from New England to come forward here and undertake to brand the brows of southern men with this foul imputation that they are connected with a barbarism with which Madison, Jefferson, Washington, Marshall, all the leading spirits of the purest and best days of the Republic had been identified, and for no other purpose under God's heaven but to excite the hate and enmity of that portion of our people who may not have given to that subject the reflection which it demands.

Many of us are disposed to boast of our English ancestry, and the pride of race; and that carries us back to other times and other countries that after all have been responsible for this whole system; unfortunate it was. Glancing my eye over the records of the past, looking into parliamentary annals, I go back to that time when Great Britain was brought face to face with the great problem of slavery in her West India colonies, and I do not find in any parliamentary record any statesman of a responsible character rising up and saying in the presence of the British people that one-half of them were barbarians and living under a system of barbarism that called for parliamentary repression. I do not find Mr. Canning, Mr. Wilberforce, or Mr. O'Connell even, in all the wild luxuriance of his notions of liberty, denouncing anybody living under the British flag as being a barbarian because it fell to his lot to be identified with the system of slavery. I find many honest expressions of opinion, however, from time to time looking to the necessity, the importance of a change in that system, looking to the enactment of wise laws necessary to its gradual extinction, but I find in no part of the excited debates that took place in the British Parliament at the time when slavery was the most exciting topic in that country, anything indicating that there was a statesman worthy of the name who denounced a British subject because he lived in a portion of the realm where slavery existed. I do not find that narrowness, that littleness of soul, that want of charity in that country at that time which I see here.

Let me read an extract from a speech delivered by George Canning in the British Parliament, a man whose whole soul was on the side of freedom, who from time to time avowed in the most positive and unmistakable terms that if it came to a question of slavery and freedom he was always to be found on the side of freedom; and occupying the responsible position of a British minister and speaking to the free opinion of Great Britain from his responsible place in Parliament he did not think it becoming in him to play the part of a demagogue. When the all-absorbing question of the abolition of slavery in the West India Islands agitated the British Parliament we know—those of us at least who have read the history of that affair—the excitement that it created, the questions of property that were involved, the rights of subjects, all those nice and delicate questions that were brought to the front, even here, were presented there, and it was known that if there was an abolitionist of deeper or darker dye than another in the British Empire it was George Canning; and what did he say? He said:

> If there be those again who think that this important question, involving, as it confessedly does, the lives, the interests, and the property of our fellow-subjects, is to be determined on the abstract proposition "That man cannot be made the property of man," I take the liberty of relegating them to the schools; and of telling them that they do not deal with this grave and complicated matter as members of the British Parliament, or as members of a society constituted like that in which we live, of long-established interests, of conflicting claims to protection, of modifications and involutions of property, not to be changed and simplified by a sudden effort, and of usages which, however undesirable, if the question were as to their new institution, are too inveterately rooted to be destroyed at a single blow. I must tell them, sir, that the practical adoption of their speculative notions would expose our West India possessions to ravage and desolation; which, I think, those honorable gentlemen themselves would be as little satisfied to behold as, I hope, they are prepared willfully to produce them.

That was the sentiment of a great statesman recognizing the claims of freedom and the universal right of man to be free, but nevertheless accommodating himself to a condition of society which he had no agency in bringing about and which it was the part of wisdom to change as moderately, as silently, and as quietly as possible, and without intruding upon the interests of a great people.

I am not here, as I said, to offer any argument in the abstract in support of the doctrine that man has the right to hold property in man. If that were an original question and we were debating it here for the first time, and a proposition was pending to establish it, I have no hesitation in saying that I would be the last man in this continent who would give it my assent; but when it comes to dealing with questions now long past, with a state of facts over which the people of the South had no control, which was forced upon them by a superior power and which they were compelled to accommodate themselves to as best they could, they need no defense from me before any fair tribunal.

Slavery has passed away, and there is not a man to-day south of the Potomac who does not rejoice at it, in my opinion, although I am not here delegated to speak for every one. I speak for myself, and I say that I think I represent the sentiment of the entire South when I say that there is not a man, a woman, or a child within the confines of the southern country who would be willing to take back that institution. Why not, then, let the past alone? A great philosopher has said that it is not in the power of the Almighty even to undo the past. I say it is not the part of decency or of statesmanship for any Senator from any quarter of this Union to come forth here even for party or political purposes to dig up the carcass of slavery to inflame and excite the public mind. I say that every interest in those States, North and South, ought to be regarded as lying within the guardianship and the control and the protection of every member of this body, and when a Senator from New England or a Senator from any other portion of the Union gets up here to denounce any portion of the American people because of some system of the past, I say that he is serving in a very small way the great purposes of his high office.

A great revolution has been accomplished; a great change has taken place. This people have been transformed from chattels into freemen, by the scratch of the pen; and while I say it is beyond the power of any man or any set of men to alter or change that condition of things, I do say here to-day, measuring my words when I utter them, that the process by which that great end was accomplished was the most unwise act of statesmanship that was ever enacted in any country. There was not a thinking man in the southern country that did not believe that with the success of the war on the side of the Union slavery would cease; not one. Whatever may have been the questions or doubts entering into the minds of men as regards its importance as a factor in bringing the war about, everybody felt that when the cause of the South went down in the flame of battle slavery went down with it, and that it required the hand of a master statesman to regulate and to reform society so that the great interests of the country might not be damaged by this new condition of things. We did not complain of emancipation so much, because it was anticipated, but even under the Johnson governments in the South the people there, with a unanimity which they rarely accorded to any public measure, ratified the complete extinction of slavery.

This was not enough. After that the great and the fatal step had to be taken. On your statute-books to-day you require the most enlightened European to remain five years within your jurisdiction before you will permit him to enjoy the privileges of common citizenship, in order that he may prepare himself by reading, by culture, by all those methods which go to swell his mind to the full dimensions of American citizenship—you require five years of him before he can be permitted to enjoy the rights of a common citizen. In the other case what did you do? You insisted that a people who for more than two centuries were involved in the most benighted barbarism, without any schooling, without any training, without any preparation whatever, should be by the scratch of a pen, and by the

accident of birth, elevated to the full standard of American citizens. At the time you did that you might just as well have extended the ballot to so many of the cattle of the region in which those people lived. They were as incapable of forming any idea of the duties, the rights, and the responsibilities of American citizenship as the beasts of the field. And this you boast of as a great public measure; this is the crowning glory of an administration of the republican party! Then you expected that the men who for generations before that had their souls and their hearts identified with the principles of freedom should bow their necks beneath the yoke of these Africans that you attempted to raise above them; and you expected them, as Americans, as men of your own flesh and blood, with all the traditions of the past behind them, to bow their heads beneath this huge force of negro barbarism and crouch in the dust before it as a political power. They revolted. History will write that chapter, and justice will yet be done after the prejudices of this hour have passed away, and when some future Macaulay or Gibbon comes to write the history of that transaction it will be found that the men of the South, upon whom you were in the habit of heaping your anathemas because they would not submit to this negro domination, will be vindicated in the eyes of mankind.

It was an unreasonable thing to expect; and what has been the whole current of this debate? What has been the genius of this strife, so to speak, except this very question, because those men who from time immemorial have been accustomed to freedom have not been willing to accept the rule of an inferior race. Take my own State with 96,000 blacks and 100,000 whites; what a spectacle does it present for the contemplation of a statesman? Do you think that an act of legislation can blot out the colors in the rainbow? Do you think that it can reverse the revolutions of the earth? Do you think it can change in any way the established order of nature? You might as well, to use the language of a great thinker, stamp your foot upon the earth to try to prevent its revolution; you would only remain a silly figure upon its surface who measured the rapidity of rotation until carried in the shade of that body whose irresistible force you would endeavor to oppose.

Nature and God for their own purposes have established an order and you have run your orders and your legislation right under the nose of the Almighty; you have refused to recognize what nature had established; you have insisted upon carrying out and maintaining in the South a condition of things that could only be maintained and upheld in a community where races were homogeneous, and you have blamed the men of your own belief and your own faith and your own feelings and aspirations because they had the manhood and the spirit to resent the attempt.

Sir, I have heard and read a good deal of oppression and of tyranny, and I say it here in the Senate of the United States, under all the responsibility that attaches to anything I can utter, that knowing the South as I have from my earliest boyhood, and her generosity, I never expected to live to see the day when that proud and haughty race would be compelled, as I have seen them, to humiliate themselves as they have. I never expected to see the day when such scenes would be enacted, such as I have witnessed with my own eyes, when thoughtless and ignorant men, inspired by nothing but race feeling, would take possession of the polls and offer every insult and indignity possible to their white neighbors in order to produce conflict; and I have seen that proud people, conscious of their manhood, knowing what they could do, bear with these taunts and humiliations for the sake of order to a degree that I never thought was possible.

And this thing was all predicted by republican authority, and I would ask the Secretary to read a portion of Governor Morton's address to the Legislature in Indiana in 1865 to show what he thought of the wisdom of this system about which so much has been said in this debate.

The Chief Clerk read as follows:

> The subject of suffrage is, by the national Constitution, expressly referred to the determination of the several States, and it cannot be taken from them without a violation of the letter and spirit of that instrument.
>
> But without stopping to discuss theories or questions of constitutional law, and leaving them out of view, it would, in my opinion, be unwise to make the work of reconstruction depend upon a condition of such doubtful utility as negro suffrage.
>
> It is a fact so manifest that it should not be called in question by any, that a people who are just emerging from the barbarism of slavery are not qualified to become a part of our political system, and take part, not only in the government of themselves and their neighbors, but of the whole United States. So far from believing that negro suffrage is a remedy for all of our national ills I doubt whether it is a remedy for any, and rather believe that its enforcement by Congress would be more likely to subject the negro to a merciless persecution than to confer upon him any substantial benefit. By some it is thought that suffrage is already cheap enough in this country; and the immediate transfer of more than a half million of men from the bonds of slavery, with all the ignorance and degradation upon them which the slavery of generations upon southern fields has produced, would be a declaration to the world that the exercise of American suffrage involves no intellectual or moral qualifications, and that there is no difference between an American freeman and an American slave which may not be removed by a mere act of Congress.

Mr. JONES, of Florida. So it seems, Mr. President, that opinion was not altogether on the democratic side with respect to the unwisdom of granting this wholesale suffrage so suddenly. When the responsible and thoughtful Senator from Indiana in his day, addressing himself to the Legislature of his State, thought proper to put that language to his people, I am sure it cannot be regarded as any very great crime for a democrat to entertain such opinions.

But I said that the past is beyond the power of the Almighty, and we accept the situation in good faith. Every man of sense knows the difference between the original institution of a measure and its subsequent abrogation; and whatever may have been the opinions of those of us who deemed this an unwise policy at the time, there is not a man in the South to-day of intelligence but what feels that it is his duty to make the best of the situation and that nobody there for one moment entertains the thought of remitting those people to the condition in which they were.

It is true, I am free to say to you in all candor, that I never would have advocated the extension of suffrage at the time it was granted. I would have put them in a state of probation and culture, of preparation like that in which you put the foreigners who come to your shores, and I would have required of them the same preparatory training that your laws now require from the most cultivated European, before I would have endowed them with the rights and powers of citizens.

But that is past and we must deal with this as an existing fact; and let me tell you that the rights which those people enjoy to-day and the security which they have is not altogether derived from the amendments to the Constitution, although they are thereby protected. The interest of the people with whom they are identified is their greatest security. There is not a man, woman, or child in the South who looks on a black man or a black woman there who does not know that their interests are identified more or less with those people; and it is not for you who have not this problem before you from day to day to come in as intermeddling outsiders and undertake to prescribe for us the rule of action which shall control in our midst. It would be as impudent for the people of my State to go to Massachusetts or to Maine to dictate to the thoughtful men of those States what should be done with respect to their domestic policy and the regulation of their local affairs, as it is for you who have not on your hands this great and difficult problem to come into our midst and quarrel with us over every little detail pertaining to it. Why not let us alone? Ought you not to be satisfied with the condition of the South? Present me an instance in the history of the world in which a people under such difficulties, surrounded by such dangers, and in the midst of such poverty, have marked out the result that that people have. I defy you. I say that the history of the world will not afford an instance where so much has been accomplished under such great disadvantages as has been accomplished there; and you ought to be content that this great experiment of enfranchising four millions of slaves by a scratch of the pen was not attended with greater ruin and more fearful consequences to society than those which did occur.

Every day in this body you talk about the denial of suffrage to and of impositions upon the negroes. I venture to say that the civilized world to-day does not present a spectacle to be compared with that of the South, so far as those laboring people are concerned, in contentment, in the enjoyment of the security of every right that they ought to have as humble members of society, and marked as they are by a distinct brand of nature which shuts them out and will continue to shut them out forever from places of social position with the white race.

The Senator from Maine, when he came up here the other day to speak of the condition of Florida, said that he had in his hand an immense record taken from the Attorney-General's Office—the records of the courts in political cases. Well, sir, I know something of the administration of criminal justice in those cases. I have seen enough and with my own eyes to satisfy me that when it comes to politics a judicial tribunal affords no more security than a political one to the rights and interests of the masses; I saw with my own eyes and in my own presence the solemn verdict of a jury set aside by a Federal judge because it did not suit his notions, and twelve negroes empaneled to give a judgment that was in accordance with the judge's notion! I will not go to judicial annals for any evidences of impartiality in matters wherein the political parties are involved. I would read a passage from a great republican speech of Mr. Sumner. He embodies in it a spirit of philosophy.

> For myself, let me say, that I hold judges, and especially the Supreme Court of the country, in much respect; but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. [Sensation.] Judges are but men, and in all ages have shown a full share of human frailty. Alas! alas! the worst crimes of history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment. It was a judicial tribunal which condemned Socrates to drink the fatal hemlock, and which pushed the Saviour barefoot over the pavements of Jerusalem, bending beneath His cross. It was a judicial tribunal which, against the testimony and entreaties of her father, surrendered the fair Virginia *as a slave;* which arrested the teachings of the great Apostle to the Gentiles, and sent him in bonds from Judea to Rome; which, in the name of the old religion, adjudged the saints and fathers of the Christian Church to death, in all its most dreadful forms, and which, afterward, in the name of the new religion, enforced the tortures of the Inquisition, amidst the shrieks and agonies of its victims, while it compelled Galileo to declare—in solemn denial of the great truth he had disclosed—that the earth did not move round the sun. It was a judicial tribunal which, in France, during the long reign of her monarchs, lent itself to be the instrument of every tyranny as during the brief reign of terror it did not hesitate to stand forth the unpitying accessory of the unpitying guillotine. Ay, sir, it was a judicial tribunal in England, surrounded by all the forms of law, which sanctioned every despotic caprice of Henry the Eighth from the unjust divorce of his queen to the beheading of Sir Thomas More; which lighted the fires of persecution that glowed at Oxford and Smithfield, over the cinders of Latimer, Ridley, and John Rogers; which, after elaborate argument, upheld the fatal tyranny of ship-money against the patriot resistance of Hampden; which, in defiance of justice and humanity, sent Sidney and Russell to the block; which persistently enforced the laws of conformity that our Puritan

fathers persistently refused to obey; and which, afterward, with Jeffreys on the bench, crimsoned the pages of English history with massacre and murder—even with the blood of innocent women. Ay, sir, and it was a judicial tribunal in our own country, surrounded by all the forms of law, which hung witches at Salem—which affirmed the constitutionality of the Stamp Act while it admonished "jurors and the people" to obey.

Sir, that is true, and when gentlemen come up here and talk to me about the decision of judicial tribunals in Florida or anywhere else with respect to questions in which the interests of party are involved, I point them to that passage in Mr. Sumner's great speech.

Now, sir, I did not intend to say much in regard to the local affairs of my State, but the Senator from Maine in his over-anxiety to fasten upon the people of the South some charge or accusation that would affect them in the mind of the northern people, their own fellow-citizens, referred to a murder which was committed a few months ago while the testimony was being taken in a contested election over a seat in the other House. I can only say now, Mr. President, that after he got on his feet, so ill-informed in regard to that transaction and so willing to use it against that people, that I was really surprised, because I supposed that when a Senator felt it to be his duty to arraign the people of any of the States of this Union, so as to put them in a light which might call for the condemnation of their fellow-citizens elsewhere, he would at least take pains to inform himself in regard to the facts of the case. He entered on a long statement, saying that he meant to give names, and he spoke of murder, he spoke of the fact that it had been circulated over the North that murder was in the air in Florida at the time this testimony was being taken so as to prevent honest testimony being given in favor of one of the parties, and what was the fact? The fact was that it was a murder committed by a negro desperado of his own party upon one of the very best young white men in Florida, who, without cause and without justification, was shot down in cold blood by a negro villain; and so anxious were a certain class of men who hover around this Capitol to misrepresent and to defame that people, that they actually telegraphed to the New York papers that this murder was inspired by democrats, and the Senator from Maine the other day had the temerity to allude to it as a murder committed by a democrat upon a republican, when in reality it was a murder committed by a negro villain upon one of the best young men in the country, and without cause or justification.

What must be the condition of a people, I say, when the advocates of a party assume a position like that, when they are willing to resort to such a perversion of truth in order to create hostility in the northern mind against an innocent and unoffending people? Now, sir, I want the Clerk to read a leading article in one of the democratic papers in relation to an event that was referred to, the capture of a train. I have no apology to make here for any lawlessness; none whatever, and when this thing occurred to which reference was made, I mean the taking off the train of some prisoners there, it was an act of lawlessness which was denounced at the time by the leading democratic press in the State, denounced by every open-spoken man in the State. We do not know who did the crime, whether they were republicans or democrats; but that is the way in which the leading democratic paper spoke of the transaction at the time it occurred.

The Chief Clerk read as follows:

UNJUSTIFIABLE LAWLESSNESS.

On Tuesday last, at Madison, a United States deputy marshal arrested Messrs. William H. Dial, O. F. Florrid, Sylvanus M. Hankins, George W. Walker, and John Brady, charged with violating the Federal election laws. Just as the train started with the marshal and his prisoners aboard it was boarded by a number of armed and disguised persons who ordered the prisoners out of the car, having disarmed the marshal and ordered him to proceed on the train.

We are further advised that a number of the most prominent citizens of Madison, as soon as the intelligence of the affair reached them, made haste to deprecate the occurrence, and sent telegrams to that effect to Jacksonville. The parties who had been placed under arrest by the deputy marshal themselves protested against the interference of the mob, and declared themselves willing to obey the writs, and they proceeded to take the next train for Jacksonville, where they surrendered themselves to the authorities and underwent preliminary examination, the charges against them being for illegally voting more than one ballot at the recent election.

The perpetrators of this high-handed offense against law and order are as yet unknown. They have committed a crime against the laws of the land which all right-minded people will condemn, and invited the bitter vituperation of the worst enemies of the State, the radical press North and South. It matters not that the act was done by reckless persons, such as may be found in every community in the land, or that it is condemned by every citizen of the State save those engaged in it. The cry of "Ku Klux" is already raised, and the reputation of Florida for peacefulness, good order, and loyalty to law and justice is imperiled.

The four gentlemen who proceeded to Jacksonville to surrender themselves to the authorities were Messrs. Dial, Florrid, Hankins, and Brady; the remaining one of the five was too unwell to do so, but sent word that he would do so as soon as he was able. The four named above appeared before the United States commissioner, but it appearing that the witnesses for the prosecution were not present, the defendants by their counsel waived examination and gave bond in $500 each for their appearance at court.

These gentlemen subsequently published the following card:

To the public:

That we may be placed right upon the record, and the good people of Madison County presented in their true attitude, we deem it proper to give expression to our views and make a presentation of the facts connected with the recent unwarranted rescue of ourselves from the custody of Deputy United States Marshal Shalley.

We deprecate and condemn the illegal action of these self-constituted protectors, and regard their action as not only hurtful and injurious to the State at large, but as unkind to us. And while giving utterance to our sentiments in this respect we wish to give the public to understand that we not only did not have any preknowledge of, or give any aid to, these masked persons in the accomplishment of their purpose, but we did not even remain passive instruments to be moved at their volition. On the contrary, these invaders behaved with such rudeness and evident malignity, accompanied with such a liberal display of arms, as to impress us with the belief that their purpose was to take our lives.

Our departure from the train was forced and against our will and wish. Confident that we were not guilty of any violation of the laws of the land, we were perfectly willing to meet the charges made against us and anxious for a speedy hearing, knowing that it would result in our triumphant acquittal. We repudiate and censure the course of these masked men and disavow any knowledge of their identity, and sincerely believe that they do not belong to those who are known as our friends.

In addition we desire to say that the citizens of Madison County do not countenance lawless proceedings, and are as quick to punish wrong-doing as the citizens of any other county where a conscientious regard for law and order prevails. And we can safely say that if the presence of any of her citizens is desired at the United States court, they will not only respect and obey the process of that court, but will respond of their own motion upon the receipt of a telegram or letter of that purport. They have nothing to fear from the courts and only ask a *fair* hearing.

W. H. DIAL.
O. F. FLORRID.
JOHN W. BRADY.
S. M. HANKINS.

JACKSONVILLE, FLORIDA, *November* 11, 1880.

Mr. JONES, of Florida. Mr. President, a good deal has been said on another subject, and indeed it has been made the text for all the lengthy speeches that have been made here during this executive session, as it should be, "a free ballot and a fair count;" and it has occurred to me that some of those gentlemen who were so well informed in regard to the past might with profit have brought up to view some of the notable transactions that occurred in 1876 in connection with "a free ballot and a fair count."

I read the other day in my place in the Senate a lengthy extract from the message of the governor of Florida, a republican governor, the last one that we had, and he a gentleman from Maine originally, Governor Stearns, in which he stated in the most pointed terms under a republican administration there that there had been no denial of right to anybody. The very last words that he said to the Legislature in the State over which he presided as governor, to his credit as an honest man, partisan as he was, he came out and in that public paper he exonerated every citizen of the State from any connection or complicity with lawlessness or violence. I do not want to repeat myself now by reiterating what I then read, but I will put what Governor Stearns said to the Legislature in Florida in 1874 against anything which the Senator from Maine uttered in his place the other day.

It is true that we had precipitated upon us an emergency in 1876; the government of Florida was in republican hands at that time; every officer in the State was an appointee of a republican governor, and I say here that that government is the most autocratic on the face of the earth to-day. We are living under a constitution which was framed in Chicago and imposed upon that people at the point of Federal bayonets; the hands and feet of every thinking man in that Commonwealth were tied, and that infamous organic law was established over them by republican partisans. They were not permitted to exercise their voice in saying whether they would have it or not, but by negro votes and the votes of a few adventurers that infamous constitution as it stands to-day was fastened upon the free spirit of that people. Under it the governor has power to appoint every officer, high and low, from a justice of the peace to a supreme judge. There are only two classes of officers elective within the State. Under this constitution of Florida, this liberty-loving constitution, if I may be excused in using that phrase, they elect members of the Legislature and constables. The governor appoints the district and county judges—the former confirmed by the Legislature, it is true—justices of the peace, sheriffs, clerks, election officers, everything. The whole machinery of government under this constitution is in the hands of the governor of Florida; and it stands to-day an exception to every organic law of the Union.

That constitution, let me tell the Senate, was put upon the people while the men of intelligence and of property were tied hand and foot. They were not permitted to express an opinion upon it. A few thousand poor ignorant men who had just emerged from bondage, dictated to and presided over by a few men who had no identity with the people, fastened upon the people of that State that organic law, and there it stands to-day. They had an election under it in 1876, and every one of the election officers was an appointee of the republican governor. At every election place in the whole State there were two republicans and one democrat to preside over the election, and to certify the returns to the board of final revision. What was the result? There was not a single democratic ballot put into a ballot-box in Florida in 1876 (as my friend from Georgia near me [Mr. BROWN] will know, because he was there at the canvass of the election) that did not go into a ballot-box under republican supervision without any terrorism, without any intimidation, without any fact being brought to bear to show to anybody that a single citizen had been deprived of a single right.

Those returns were certified under local law to the board of final supervision, and how did they stand on the face of those returns? Compare the population of that little Commonwealth with the vote as recorded in 1876, and a more honest and more fair exhibition of American suffrage cannot be found in the United States. On the face of those returns, all prepared by republican officials and sent to the final board for addition, (not for manipulation, but for addition,) the vote stood 24,440 democratic and 24,349 republican on the electoral ticket. These were the ballots actually deposited in the ballot-boxes

of the State, under officers who were sworn to administer the local law, each one of whom took a solemn oath to discharge his duty to his country and to his God. After they made up these returns and certified them to the State board under all the formalities of law, and a republican canvassing authority came to deal with them, it was found that the electors for Samuel J. Tilden, in the interest of the democratic party, had 95 majority on the face of the record.

Where was the authority then to put any hand into that sacred ballot-box? You talk about a fair ballot and a free count. Who gave to Mr. Samuel B. McLin and his co-conspirators the power to roll up their sleeves and put their hands into the ballot-boxes and take out 2,000 ballots that had been deposited under all the forms of law and treat them as pieces of waste paper? Where did they get that authority? Under what law or Constitution of the Union, local or general? I appeal to republican Senators, for I know that within many of their breasts beat impulses of fairness, and I ask where they got authority to go down into the ballot-boxes of my State, sealed up under republican authority and forwarded to the seat of government, and to say "there are 2,000 ballots in here that should go for nothing?" And they did it, and by that means secured a presidential title. Without that, Mr. Hayes never could have been President of the United States, but it was necessary that this great fraud should be perpetrated.

In order to secure the presence of a military force to support and sustain those men who perpetrated this outrage an excuse had to be framed to bring three hundred soldiers to surround the capitol of my own State, under the command of a general officer. What was the excuse? They looked in vain to the Federal Constitution and to the acts of 1790 and 1791 to find authority for invoking Federal assistance to enable them to consummate this great fraud. They found that in case of rebellion or invasion the executive of a State when the Legislature was not in session might invoke Federal assistance. They looked at the act of 1790 to try and find something to justify such a position, but there was nothing there. What do you suppose was the ground of their application? A train of cars ran off the track between two points in Florida—Jacksonville and Tallahassee—and it was alleged to have been the act of some conspirators—as false an imputation as ever was put forth against an honest people. The running off of that train in the night-time, and as I believe from design to subserve a base purpose, was made the groundwork of a formal application on the part of the executive of Florida to the President of the United States to furnish them troops to put down sedition and rebellion. This was a few days in advance of the movement, and it was necessary that the military should be there. Three hundred men who had braved dangers on the battle-field, who had served their country in many forms and ways, were sent there under the command of a general officer. Never shall I forget the day I talked with that mortified man and the feelings of mortification which he manifested when he learned the true object of his mission. He was not there to put down sedition, he was not there to trample upon rebellion, but he was there to crush the life-blood out of a free and an honest people; he was there to trample upon the institutions of his country; to see that the two men who held in their hands the presidential office of this great country might be supported in the commission of the most villainous fraud that ever was committed upon this continent. They were there for that purpose, and that enabled them to consummate their purpose. Was this in accordance with the free spirit of our people? Was this a fair count? Is there an American citizen to-day anxious for the preservation of the institutions of his country who after surveying the record in regard to Florida, and knowing all the circumstances of that case, will say that that count of Tallahassee in 1876 in which 2,000 ballots were trampled under foot and the voice of the people stifled, is in accordance with the free spirit of our Constitution?

If the majority had been the other way honestly no man would have contended for it more than I would have done; but as a free citizen, anxious to see the labor and genius of those people survive, and knowing that there is no honest way to perpetuate it except a free ballot, I shall frown with indignation and disapprobation upon all efforts of this kind.

The fraud was perpetuated and the military returned. What a spectacle! Three hundred men in the uniform of the Army of the United States surrounding the State-house, with the tent of a general officer in the middle, to see that two men intrusted with the compilation of the local ballots of the people had trampled upon their voice; and they did it. There is not an honest man in the United States who would do that. They got their reward. Then think of the speeches made here by gentlemen who are anxious about a free ballot and fair count. Why did they not accept their own returns from their own officers? Every return that went to Tallahassee in that election was the work of a republican official and verified the vote of the State as actually cast.

When the republican supreme court came to deal with this question in another form it seated Drew, the democrat, by a process of mandamus upon the same vote by which the electors cast their vote for Mr. Hayes. George F. Drew was made governor under the decision of the supreme court which compelled that recreant board in the gubernatorial contest to count the ballots for the office of governor, but they declined the offer to have the power to count them for the electors, and left them at the very same vote which has gone forth to the world as the foundation of the title of George F. Drew for the office of governor of Florida for four years, and which went forth in support of the title and the unqualified right of Samuel J. Tilden.

Mr. President, I have already detained the Senate longer than I intended, but less I could not have said upon this subject to present it in a fair light.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the motion of the Senator from Tennessee to indefinitely postpone the resolution, upon which motion the yeas and nays have been ordered. Is the Senate ready for the question?

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. It is moved by the Senator from Ohio that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. RANSOM, (when Mr. LAMAR'S name was called.) The Senator from Mississippi [Mr. LAMAR] and the Senator from Ohio [Mr. SHERMAN] are paired to-day.

Mr. SHERMAN, (when his name was called.) I am paired for to-day with the Senator from Mississippi, [Mr. LAMAR.]

Mr. SLATER, (when his name was called.) On this vote I am paired with the Senator from Connecticut, [Mr. PLATT.] If he were here he would vote "nay" and I should vote "yea."

The roll-call was concluded.

Mr. COKE, (after having voted in the affirmative.) I withdraw my vote. I am paired with the Senator from Kansas, [Mr. INGALLS.]

Mr. BECK, (after having voted in the affirmative.) I desire to ask if the vote of the Senator from Maine [Mr. HALE] is recorded.

The PRESIDING OFFICER. It is not recorded.

Mr. BECK. I withdraw my vote. I am paired with him when he is absent.

Mr. COCKRELL. This morning I voted inadvertently. I am paired with the Senator from Maine, [Mr. FRYE.] The pair had escaped my recollection entirely. As it will not change the result of the vote, I hope I shall be permitted by unanimous consent to withdraw my vote on both the yeas and nays heretofore called. I should vote "yea" on this question if I were not paired, but I am paired with the Senator from Maine [Mr. FRYE] and the pair will continue during his absence.

The PRESIDING OFFICER. When the pending motion shall have been disposed of the Chair will entertain the request of the Senator from Missouri.

Mr. BLAIR. I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

The result was announced—yeas 21, nays 21; as follows:

YEAS—21.

Brown,	Gorman,	Jonas,	Vance,
Call,	Groome,	Jones of Florida,	Voorhees,
Camden,	Hampton,	Morgan,	Walker.
Davis of W. Va.,	Harris,	Pendleton,	
Farley,	Hill of Georgia,	Pugh,	
George,	Jackson,	Ransom,	

NAYS—21.

Allison,	Dawes,	Logan,	Platt of N. Y.,
Anthony,	Edgerton,	McDill,	Rollins,
Burnside,	Harrison,	McMillan,	Sawyer.
Cameron of Wis.,	Hawley,	Mahone,	
Conger,	Hill of Colorado,	Miller,	
Conkling,	Hoar,	Morrill,	

ABSENT—34.

Bayard,	Fair,	Kellogg,	Sewell,
Beck,	Ferry,	Lamar,	Sherman,
Blair,	Frye,	McPherson,	Slater,
Butler,	Garland,	Maxey,	Teller,
Cameron of Pa.,	Grover,	Mitchell,	Van Wyck,
Cockrell,	Hale,	Platt of Conn.,	Vest,
Coke,	Ingalls,	Plumb,	Williams.
Davis of Illinois,	Johnston,	Saulsbury,	
Edmunds,	Jones of Nevada,	Saunders,	

So the Senate refused to proceed to the consideration of executive business.

Mr. DAWES. The Senate having decided that they will not go into executive session, having decided that they will not indefinitely postpone the resolution, and having also decided they will not postpone it to any future day certain, I trust the Senate will now take a vote upon the resolution.

Mr. COCKRELL. Will not the Senator from Massachusetts please withhold that very earnest request until I can ask the Senate unanimously to consent to the withdrawal of my vote?

Mr. DAWES. I understood that the Senator's request was granted.

Mr. COCKRELL. It has not been.

The PRESIDING OFFICER. The Chair stated to the Senator from Missouri that when the pending question was disposed of he would entertain the Senator's request.

Mr. DAWES. I beg pardon.

Mr. COCKRELL. Now I make the request that I may have permission to withdraw my vote, having voted inadvertently. It does not change the result.

Mr. DAWES. I hope there will be no objection.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent of the Senate to withdraw his vote upon the two previous roll-calls mentioned by him. Is there objection? The Chair hears none. The request is granted, and the votes are withdrawn.

Mr. DAWES. Now, Mr. President, I renew my appeal to the Senate to proceed to the pending business, the Senate having decided in all possible shapes that they will not postpone further action upon this resolution.

Mr. COCKRELL. Now, Mr. President, in order to afford the Senator from Massachusetts a little rest from his laborious efforts, I move to lay the whole matter on the table.

Mr. DAWES. Nothing would so conduce to that rest as to take a vote on the resolution.

The PRESIDING OFFICER. The Senator from Missouri moves that the resolution do lie on the table. [Putting the question.] The noes appear to have it.

Mr. COCKRELL called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 22, nays 22; as follows:

YEAS—22.

Brown,	George,	Jackson,	Ransom,
Call,	Gorman,	Jonas,	Vance,
Camden,	Groome,	Jones of Florida,	Voorhees,
Coke,	Hampton,	Morgan,	Walker.
Davis of W. Va.,	Harris,	Pendleton,	
Farley,	Hill of Georgia,	Pugh,	

NAYS—22.

Allison,	Dawes,	Ingalls,	Morrill,
Anthony,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McDill,	Rollins,
Cameron of Wis.,	Hawley,	McMillan,	Sawyer.
Conger,	Hill of Colorado,	Mahone,	
Conkling,	Hoar,	Miller,	

ABSENT—32.

Bayard,	Fair,	Kellogg,	Saunders,
Beck,	Ferry,	Lamar,	Sewell,
Blair,	Frye,	McPherson,	Sherman,
Butler,	Garland,	Maxey,	Slater,
Cameron of Pa.,	Grover,	Mitchell,	Teller,
Cockrell,	Hale,	Platt of Conn.,	Van Wyck,
Davis of Illinois,	Johnston,	Plumb,	Vest,
Edmunds,	Jones of Nevada,	Saulsbury,	Williams.

So the motion was not agreed to.

Mr. GROOME. I renew the motion to proceed to the consideration of executive business.

Mr. DAWES. I renew my appeal to the other side.

The PRESIDING OFFICER. The Senator from Maryland has moved that the Senate do now proceed to the consideration of executive business.

Mr. DAWES. Why, Mr. President, they have just voted that they would not.

The PRESIDING OFFICER. The motion is not debatable.

Mr. COCKRELL. Just let us make that one motion, Brother DAWES.

The PRESIDING OFFICER. The motion is not debatable.

Mr. GROOME. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 22; as follows:

YEAS—21.

Brown,	George,	Jackson,	Ransom,
Call,	Gorman,	Jonas,	Vance,
Camden,	Groome,	Jones of Florida,	Walker.
Coke,	Hampton,	Morgan,	
Davis of W. Va.,	Harris,	Pendleton,	
Farley,	Hill of Georgia,	Pugh,	

NAYS—22.

Allison,	Dawes,	Ingalls,	Morrill,
Anthony,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McDill,	Rollins,
Cameron of Wis.,	Hawley,	McMillan,	Sawyer.
Conger,	Hill of Colorado,	Mahone,	
Conkling,	Hoar,	Miller,	

ABSENT—33.

Bayard,	Ferry,	McPherson,	Slater,
Beck,	Frye,	Maxey,	Teller,
Blair,	Garland,	Mitchell,	Van Wyck,
Butler,	Grover,	Platt of Conn.,	Vest,
Cameron of Pa.,	Hale,	Plumb,	Voorhees,
Cockrell,	Johnston,	Saulsbury,	Williams.
Davis of Illinois,	Jones of Nevada,	Saunders,	
Edmunds,	Kellogg,	Sewell,	
Fair,	Lamar,	Sherman,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee to indefinitely postpone the resolution.

Mr. GROOME, (at two o'clock and twenty-six minutes p. m.) Mr. President, the Senate having just decided that it will not proceed to the consideration of executive business, and it being equally apparent that it will not just now proceed to the consideration of any other business, I move that it take a recess until five o'clock.

The PRESIDING OFFICER. It is moved by the Senator from Maryland that the Senate take a recess until five o'clock.

Mr. DAWES. That is debatable, I believe.

The PRESIDING OFFICER. The Chair does not so understand. It is not a debatable motion, the Chair thinks.

Mr. DAWES. I understand that it is; but nevertheless the Senator will perhaps permit me to inquire what the particular object of that motion is?

The PRESIDING OFFICER. By unanimous consent debate may be permitted.

Mr. GROOME. The object is to give the members of the Senate a chance to hold an informal conference and see if there is any basis on which they can get at an understanding by which they will proceed to the consideration of executive business, which is so very necessary to be transacted.

Mr. DAWES. If the Senators on the other side are in doubt as to their duty, I should be very happy to concede them an opportunity to confer and see if they would not come to their right mind; but if the Senator desires it for any other purpose, I assure him it is altogether useless.

Mr. GROOME. The Senators on this side of the Chamber are not in the least in doubt as to their duty. They feel it to be their duty to proceed to the consideration of executive business for which this session was convened. There have, however, been some intimations in the newspapers that the Senators on the other side of the Chamber or some of them are doubtful as to their duty; and in order to give us an opportunity by informal conference to verify those statements if they are correct, or to ascertain that they are incorrect, I have made this motion for a recess in the hope that some good may come of it.

Mr. DAWES. Mr. President, the Senator's kindness seems to be altogether unnecessary. I supposed that the motion arose from some desire on the other side to see if they could agree upon some policy more consistent with their duty to the Senate itself; but if it does not arise from that and the Senator tries to justify this course by any intimation that he does it for any purpose of giving this side an opportunity for a conference, I hope the Senator will withdraw his motion and address himself to the pending business.

Mr. GROOME. The Senators on this side of the Chamber need no lectures and no intimations as to what is their duty in the premises. As to the question of duty, they feel themselves fully competent to decide for themselves upon their own responsibility to the country. They will not assume to say to the other side what is the duty of that other side; they leave the Senators on the other side to decide that question for themselves with like responsibilities to the country if they decide it erroneously. But speaking for myself and speaking for the democratic Senators, having been called here by the President of the United States for the consideration of executive business, we stand ready now, as we have stood ready for weeks past, not only ready but anxious to proceed to the consideration of the business for which the session was convened, and I may say determined that we will give no other business whatever precedence over that business for which the session was called.

Mr. DAWES. With the same indulgence which the Senate has given the Senator from Maryland, I desire to say to the Senator that when he serves notice that he will suffer no other business to go on he undertakes to set himself up against the Senate, not against any particular party in the Senate, but against the Senate of the United States. The Senate of the United States have decided what business they will take up, and that was always supposed till now to be within the authority of the Senate itself. The Senate has been convened, and when convened it has been always supposed till now that the Senate could determine what particular business it would take up first. But now it appears that the Senator from Maryland has some authority to dictate to the Senate what it shall take up first. While I admit that the Senator from Maryland enjoys the confidence of Senators around him and the personal confidence, I am happy to say, of all Senators, yet the Senator assumes a constitutional power that I have not been able to find myself, and that is that any portion of the Senate of the United States can dictate to the Senate itself what the Senate itself shall do. I may be mistaken about that, but it has never occurred to me that any individual Senator had that authority.

I had supposed that under the economy of this Government the Senate itself when legally organized could determine for itself the order of its business. I may be mistaken, sir. I introduced this resolution under that impression; but if the Senator from Maryland—I speak in all friendly kindness, I know that personally we are willing to accord to him as much authority as to any other Senator upon this floor—if the Senator has any particular constitutional authority to say to the Senate of the United States "there are certain things the Senate shall not do," the Senator will do a great service to the country by disclosing his credentials.

Mr. GROOME. Mr. President, the Senator from Massachusetts has attempted to put language into my mouth which I did not use. I did not say, nor is my language capable of the construction, that this side intended to dictate to the other side what business this Senate should do. What I did say was that this side were the best judges of what course they would pursue, and that they proposed, one and all, to vote to give that public business for which this session was convened priority over all other business, and that they did not intend to vote that any other business should be taken up until the executive business for which this session was called was completed.

It is fashionable upon the other side of this Chamber to talk about "the Senate." This Senate is composed of seventy-six members. To-day, and upon frequent days in the past, we have seen twenty-

one or twenty-two Senators voting in favor of a particular course of action, voting in favor of disregarding the recommendations of the President, voting in favor of clogging the wheels of government, voting in favor of subordinating the great public interests of this country to the miserable, little, petty, paltry interest of turning out a few officers who occupy places about the Senate; and then we see those twenty-one or twenty-two Senators claiming to be "the Senate of the United States." Now, sir, we deny once for all that claim. We say that nothing less than thirty-nine Senators upon this floor, a legitimate quorum of this body, can properly claim to be the Senate, and by all fair rules those that do not vote for a certain course are not to be classed as in favor of that course, certainly not unless by their pairs they indicate that they are. So that the twenty-one or twenty-two Senators who vote constantly to clog the hands of the Federal Administration, who vote constantly to defeat the will of the President of the United States by refusing to allow the executive business to be transacted for which this session was convened, are in no fair sense the Senate of the United States. If they were the Senate, they would make effective their action by carrying the vote of the Senate, which they have failed to do.

They twit us with the fact that on repeated instances the motion to go into executive session has failed. I remind them of the fact that in every instance in which they have attempted to procure a vote to go into the election of officers of the Senate they have failed. So that if the Senate has declared its intention not to transact executive business, it has declared its intention with equal emphasis not to allow the election of these officers.

For five weeks to-day this contest has gone on. During those five weeks not one moment's progress has been made in the public business. Those five weeks have been worse than wasted. The people of this land from one end to the other are clamorous that important appointments to offices which are now vacant, and for which nominations are lying upon our desk, shall be acted upon, and that those nominated shall either be confirmed or be rejected, and other nominations then sent in in their stead.

I say the people are tired of this condition of affairs. They are demanding action on the part of this body, and the democratic Senators stand ready to-day, as they have stood ready at all times of this session, to do that action if the opportunity be afforded to them. No blame, therefore, before the American people can rest upon them for the fact that no executive business has been done. They are not of the President's party, it is true, but in this contest from its beginning until now they have proved themselves the President's friends, for they have been unwilling to adopt any course of action which tended to bring the President into disrespect, which tended to break down his administration in its earliest days, and which tends, if kept up much longer, to make him the laughing-stock of the American people, for the reason that he cannot command the support of his own party friends to have his nominations acted upon either the one way or the other.

It was the fact made apparent by the votes of this Senate that if we sat here from now till five o'clock nothing would be done that, among other reasons, led me to move this recess until five o'clock. I would gladly withdraw the motion if I could have any assurance from my friend from Massachusetts that he would move in its stead to go into executive session and that any Senators on that side would vote to sustain the motion.

Mr. DAWES. Mr. President, the Senator from Maryland has fallen into two errors. One is that when a majority of the Senate, as it has almost every day for five weeks, an actual majority of the Senate has decided against him, he speaks of this side of the Chamber. The Senate does not know any "this side of the Chamber." When a majority of the Senate has declared its will it does not depend upon whether it comes from one side of the Chamber or the other. Has the Senator any authority for saying that a majority of one, declared at the Clerk's desk, is any less authoritative than a majority of twenty? Has the Senator any more right to say that "our side," speaking for himself, and "your side of the Senate" have taken different views when it is a majority of the Senate that has declared almost every day on different votes—not always but almost every day a majority of the Senate have decided that they will take up this resolution and act upon this before they will go into executive session, and before they will postpone this resolution till December, and before they will postpone it to any other day, and before they will lay it on the table? And yet the Senator from Maryland has some notion, derived from some authority found in the Constitution, I suppose—because he would not violate the Constitution he has sworn to support—that he is authorized to say to this Senate, "You shall not do this particular thing."

He thinks it is a small thing, but the majority of the Senate differ with him. He thinks he is defending the President, but a majority of the Senate differ with him. He thinks that for once the democratic party of this country is saving the republican President from being a laughing-stock; but the Senate itself differs with him; the Senate itself has declared that its view of defending the authority of the President of the United States as well as that of the Senate itself is to bow to the will of the majority. If it is necessary to preserve any President from being a laughing-stock, to say that a minority shall dictate to a majority in a government of majorities, perhaps the Senator is authorized to say that; he and those who act with him are standing in that position. That is one mistake he has fallen into.

The other mistake is this: When he states to the Senate and the country that the Senate has decided over and over again against this resolution, I tell him he is mistaken again. The Senate has not been permitted to decide at all upon the resolution. Those who think that their duty in a government of majorities is to resist the majority have prevented the Senate from acting upon the resolution.

Now, I will make a fair proposition to my distinguished friend from Maryland, if he speaks for his party, as I have no doubt he does, for he ought to have been permitted to speak for it long since. If he speaks for his party when he thinks that the Senate have decided against this resolution I will make this fair proposition to him, to let that question be decided to-day, at this moment; and if the Senate decide against the resolution not one word of murmur will be heard from the friends of the resolution. The friends of the resolution are its friends because they believe that the Senate is its friend. The opposition to the resolution is because those who oppose it know no other way to oppose the Senate itself but by using the instrumentalities of the Constitution designed to protect minorities for the purpose of defeating the will of the majority.

Now, having corrected these two mistakes which the Senator inadvertently fell into—because the Senator never would designedly undertake to mislead the Senate—I thank the Senate for indulging me in these remarks, and will interpose no further delay to taking a vote upon the resolution itself.

Mr. GROOME. Mr. President, I simply want to say——

The PRESIDING OFFICER. Debate can proceed only by unanimous consent. Of course the Chair will not arrest it so long as the Senate sees proper to indulge it. The motion, as the Chair stated in the beginning, is not debatable. The Senator from Maryland.

Mr. GROOME. Mr. President——

Mr. HOAR. I ask unanimous consent for the Senator from Maryland to proceed with his remarks, and——

The PRESIDING OFFICER. The Chair will not arrest debate so long as the Senate sees proper to indulge it. The Chair simply reminds Senators of the rule.

Mr. HOAR. The Chair did not hear my request for unanimous consent. I ask unanimous consent that the Senator from Maryland may proceed with his remarks, and that at their conclusion the Senate vote on the resolution. If the Chair will make that request, I shall be obliged to him.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent of the Senate that the Senator from Maryland shall proceed with his remarks and at the conclusion of his remarks that the Senate vote upon his resolution. Is there objection? ["Yes," "Yes."]

Mr. GROOME. I thank the Senator from Massachusetts for that modest request. I shall not detain the Senate longer. I know the pending motion is not debatable.

Mr. HOAR. Was there objection to my request?

The PRESIDING OFFICER. There were several objections. The question is on the motion of the Senator from Maryland, that the Senate take a recess until five o'clock this evening. [Putting the question.] The Chair is in doubt.

A division being had the ayes were 16 and the noes 19.

Mr. HILL, of Georgia. No quorum voting.

The PRESIDING OFFICER. There is no quorum voting.

Several SENATORS. Call the Senate.

Mr. COCKRELL. I am very sure the Senator from Massachusetts [Mr. DAWES] is very much exhausted and wearied over his labors of to-day; and as there is no quorum we can only do one of two things, either have a call of the Senate or adjourn until to-morrow, and I move that the Senate adjourn.

Mr. DAWES. I hope we shall not do that. I do not want to come here to-morrow to repeat what we have done to-day.

Mr. CONKLING. Let us have the yeas and nays on the motion on which we took the vote by a division.

Mr. COCKRELL. The Senator from Massachusetts must be almost completely exhausted.

The PRESIDING OFFICER. The Senator from New York demands the yeas and nays on the question upon which the Senate was dividing and found itself without a quorum. Is there a second? [Putting the question.] A sufficient number rising, the yeas and nays are ordered.

Mr. DAVIS, of West Virginia. I believe that can only be done by unanimous consent when the vote has been declared.

The PRESIDING OFFICER. The Chair will inform the Senator from West Virginia that the vote had not been formally announced. The Chair had announced that the ayes were so many and the noes so many; but the final announcement——

Mr. DAVIS, of West Virginia. And no quorum voting.

The PRESIDING OFFICER. That fact was announced.

Mr. DAVIS, of West Virginia. Then is not the rule invariable that the roll of Senators shall be called?

The PRESIDING OFFICER. The practice of the Senate has been exactly the other way, to allow the yeas and nays to be demanded as one of the methods of testing the question as to whether a quorum was present or not.

Mr. DAWES. I hope the Senator from Missouri will withdraw his motion, and let the roll be called.

The PRESIDING OFFICER. In the opinion of the Chair the demand for the yeas and nays was in order at the time it was made on the motion of the Senator from Maryland.

Mr. DAWES. I have no doubt the Chair is right.

The PRESIDING OFFICER. The Chair has so held, and there has been no appeal.

Mr. DAVIS, of West Virginia. There will not be any.

Mr. DAWES. I have no doubt the Chair is correct.

The PRESIDING OFFICER. Then the yeas and nays will be taken on the motion of the Senator from Maryland, that the Senate now take a recess until five o'clock this evening.

Mr. COCKRELL. Does that have precedence over a motion to adjourn?

The PRESIDING OFFICER. A motion to adjourn would take precedence of that motion.

Mr. DAWES. So I understood, and I understood the Senator from Missouri had made that motion, but I was making an appeal to the good sense and patriotism of the Senator from Missouri that he would submit to the requirements of the Constitution, and withdraw that motion.

Mr. CONKLING. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. It is of no consequence in this particular case; but it is of gravity that we preserve the usages of the Senate in all cases. I submit to the Chair that no Senator is entitled to a motion to adjourn when the Senate is dividing, because the Senate is then executing an order of its own. A vote by a division disclosed, as was thought, the absence of a quorum. I demanded in season the yeas and nays upon that question, that division; and I submit to the Chair that no Senator, pending that, can submit a motion to adjourn, or any motion whatever. It is in that regard like the attempt to interpose a motion during a roll-call of the Senate, which cannot be. The call must be completed because the Senate is executing an order of its own. So if on a vote *viva voce* the Chair is in doubt and the yeas and nays are demanded, pending that call no Senator can move that the Senate adjourn. He must wait until that order—it is more than business, it is an order of the Senate—is executed. The Senate is dividing, and until it divides no motion, I submit, is in order.

Mr. COCKRELL. There is no question about the correctness of the position of the Senator from New York. Now the motion for a recess is pending; the yeas and nays have been ordered upon it; and now I move that the Senate do adjourn.

Mr. CONKLING. After the yeas and nays are ordered?

Mr. COCKRELL. After the yeas and nays are ordered.

Mr. CONKLING. I am not sure that the Senator cannot do that.

The PRESIDING OFFICER. The Chair is of opinion that the motion of the Senator from Missouri is in order. While the Chair would be bound to sustain the question of order raised by the Senator from New York, the yeas and nays having been ordered upon the motion to take a recess and the roll-call not having commenced, the motion to adjourn may be interposed. The question, therefore, that the Chair will put is on the motion of the Senator from Missouri, that the Senate do now adjourn. The question is on that motion. [Putting the question.] The noes appear to have it.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SLATER, (when his name was called.) On this vote I am paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. WALKER, (when his name was called.) I am paired for the rest of the day with the Senator from Colorado, [Mr. HILL.]

The roll-call was concluded and the result announced—yeas 22, nays 23; as follows:

YEAS—22.

Beck,	Farley,	Hill of Georgia,	Pugh,
Brown,	George,	Jackson,	Ransom,
Call,	Gorman,	Jonas,	Vance,
Camden,	Groome,	Jones of Florida,	Voorhees.
Coke,	Hampton,	Morgan,	
Davis of W. Va.,	Harris,	Pendleton,	

NAYS—23.

Allison,	Dawes,	Ingalls,	Miller,
Anthony,	Edgerton,	Kellogg,	Morrill,
Burnside,	Hale,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Harrison,	McDill,	Rollins,
Conger,	Hawley,	McMillan,	Sawyer.
Conkling,	Hoar,	Mahone,	

ABSENT—31.

Bayard,	Ferry,	McPherson,	Sherman,
Blair,	Frye,	Maxey,	Slater,
Butler,	Garland,	Mitchell,	Teller,
Cameron of Pa.,	Grover,	Platt of Conn.,	Van Wyck,
Cockrell.	Hill of Colorado,	Plumb,	Vest,
Davis of Illinois,	Johnston,	Saulsbury,	Walker,
Edmunds,	Jones of Nevada,	Saunders,	Williams.
Fair,	Lamar,	Sewell,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Maryland, [Mr. GROOME,] that the Senate now take a recess until five o'clock, upon which the yeas and nays have been ordered.

Mr. PENDLETON. I move to amend that motion by making the hour six o'clock instead of five.

The PRESIDING OFFICER. The Senator from Ohio moves to amend the motion by striking out "five" and inserting "six."

Mr. DAWES. May I inquire of the Senator what particular advantage that will be?

Mr. PENDLETON. The evening will be cooler if we begin at six instead of five.

Mr. DAWES. The Senator appeals——

The PRESIDING OFFICER. The motion is not debatable, and debate can only proceed by unanimous consent.

Mr. FARLEY. I believe I shall object to debate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to amend the motion of the Senator from Maryland by striking out "five" and inserting "six." [Putting the question.] The ayes appear to have it.

Mr. ROLLINS called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll, but was interrupted by

Mr. DAWES. The Senator from Maryland intimates that he will accept the amendment.

Mr. HILL, of Georgia. That is a mistake.

The PRESIDING OFFICER. The roll-call will continue. The Senator from Maryland cannot accept the amendment at this stage of the proceedings.

The Secretary concluded the roll-call, and the result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Beck,	Farley,	Hill of Georgia,	Ransom,
Brown,	George,	Jackson,	Vance,
Call,	Gorman,	Jonas,	Voorhees.
Camden,	Groome,	Morgan,	
Coke,	Hampton,	Pendleton,	
Davis of W. Va.,	Harris,	Pugh,	

NAYS—22.

Allison,	Dawes,	Ingalls,	Morrill,
Anthony,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Hale,	McDill,	Rollins,
Cameron of Wis.,	Harrison,	McMillan,	Sawyer.
Conger,	Hawley,	Mahone,	
Conkling,	Hoar,	Miller,	

ABSENT—33.

Bayard,	Frye,	McPherson,	Slater,
Blair,	Garland,	Maxey,	Teller,
Butler,	Grover,	Mitchell,	Van Wyck,
Cameron of Pa.,	Hill of Colorado,	Platt of Conn.,	Vest,
Cockrell,	Johnston,	Plumb,	Walker,
Davis of Illinois,	Jones of Florida,	Saulsbury,	Williams.
Edmunds,	Jones of Nevada,	Saunders,	
Fair,	Kellogg,	Sewell,	
Ferry,	Lamar,	Sherman,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Maryland to take a recess until five o'clock, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired for the rest of the day with the Senator from Maine, [Mr. HALE.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] upon all motions to go into executive business. This I understand is not such a motion, and therefore I vote "nay."

Mr. MORRILL, (when his name was called.) I am paired with the Senator from Indiana [Mr. VOORHEES] for half an hour.

Mr. SHERMAN, (when his name was called.) I desire to state once more that I am paired for the rest of the day with the Senator from Mississippi, [Mr. LAMAR.]

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. PLATT.]

The roll-call was concluded and the result announced—yeas 19, nays 20; as follows:

YEAS—19.

Brown,	Farley,	Harris,	Pendleton,
Call,	George,	Hill of Georgia,	Pugh,
Camden,	Gorman,	Jackson,	Ransom,
Coke,	Groome,	Jonas,	Vance.
Davis of W. Va.,	Hampton,	Morgan,	

NAYS—20.

Allison,	Dawes,	Ingalls,	Mahone,
Anthony,	Edgerton,	Kellogg,	Miller,
Burnside,	Harrison,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Hawley,	McDill,	Rollins,
Conkling,	Hoar,	McMillan,	Sawyer.

ABSENT—37.

Bayard,	Ferry,	McPherson,	Slater,
Beck,	Frye,	Maxey,	Teller,
Blair,	Garland,	Mitchell,	Van Wyck,
Butler,	Grover,	Morrill,	Vest,
Cameron of Pa.,	Hale,	Platt of Conn.,	Voorhees,
Cockrell,	Hill of Colorado,	Plumb,	Walker,
Conger,	Johnston,	Saulsbury,	Williams.
Davis of Illinois,	Jones of Florida,	Saunders,	
Edmunds,	Jones of Nevada,	Sewell,	
Fair,	Lamar,	Sherman,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee to indefinitely postpone the pending resolution, upon which the yeas and nays have been ordered.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. It is moved by the Senator from Ohio that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. COKE. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 19, nays 19; as follows:

YEAS—19.

Brown,	Farley,	Harris,	Pendleton,
Call,	George,	Hill of Georgia,	Pugh,
Camden,	Gorman,	Jackson,	Ransom,
Coke,	Groome,	Jonas,	Vance.
Davis of W. Va.,	Hampton,	Morgan,	

NAYS—19.

Allison,	Dawes,	Ingalls,	Miller,
Burnside,	Edgerton,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Harrison,	McDill,	Rollins,
Conger,	Hawley,	McMillan,	Sawyer.
Conkling,	Hoar,	Mahone,	

ABSENT—38.

Anthony,	Ferry,	Lamar,	Sherman,
Bayard,	Frye,	McPherson,	Slater,
Beck,	Garland,	Maxey,	Teller,
Blair,	Grover,	Mitchell,	Van Wyck,
Butler,	Hale,	Morrill,	Vest,
Cameron of Pa.,	Hill of Colorado,	Platt of Conn.,	Voorhees,
Cockrell,	Johnston,	Plumb,	Walker,
Davis of Illinois,	Jones of Florida,	Saulsbury,	Williams.
Edmunds,	Jones of Nevada,	Saunders,	
Fair,	Kellogg,	Sewell,	

The PRESIDING OFFICER. No quorum has voted. The Clerk will call the roll of the Senate.

Mr. DAVIS, of West Virginia. I suggest to the Senator from Massachusetts, as there is no quorum, had we not better adjourn?

Mr. DAWES. I would accede to any suggestion almost that the Senator from West Virginia would make, consistent with what I felt to be the duty of the Senate, but it does seem to me that the Senate should address itself to the pending business. Why should the Senate of the United States dispense with——

Mr. DAVIS, of West Virginia. Debate is out of order if the Senator wants to run on in that way. I addressed myself very respectfully to the Senator.

Mr. DAWES. I know, and I am addressing myself with great respect to the Senator from West Virginia.

The PRESIDING OFFICER. Does the Chair understand the Senator from West Virginia to object to the Senator from Massachusetts proceeding?

Mr. DAVIS, of West Virginia. I think we had better have the roll called as there is no quorum voting.

The PRESIDING OFFICER. The Senator is quite right, debate is out of order.

Mr. DAWES. That is quite extraordinary on the part of the Senator, he having addressed himself to me and objecting to my reply. I must qualify the remark I made a moment ago; and I must certainly say that I think there are Senators who would not do that thing.

Mr. DAVIS, of West Virginia. My friend on the left [Mr. BECK] suggests that I had better let the Senator from Massachusetts say what he has to say, that he will feel better.

The PRESIDING OFFICER. Does the Senator from West Virginia withdraw his objection?

Mr. DAVIS, of West Virginia. Certainly.

The PRESIDING OFFICER. The Chair would no more tolerate debate from the Senator from West Virginia than from the Senator from Massachusetts if objection were made.

Mr. DAVIS, of West Virginia. I withdraw the objection, and shall be glad to hear the Senator from Massachusetts.

The PRESIDING OFFICER. The objection is withdrawn, and the Senator from Massachusetts has the floor.

Mr. DAWES. Mr. President, I have nothing further to say.

The PRESIDING OFFICER. The Clerk will call the roll, there having been no quorum voting on the last roll-call.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dawes,	Ingalls,	Platt of Conn.,
Anthony,	Edgerton,	Jackson,	Platt of N. Y.,
Beck,	Farley,	Jonas,	Plumb,
Blair,	Ferry,	Jones of Florida,	Pugh,
Brown,	George,	Kellogg,	Ransom,
Burnside,	Gorman,	Logan,	Rollins,
Call,	Groome,	McDill,	Saunders,
Camden,	Hampton,	McMillan,	Sawyer,
Cameron of Wis.,	Harris,	Mahone,	Sewell,
Cockrell,	Harrison,	Miller,	Sherman,
Coke,	Hawley,	Mitchell,	Vance.
Conger,	Hill of Colorado,	Morgan,	
Conkling,	Hill of Georgia,	Morrill,	
Davis of W. Va.,	Hoar,	Pendleton,	

The PRESIDING OFFICER. The roll-call shows the presence of fifty-three Senators. The question recurs on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the Senate proceed to the consideration of executive business, upon which motion the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I answered on the roll-call, but I am paired on all questions with the Senator from Maine, [Mr. HALE.]

Mr. MORRILL, (when his name was called.) On this vote I am paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] Were he here I should vote "nay."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] on motions to proceed to the consideration of executive business.

The roll-call having been concluded, the result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Brown,	Farley,	Harris,	Pendleton,
Call,	George,	Hill of Georgia,	Pugh,
Camden,	Gorman,	Jackson,	Ransom,
Coke,	Groome,	Jonas,	Slater,
Davis of W. Va.,	Hampton,	Morgan,	Vance.

NAYS—21.

Allison,	Dawes,	Logan,	Platt of N. Y.,
Anthony,	Edgerton,	McDill,	Rollins,
Burnside,	Harrison,	McMillan,	Sawyer.
Cameron of Wis.,	Hawley,	Mahone,	
Conger,	Hoar,	Miller,	
Conkling,	Ingalls,	Platt of Conn.,	

ABSENT—35.

Bayard,	Ferry,	Kellogg,	Sewell,
Beck,	Frye,	Lamar,	Sherman,
Blair,	Garland,	McPherson,	Teller,
Butler,	Grover,	Maxey,	Van Wyck
Cameron of Pa.,	Hale,	Mitchell,	Vest,
Cockrell,	Hill of Colorado,	Morrill,	Voorhees,
Davis of Illinois,	Johnston,	Plumb,	Walker,
Edmunds,	Jones of Florida,	Saulsbury,	Williams.
Fair,	Jones of Nevada,	Saunders,	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee to indefinitely postpone the resolution of the Senator from Massachusetts, upon which motion the yeas and nays were ordered some days ago. Is the Senate ready for the question?

Mr. DAWES. It is I know but repetition to say what I feel I ought to say. The Senate has just decided by a majority—a majority repeated over and over again to-day—that any motion made to thwart the declared will of that majority of the Senate itself to proceed to the consideration of this resolution shall not prevail. Although the Senator who made this motion is now in the chair, and cannot very easily respond to what I say except by withdrawing the motion, I do not appeal to him with despair. I trust that the Senate will not be compelled by the minority of the Senate to continue this unseemly struggle to thwart the Senate itself. I wish the Senate would save me the trouble of repeating these remarks.

Those who continue this proceeding will understand, as I am quite sure they must understand, that it is not a proceeding that commends the Senate of the United States to public confidence. It all arises from an unwillingness to submit to the Senate itself. It is bringing this dignified body into reproach before the people. If those who have brought that reproach upon it can but see that it arises solely from an unwillingness to let the Senate control itself, I am quite sure there is not one upon whom this responsibility rests who would not make haste to throw it from his shoulders.

Therefore may I appeal to the mover of this motion, which has been decided by a majority of the Senate over and over again, not to persist in asking the Senate itself to surrender its right to control its own business to those who have no other objection to its exercising that right than that they are not pleased with what the Senate itself proposes to do? That is a thing that arises always with a minority in any body. If there is a minority at all in any body it exists because they are not pleased with what the body itself has determined to do. That makes no exception; it takes this case in no respect out of the ordinary case of those who are not pleased with what the Senate itself proposes to do, and therefore seek to justify themselves before the country by declaring that the Senate shall not do it because they are not pleased with what the Senate proposes to do. You might just as well say that as those who turned up in the minority at the last presidential election were not pleased by any means with what the country did, why should they submit to what the country determined it would do, any more than the minority here should submit now to what the Senate does? The Senate is to those who are resisting it what the judgment of the nation in last November was to those who differed with them. In principle it is nothing else.

I appeal confidently to the Senator who made this motion that he will withdraw it, and let us proceed to the consideration of the resolution.

Mr. BECK. The trouble with the Senator from Massachusetts is that he will not believe what we tell him. We have told him over and over again—I have, at least, and some others—that having an

equal number of Senators with the gentleman's side of the Chamber we do not intend to allow him to refuse to transact the public business for which we were called together in order to take up any outside matter that his caucus has ordered him to take up. Having repeated that over and over again, why will it not be well, since he cannot do just what he would like to do, to do the next best thing and proceed to the consideration of the public business? I know it is very hard to convince a gentleman who is the representative of a great caucus that he is not omnipotent; but I think after a month's struggle he has come to the conclusion that he is going to progress very slowly if he persists in the course he is now taking.

Mr. DAWES. Yes, but surely.

Mr. BECK. Very surely to do nothing in that direction. The country has got to understand that it makes no sort of difference to them whether the present officers remain where they are or whether new ones are put in, so that they are not afraid of that sort of revolution about which we have heard so much—a revolution that simply lets things alone. I never before heard of a revolution that let things alone; I never heard of treason that was guilty of no other act but just to let things alone. If the Army were in the field and we were refusing supplies, or if any great public necessity demanded the appropriation of money, then if we sat in our seats the country might tell us that we were guilty of a great wrong; or if we were refusing to transact the public business for which the President called us together, then there might be some great wrong; or if we would not consider the treaties that are now pressing upon us, upon which the gentlemen on the other side are revolutionizing by refusing to look at them, then we might be guilty of something; but I cannot see how we can be guilty of any great wrong before the country simply in saying "Go on with the business; we have given you the committees; we have given you the clerks; we have given you the organization; you have the men; the traditions of the country have all been in favor of allowing the officers to stay through executive sessions;" and because you want to show us that you are going to make us do just whatever you want, whether we like it or not, and then scold, as you were doing a little while ago, why should we surrender the legitimate business for which we were called together? I assure you, in all earnestness, that we might as well take up executive business now as to do it a week hence. The weather is getting hot and it will be unpleasant after a while. Therefore I move to lay the resolution on the table.

Mr. DAWES. Will not the Senator withdraw the motion for a moment?

Mr. BECK. Certainly, if the Senator will renew it, or allow me to renew it.

Mr. DAWES. I will allow you.

Mr. BECK. That would be more graceful; I would rather do it.

Mr. DAWES. I would a great deal rather that the Senator would do it than to do it myself, because I do not think it would be patriotic to do it. Although I should regret to see the Senator do an unpatriotic act, I should rather he should do it than to do it myself.

The Senator says the difficulty with me is, there is not a majority, and as they have an equal number of votes with those who are in favor of this resolution that is a good reason why the resolution should not pass. Did the Senator hear the announcement of the last vote? Did the Senator hear over and over again that there is an actual majority of the count against him? Does not the Senator know that one of his thirty-eight, giving to his country and to mankind what the Senator from Kentucky thought belonged to his party, has declared in the Senate that he will throw no obstacles in the way of accomplishing what the pending resolution proposes? Having said that, he has turned his back upon the proceedings on the other side, and much as his counsel and his vote might have aided our friends on the other side they have been without it ever since this proceeding has been pending here.

Why, then, does the Senator get up and say that they having thirty-eight and we only thirty-eight we have no right to say that we are the Senate? The Senator has not thirty-eight on this question. If the Senator thought we are no more the Senate than they are, if he really thought so, he would let us have a vote here, as I have told him over and over again that we would never utter a murmur if we failed. The resolution would be as effectually killed with thirty-eight to thirty-eight and no more as it would without any other majority.

The Senator cannot be sincere, I think, (though I never knew him at any other time but what he was sincere,) in repeating here over and over again his statement that we are not the Senate. If we are not the Senate we cannot pass the resolution, and there is no occasion for throwing any obstacle in the way. We could dispose of it finally, put it to an everlasting sleep, and go into executive session and transact all the business before five o'clock and adjourn at six; but it is because the Senator knows the Senate is not with him that he is not willing to conclude the entire public business before six o'clock this night.

The Senator is in a delusion; it may be a happy delusion for the present time, but it is no less a delusion; and all the force which he has called up to his assistance, still a minority, does not make it less a delusion. It does not answer, nobody has answered for the last six weeks, the question I now repeat for the hundredth time, if it is not the Senate behind this resolution what objection is there to taking a vote and settling that question?

Mr. BECK. If the Senator from Massachusetts only happened to be on our side of this question and was seeking to press us into executive session, and into the consideration of treaties, as we have been pressing him, and if we had constantly refused to consider the executive business for which the President had called us together or to consider the treaties for which we had been brought here and had insisted upon turning out the Secretary and the Sergeant-at-Arms and had held on for four or five weeks to do that trivial thing to the exclusion of all other business, can he imagine what a speech he could have made on our side? I know what he would have said; I know how well he would have put it, and how the country would have responded to it. I think he ought to understand that when he is now preventing the thing which he would have denounced so, (and his "revolution" and "treason" would have been mild words then,) and in order to give him time to reflect—I was about to say on the folly of the position he is now holding—I renew the motion to lay the resolution on the table. I hope he will vote for the motion, and bring the resolution up hereafter, when the executive business is over, if he likes to keep up this wrangle in hot weather.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky, that the resolution of the Senator from Massachusetts lie upon the table. [Putting the question.] The Chair is in doubt as to the result. Senators voting for the motion will rise and stand until counted.

There were on a division—ayes 20, noes 20.

Mr. ROLLINS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] Were he here, I should vote "nay."

Mr. JONES, of Nevada, (when his name was called.) I am paired with my colleague, [Mr. FAIR.] If he were here, I should vote "nay."

Mr. MORRILL, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

The roll-call was concluded.

Mr. BLAIR. I am paired with the Senator from Virginia [Mr. JOHNSTON] with the right to vote to make a quorum. If necessary, I desire to vote.

The PRESIDING OFFICER. The Clerk informs the Chair that a quorum has voted.

The result was announced—yeas 20, nays 20; as follows:

YEAS—20.

Brown,	George,	Hill of Georgia,	Pendleton,
Call,	Gorman,	Jackson,	Pugh,
Coke,	Groome,	Jonas,	Ransom,
Davis of W. Va.,	Hampton,	Jones of Florida,	Slater,
Farley,	Harris,	Morgan,	Vance.

NAYS—20.

Allison,	Conkling,	Hoar,	Mahone,
Anthony,	Dawes,	Ingalls,	Miller,
Burnside,	Edgerton,	Logan,	Platt of Conn.,
Cameron of Wis.,	Harrison,	McDill,	Platt of N. Y.,
Conger,	Hawley,	McMillan,	Rollins.

ABSENT—36.

Bayard,	Fair,	Kellogg,	Sawyer,
Beck,	Ferry,	Lamar,	Sewell,
Blair,	Frye,	McPherson,	Sherman,
Butler,	Garland,	Maxey,	Teller,
Camden,	Grover	Mitchell,	Van Wyck,
Cameron of Pa.,	Hale,	Morrill,	Vest,
Cockrell,	Hill of Colorado,	Plumb,	Voorhees.
Davis of Illinois,	Johnston,	Saulsbury,	Walker,
Edmunds,	Jones of Nevada,	Saunders,	Williams.

So the motion to lay the resolution on the table was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee to postpone indefinitely the resolution, upon which the yeas and nays have been ordered.

Mr. DAVIS, of West Virginia. I move that the Senate proceed to the consideration of executive business. I think that is what we came here for and what we ought to do.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia, that the Senate proceed to the consideration of executive business.

Mr. DAWES. I am willing that the Senator from West Virginia should take the sense of the Senate upon that question, if the Senator has any doubt about the sense of the Senate on it.

Mr. DAVIS, of West Virginia. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. SAWYER. I understand there is not a quorum and I vote "nay." If there is a quorum I do not vote.

Mr. FERRY. Is there less than a quorum?

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) A quorum has voted. The yeas are 22 and the nays are 21. The motion prevails.

Mr. DAVIS, of West Virginia. The motion was to go into executive session.

The PRESIDING OFFICER. That was the motion.

Mr. DAVIS, of West Virginia. Then the galleries must be cleared and the doors closed.

Mr. LAMAR. I am paired with the Senator from Ohio, [Mr. SHERMAN.] I see he is not present, and I wish to withdraw my vote.

Mr. HARRIS. In view of that fact, I move to reconsider the vote by which the motion was carried. The Senator from Mississippi wishes to withdraw his vote.

Mr. CONKLING. Can that not be done by unanimous consent?

Mr. LAMAR. I ask unanimous consent.

Mr. HARRIS. The Senator from Mississippi asks unanimous consent, and if that is granted his vote may be withdrawn.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent to withdraw his vote. Is there objection? The Chair hears no objection; and the Chair will announce the result of the vote upon the motion of the Senator from West Virginia.

The result was announced—yeas 21, nays 21; as follows:

YEAS—21.

Brown,	Gorman,	Jonas,	Slater,
Call,	Groome,	Jones of Florida,	Vance,
Coke,	Hampton,	Morgan,	Voorhees.
Davis of W. Va.,	Harris,	Pendleton,	
Farley,	Hill of Georgia,	Pugh,	
George,	Jackson,	Ransom,	

NAYS—21.

Allison,	Dawes,	Logan,	Platt of Conn.,
Anthony,	Edgerton,	McDill,	Platt of N. Y.,
Burnside,	Harrison,	McMillan,	Rollins.
Cameron of Wis.,	Hawley,	Mahone,	
Conger,	Hoar,	Miller,	
Conkling,	Ingalls,	Morrill,	

ABSENT—34.

Bayard,	Fair,	Kellogg,	Sewell,
Beck,	Ferry,	Lamar,	Sherman,
Blair,	Frye,	McPherson,	Teller,
Butler,	Garland,	Maxey,	Van Wyck,
Camden,	Grover,	Mitchell,	Vest,
Cameron of Pa.,	Hale,	Plumb,	Walker,
Cockrell,	Hill of Colorado,	Saulsbury,	Williams.
Davis of Illinois,	Johnston,	Saunders,	
Edmunds,	Jones of Nevada,	Sawyer,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee to postpone the resolution of the Senator from Massachusetts indefinitely.

Mr. HARRIS. It now lacks two minutes of four o'clock. I am satisfied that my friend from Massachusetts is fatigued with the labors of to-day, in view of which fact I move that the Senate do now adjourn.

Mr. DAWES. If the Senator is prompted by any such consideration I beg to assure the Senator that I am not so fatigued as to make it necessary for him to make that motion.

Mr. HARRIS. I know the modesty of my friend from Massachusetts, who disclaims any sense of fatigue; but as the motion is not debatable I do not propose that either he or I shall debate it.

The PRESIDING OFFICER. The motion is not debatable, and the Chair will put the question to the Senate. [Putting the question.] By the sound the ayes appear to have it.

Mr. ALLISON. I ask for a division.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] upon motions to go into executive session, but not upon any other motion. Therefore I vote "nay" upon the motion to adjourn.

Mr. LAMAR, (when his name was called.) I am paired temporarily with the Senator from Ohio, [Mr. SHERMAN.]

The roll-call having been concluded, the result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Brown,	Gorman,	Jonas,	Slater,
Call,	Groome,	Jones of Florida,	Vance,
Coke,	Hampton,	Morgan,	Voorhees.
Davis of W. Va.,	Harris,	Pendleton,	
Farley,	Hill of Georgia,	Pugh,	
George,	Jackson,	Ransom,	

NAYS—22.

Allison,	Dawes,	Kellogg,	Morrill,
Anthony,	Edgerton,	Logan,	Platt of Conn.,
Burnside,	Harrison,	McDill,	Platt of N. Y.,
Cameron of Wis.,	Hawley,	McMillan,	Rollins.
Conger,	Hoar,	Mahone,	
Conkling,	Ingalls,	Miller,	

ABSENT—33.

Bayard,	Fair,	Lamar,	Sherman,
Beck,	Ferry,	McPherson,	Teller,
Blair,	Frye,	Maxey,	Van Wyck,
Butler,	Garland,	Mitchell,	Vest,
Camden,	Grover,	Plumb,	Walker,
Cameron of Pa.,	Hale,	Saulsbury,	Williams.
Cockrell,	Hill of Colorado,	Saunders,	
Davis of Illinois,	Johnston,	Sawyer,	
Edmunds,	Jones of Nevada,	Sewell,	

So the Senate refused to adjourn.

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt.

Mr. HARRIS and others called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 20; as follows:

YEAS—19.

Brown,	Gorman,	Jackson,	Pugh,
Call,	Groome,	Jonas,	Ransom,
Coke,	Hampton,	Jones of Florida,	Vance,
Davis of W. Va.,	Harris,	Morgan,	Voorhees.
Farley,	Hill of Georgia,	Pendleton,	

NAYS—20.

Allison,	Conkling,	Hoar,	Mahone,
Anthony,	Dawes,	Ingalls,	Miller,
Burnside,	Edgerton,	Logan,	Morrill,
Cameron of Wis.,	Harrison,	McDill,	Platt of N. Y.,
Conger,	Hawley,	McMillan,	Rollins.

ABSENT—37.

Bayard,	Ferry,	Lamar,	Sherman,
Beck,	Frye,	McPherson,	Slater,
Blair,	Garland,	Maxey,	Teller,
Butler,	George,	Mitchell,	Van Wyck,
Camden,	Grover,	Platt of Conn.,	Vest,
Cameron of Pa.,	Hale,	Plumb,	Walker,
Cockrell,	Hill of Colorado,	Saulsbury,	Williams
Davis of Illinois,	Johnston,	Saunders,	
Edmunds,	Jones of Nevada,	Sawyer,	
Fair,	Kellogg,	Sewell,	

So the motion was not agreed to.

Mr. PENDLETON. Mr. President, I move that when the Senate adjourns it adjourn to meet to-morrow at twelve o'clock.

The PRESIDING OFFICER. The Senator from Ohio moves that when the Senate adjourns it adjourn to meet at twelve o'clock to-morrow.

Mr. HARRIS. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. HARRIS. I move to amend by striking out "twelve" and inserting "one."

The PRESIDING OFFICER. The Senator from Tennessee moves to amend the motion of the Senator from Ohio by striking out "twelve" and inserting "one."

Mr. HARRIS. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Mr. President, what is the motion?

The PRESIDING OFFICER. The motion of the Senator from Ohio is that when the Senate adjourns it be to meet at twelve o'clock to-morrow. The Senator from Tennessee has moved an amendment to that by striking out "twelve" and inserting "one," and upon that the yeas and nays have been ordered.

Mr. DAWES. I do not think that is in order, Mr. President. The other motion is simply a motion that we now adjourn; which it is not in order to amend. You cannot amend that motion, and this motion in another form is the same thing.

The PRESIDING OFFICER. What is the point of order of the Senator from Massachusetts?

Mr. DAWES. The motion of the Senator from Ohio that the Senate do now adjourn till twelve o'clock to-morrow is simply a motion to adjourn.

The PRESIDING OFFICER. That is not the motion of the Senator from Ohio.

Mr. DAWES. I beg pardon.

The PRESIDING OFFICER. The motion of the Senator from Ohio is that when the Senate adjourns it be to meet at that time.

Mr. DAWES. That is the standing order of the Senate.

Mr. PENDLETON. It is in order notwithstanding.

Mr. DAWES. It is a standing order of the Senate, and therefore I construe this simply as a motion to adjourn; if it is not a motion to adjourn, it is not anything. Any motion that adjourns the Senate till to-morrow at twelve o'clock is a motion to adjourn, and that cannot be amended.

The PRESIDING OFFICER. The motion of the Senator from Ohio is that when the Senate adjourns to-day it be to meet at twelve o'clock to-morrow.

Mr. HOAR. Will the Chair allow me to call his attention one moment?

The PRESIDING OFFICER. Certainly.

Mr. HOAR. Certainly you cannot add to the number of motions which are privileged a motion to declare what the Senate has already ordered by its standing rule. There is an order of the Senate now in force that when the Senate adjourns it be to meet at twelve o'clock to-morrow. Now if it were true that that motion would be in order and you could make that over and over again, at any time after it had passed once it might be passed again. On the pending business it is of no sort of consequence now to the Chair, because, of course, these motions which are being made can be multiplied; but it may be of great consequence some time. The Senate has already ordered that when it adjourns to-day it adjourn to meet at twelve o'clock to-morrow. That is the point, and therefore the motion cannot be renewed.

The PRESIDING OFFICER. The motion of the Senator from

Ohio is that when the Senate adjourns to-day it be to meet at twelve o'clock to-morrow. That is the standing order of the Senate unless otherwise ordered, and the Chair doubts very much whether the motion is in order.

Mr. PENDLETON. Will the Chair decide the question?

The PRESIDING OFFICER. The Chair will decide that that motion, being simply a repetition of the standing order of the Senate, would not be in order to adjourn to that particular hour, the same hour fixed in the regular standing order.

Mr. PENDLETON. I have no disposition to take an appeal from the decision of the Chair, but I am clearly of opinion that the motion is in order. However, I yield to the decision of the Chair without appeal, and move that when the Senate adjourns to-day it be to meet at eleven o'clock to-morrow.

The PRESIDING OFFICER. That motion is evidently in order. The Senator from Ohio moves that when the Senate adjourns to-day it be to meet at eleven o'clock to-morrow.

Mr. HARRIS. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. HARRIS. I propose to amend by making eleven o'clock and forty-five minutes the hour.

The PRESIDING OFFICER. The Senator from Tennessee moves to amend the motion of the Senator from Ohio by changing the hour of meeting to-morrow from "eleven" to "eleven forty-five."

Mr. HARRIS. I want the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. BECK. Mr. President, I move to amend the amendment by inserting "one" o'clock to-morrow instead of "eleven forty-five," and ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. The Senator from Kentucky moves to amend by inserting one o'clock as the hour of meeting to-morrow, and asks for the yeas and nays on that amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Kentucky to the amendment of the Senator from Tennessee to the motion of the Senator from Ohio, upon which the yeas and nays have been ordered.

Mr. GROOME, (at four o'clock and eighteen minutes p. m.) I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate do now adjourn. [Putting the question.] The Chair is in doubt.

Mr. MCMILLAN called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate do now adjourn, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLATT, of Connecticut, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.]

The roll-call having been concluded, the result was announced—yeas 20, nays 22; as follows:

YEAS—20.

Brown,	Farley,	Harris,	Pendleton,
Call,	George,	Hill of Georgia,	Pugh,
Camden,	Gorman,	Jackson,	Ransom,
Coke,	Groome,	Jonas,	Vance,
Davis of W. Va.,	Hampton,	Morgan,	Voorhees.

NAYS—22.

Allison,	Dawes,	Kellogg,	Morrill,
Anthony,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McDill,	Rollins,
Cameron of Wis.,	Hawley,	McMillan,	Sawyer.
Conger,	Hoar,	Mahone,	
Conkling,	Ingalls,	Miller,	

ABSENT—34.

Bayard,	Ferry,	Lamar,	Sherman,
Beck,	Frye,	McPherson,	Slater,
Blair,	Garland,	Maxey,	Teller,
Butler,	Grover,	Mitchell,	Van Wyck,
Cameron of Pa.,	Hale,	Platt of Conn.,	Vest,
Cockrell,	Hill of Colorado,	Plumb,	Walker,
Davis of Illinois,	Johnston,	Saulsbury.	Williams.
Edmunds,	Jones of Florida,	Saunders,	
Fair,	Jones of Nevada,	Sewell,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kentucky to the amendment of the Senator from Tennessee to the motion of the Senator from Ohio, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I am paired with the Senator from Maine, [Mr. HALE.]

The roll-call having been concluded, the result was announced—yeas 21, nays 21; as follows:

YEAS—21.

Brown,	George,	Jackson,	Ransom,
Call,	Gorman,	Jonas,	Vance,
Camden,	Groome,	Jones of Florida,	Voorhees.
Coke,	Hampton,	Morgan,	
Davis of W. Va.,	Harris,	Pendleton,	
Farley,	Hill of Georgia,	Pugh,	

NAYS—21.

Allison,	Dawes,	Kellogg,	Morrill,
Anthony,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McDill,	Sawyer.
Cameron of Wis.,	Hawley,	McMillan,	
Conger,	Hoar,	Mahone,	
Conkling,	Ingalls,	Miller,	

ABSENT—34.

Bayard,	Ferry,	McPherson,	Sherman,
Beck,	Frye,	Maxey,	Slater,
Blair,	Garland,	Mitchell,	Teller,
Butler,	Grover,	Platt of Conn.,	Van Wyck,
Cameron of Pa.,	Hale,	Plumb,	Vest,
Cockrell,	Hill of Colorado,	Rollins,	Walker,
Davis of Illinois,	Johnston,	Saulsbury,	Williams.
Edmunds,	Jones of Nevada,	Saunders,	
Fair,	Lamar,	Sewell,	

So the amendment to the amendment was not agreed to.

Mr. DAWES. Mr. President, I am greatly disappointed, I will not say discouraged, for I do not intend to be discouraged, but I am disappointed that our friends in the minority making war upon the Senate have continued it all day to-day. I hope they will come to a different conclusion to-morrow, and in that hope I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

WEDNESDAY, *April* 27, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

Mr. JOHNSTON. Mr. President, I was not in my seat yesterday when the Chair laid before the Senate a letter of the Attorney-General, transmitting, in compliance with a resolution of the Senate, copies of correspondence received from Warren S. Lurty, United States attorney for the western district of Virginia, in relation to the late report of C. C. Lancaster, special agent of the Treasury Department, and it was ordered to lie on the table. I move now that the report be printed.

The motion was agreed to.

ISTHMUS SHIP-CANALS.

Mr. MORGAN. I ask leave to submit a resolution, which I ask may be read for information.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America, that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

Mr. DAWES. I object to the resolution. I object not so much to the sentiment of the resolution as to the fact that it calls for concurrent action when there is no House of Representatives which can concur. It seems to me to be out of order. I do not speak in reference to the sentiment, but in reference to the fact that at this called session of the Senate a concurrent resolution asking for the action of the other branch as well as this, the other branch not being in existence, is hardly in order.

Mr. MORGAN. The other branch of Congress is in existence although it is not in session.

Mr. DAWES. No, not yet.

Mr. MORGAN. Its members hold their commissions to-day, and if the President saw proper to call them together, there would not have to be an election in order to secure a House of Representatives.

The precedents presented the other day by the Senator from Indiana [Mr. VOORHEES] seem to have exhausted research upon this question and establish the fact beyond controversy that this body may engage in any measure that it sees proper to devote its attention to in a session called for executive business or any other business. We have seen, however, during the present session of the Senate that the Senate has taken up various matters which are not connected with an executive session. We have been for forty-odd days debating a measure which is not connected in the slightest degree with executive business, and that measure has been all the time antagonized by the Senator from Massachusetts against the consideration of executive business.

The Senator objects that the resolution is not in order, and makes his objection upon the ground that the other House is not in session. I understand that to be the drift of his objection. He having made that point upon the resolution, and no other, I think it my duty to say that this resolution is one of such great public importance that it requires and deserves the attention of the Senate at this session. Either the substance of the resolution is of no consequence at all to

the American people and to the other commercial nations of the earth, or it requires some immediate action.

Mr. DAWES. The Senator will allow me a moment, without interrupting his remarks, to state that I think it would be entirely proper for him to ask the Senate to express its opinion; but he asks the Senate to express an opinion in concurrence with the House, not of itself. I do not recollect any precedent cited by the Senator from Indiana, in his elaborate research the other day, where the Senate undertook to do any business in concurrence with a House of Representatives not only not in session but not even qualified or having any legal existence. If the Senator makes this simply a resolution calling for the opinion of the Senate upon this important subject he will not find me objecting. My objection is to the form of the resolution. The very form that the Senator uses, if he gets a vote of the Senate, stops it right here. It cannot go forth as the opinion of the Senate until after the House meets in December and concurs in it. If, therefore, he desires to have the opinion of the Senate he must modify the resolution. That is the point.

Mr. MORGAN. The point the Senator from Massachusetts makes had not escaped my attention at all. I had observed the phraseology of the resolution, and adopted it because it is the same phraseology as that reported unanimously by the Committee on Foreign Relations at the last session of Congress, and which the Senate, I dare say, would have passed but for want of time to consider it; and I think it would also have passed the House of Representatives but for want of time.

But a precedent is not necessary always to establish a proposition either under the law or under the Constitution of the United States. The Senator from Massachusetts has doubtless observed that feature of the Constitution of the United States which authorizes the President to call either House in extraordinary session. For what purpose could the House of Representatives be called in extraordinary session except for some legislative object? What purpose could be accomplished by the House of Representatives if called alone in extraordinary session unless that purpose was to be consummated by concurrent action on the part of the Senate? The answer is a very clear one. It makes no difference what may be the purpose for which the President of the United States might call the House in a separate session; the House could accomplish nothing in such session without the concurrent or joint action of the Senate. Yet the House may be so assembled. The language of the Constitution is not that the House of Representatives may be assembled or that the Senate may be assembled, but that either House may be assembled; so that it must result that if the President of the United States chose to have certain measures put into a state of forwardness, a state of consideration upon which the other House could act when it came into session, either in regular session or in a called session of Congress, he would have the right to assemble that House under the Constitution and have it go to work upon the matters which fall peculiarly within its own jurisdiction or the matters which fall within the jurisdiction of the Congress of the United States. He might find it necessary to have a revision of the tariff; he might find it necessary to have a new tax law enacted. It might become absolutely incumbent upon the Executive as a part of his constitutional duty to have that branch of Congress assembled here for the purpose of considering tariff bills and internal-revenue bills, or, if you please, an appropriation bill, and have it in such a state of maturity that when he saw proper to call the other branch into joint session with it as a Congress of the United States, progress would have been made and the interest and the benefit of the country would have been materially advanced. So there is no difficulty, at least none that raises a point of order, in the objection that is made by the Senator from Massachusetts.

I introduced the resolution in this form with a view of having it referred to the Committee on Foreign Relations, with the expectation that if that committee saw proper in reporting it back to consider that the Senate was in some peculiar session in which we could not obtain the concurrent or joint action of the other House, that committee in reporting back the resolution could so modify it as to make it a resolution of the Senate instead of its being a concurrent resolution. But considering for my part that the Senate of the United States has the right now to pass this as a concurrent resolution, and when the regular or any extraordinary session of Congress shall be convened to have this very subject-matter thus passed and carried to the House of Representatives there reported and there acted upon, believing that the Senate has that power, I introduced the resolution in its present form. I do not see proper to modify it merely to suit the views of the Senator from Massachusetts, when I know that if the Committee on Foreign Relations when it comes to consider the subject shall concur with him it will report the resolution back in such form as it may think proper for the action of the Senate; but certainly there is no question of order which lies against it now, either under the Constitution of the United States or under any rule of the Senate.

I was about to observe upon the merits of the resolution a word, which is this: If the resolution is of any importance at all, it is of sufficient importance now to require the attention of the Senate, because we are thoroughly informed that parties are progressing with the construction of a transcontinental ship-canal to connect the Pacific and Atlantic Oceans by such a way, without any regard to the opinions of the people of the United States, the Congress of the United States, or the President of the United States as expressed in his last and previous annual messages. If the Senate of the United States expects to take any action upon this subject, it is time that it was now being considered. It is very much better that the subject should be considered alone by the Senate, and that the opinion of the Senate, one of the branches of the great legislative department of this Government, should now be taken upon this subject, than that it should be left at loose ends, and perhaps the people of France, England, and other countries, particularly the persons connected with this canal project, be deceived into the belief that we do not expect to enforce any conditions connected with that great work in virtue of the sovereignty of the people of the United States and their intimate interest in this great question. They should not be misled by our nonaction. It is sufficient to put them on their guard in respect to our intentions and purposes, and it is on our part a delinquency, if we entertain the opinions that are expressed in the resolution, not to come forward, even the Senate alone, and let the world know the ground we intend to occupy upon this great subject.

I move that the resolution be referred to the Committee on Foreign Relations.

Mr. HOAR. Mr. President, I desire to submit to the honorable Senator from Alabama the attitude which his resolution, as he leaves it, presents. Supposing him to be entirely right in his position as to the question of order, and that at this session it is perfectly proper and appropriate to introduce legislation or a resolution requiring the concurrence of the other House, still there is another view of it. A concurrent resolution does not purport to be the final opinion of the Senate itself. It is the Senate undertaking to consult its co-ordinate body, the other branch of the Legislature, and the other branch of the Legislature has the same power that a committee of the Senate has, or that any individual Senator has, to propose amendments to what the Senate says, to make those amendments in order, and to require our action upon them; so that the Senator introduces a resolution in a form which says the Senate of the United States does not propose to declare its opinion upon this important subject now, but simply to consult a body which in the ordinary course of things will not be organized until next December, and after such consultation to require an expression of the joint opinion of the two bodies. Although, of course, the committee may modify the resolution, the Senator and the Senate, so far as it takes action by its reference, expresses a purpose or proposition that if another body agrees with it, it will take action on this subject next winter.

Without regard to the point of order suggested by my colleague, it seems to me to have the resolution go to the Committee on Foreign Relations in this shape as the expression of the opinion of a Senator so able and prominent as the honorable Senator from Alabama is on the Committee on Foreign Relations, will have, so far as it has any effect, an injurious effect. He says this morning, whatever he may say next week or next month when this comes back from the committee, "I do not propose to have anything said about this until next winter; I do not propose to have anything said about it by the Senate till it has heard and considered the opinion and suggestions of the House."

I have not considered the phraseology of the resolution; but as a friend to the opinion which I suppose, from hearing it casually, the Senator entertains, and in the most absolute good faith, without any regard to any question of difference between the two sides of the Chamber or any question of order, I suggest to the Senator whether it would not be well for him himself now before its reference to make it an expression of the opinion of the Senate. I suggest that with entire deference to him, and I have stated these reasons for his consideration.

Mr. MORGAN. I have heard it frequently intimated in the public prints that there is a possibility of a called session of Congress, which if convened should be very soon. Of course I am not in an attitude to know anything about that; but I have believed all the time (particularly as the Senator from New Hampshire [Mr. BLAIR] has introduced a resolution expressing the opinion of the Senate that it was the duty of the President to call Congress together in extraordinary session) that there might be, after all, a called session of Congress. I desired, therefore, to introduce the resolution and send it to the committee in such a shape as to meet that view of the case in the event there was such a called session. If the honorable Senator from Massachusetts will offer an amendment to the resolution striking out the concurrent words and making it a resolution of the Senate, and let both the resolution and the amendment go to the committee, I shall have no objection.

Mr. DAWES. What is the objection to the Senator modifying his own resolution?

Mr. MORGAN. There is no objection in the world to it, except——

Mr. DAWES. Let the Senator modify his own resolution. There will not be any objection to it then.

Mr. MORGAN. Except that I have been a good deal in hopes that the Senator from New Hampshire would succeed in his resolution and that we should have a called session of Congress. I desired, therefore, to be ready for it when it came.

Mr. DAWES. The Senator from New Hampshire followed the precedents and asked the Senate of the United States to express its opinion. The Senator from Alabama well says that delay would not be fit under the circumstances, and that being the case why not let the

Senate express its opinion, and then take the opinion of the House when it is assembled?

Mr. MORGAN. For the purpose of obliging the Senator from Massachusetts, I will amend the resolution by striking out the words "by the Senate, the House of Representatives concurring," and will offer it in that form.

Mr. BLAIR. Will the Senator allow me one moment before he makes that modification of his resolution? I have no objection to the modification if the Senator sees fit to make it; but I do question the ground upon which the objection to the resolution as it now stands is based.

The junior Senator from Massachusetts [Mr. HOAR] says that the resolution in its present form being a concurrent resolution, even if it passes the Senate, is no expression of the opinion of the Senate, because it is simply the action of the Senate in soliciting advice from the other branch of the legislative department of the Government. If that is true of this concurrent resolution, would it not be true in case the form of the resolution were joint or in case it were an ordinary bill introduced for action by the Senate? Upon what theory are any of these propositions for legislation introduced except as a means of obtaining the opinion of the other branch of the Legislature? We know that our rules prohibit even an allusion to what is passing at the other end of the Capitol while any proposition is pending in this. It seems to me, for us to say that action by the Senate in passing a concurrent resolution is not an expression of the judgment of the Senate is a very great absurdity. Unless the honorable Senator from Alabama is ready to concede the point that the consideration of any business whatever is out of order at this session except simply executive business; unless he is prepared to take that ground and to concede that what has been hitherto universally admitted on both sides, that the Senate being in session could consider whatever would be appropriate for the Senate alone to consider if the other House of Congress were in session; unless he is willing to place himself upon the ground that we have been in error hitherto, I trust that he will not modify his resolution. I do not see any reason why the resolution may not be considered as it now is.

It is possible, of course, that there will be an extra session of Congress; the matter would be just so much expedited by a concurrent resolution should there be such a session called. I am profoundly impressed with the belief that the public good requires such a session for almost innumerable reasons. I do not claim that I represent the opinion of any other Senator whatever in regard to the matter, or that the administration or any member of the administration does or does not concur with me in like sentiment; but I think there should be an extra session, and that this is one of the subjects which should be considered at such a session. I think if there is any Monroe doctrine it is time to assert it; if there is any power or any intent in the Government of the United States or among the people of the United States to assert the most distant connection with or interest in the construction of a canal across the Isthmus, it is time for us to manifest it in some tangible way.

What has happened in the past? Can anybody dignify the action of Congress with reference to it as anything more than mere legislative gossip thus far? What foreign nation is bound to take notice of the action of the Congress of the United States or the people of the United States with reference to the construction of that canal up to the present day? Yet a foreign corporation under the patronage of a foreign government is digging through the Isthmus to-day; and, as I observed the other morning, a vested right is being acquired; and, as the honorable Senator intimates, we are likely to be foreclosed, so far as the justice of our claim would be concerned, if we were to set up the right hereafter to even remonstrate.

Other great questions ought to be considered at a legislative session, and ought to be considered before next December. The attitude of parties toward each other at the present time is such that a great deal of valuable time is being utterly wasted, as it seems to me. We are not likely to recede from our positions relatively at present. I do not see at least any reason why we are likely to do so. Although it is very evident to me that the minority ought to recede, they judge differently. Why should we waste this time, and particularly if the minority assert the right to obstruct the action of the Senate interminably, assembled as it now is? If that right involves, as I think it does, the right to obstruct ordinary general legislation, why ought we not to test their design, and to test it immediately?

For that reason, as a republican, as one who belongs to the majority, as I claim it to be, on this floor at the present time, I should like to see that question tested. Between now and next December we could find out what attitude the minority is to occupy upon the exceedingly interesting question whether one man may thwart legislation interminably, if that is to be done. That is an important question of itself, and it ought to be decisive upon the matter of policy whether there should be an extra session of Congress called, and that forthwith. I do not suppose that that view of it will be very influential with my friends upon the other side, but it is with me.

At such a session there are many things important to be considered. More than half of the bills introduced into the Senate the last Congress failed to be considered at all, although referred to committees. More than half the important public business failed to be considered at all committees. I have some data upon that subject by which I propose to lay before the Senate in due time as bearing upon this general question.

But to get back to what is now before the Senate, and that is the question of the modification of the form of this concurrent resolution for the reasons assigned by the Senator from Massachusetts. I think I have said enough to indicate that the concession, if it is made as to an objection of principle, is sufficient to exclude the consideration of all business by the Senate at this called session except that which is of an executive character.

Mr. DAWES. Without discussing with the Senator from New Hampshire the interesting question he has raised about the desirability of an extra session of Congress, upon which I have a very decided opinion somewhat different from that of the Senator, if the Senator from Alabama will modify his resolution as suggested, I will withdraw my point of order.

The VICE-PRESIDENT. Does the Senator from Alabama modify the resolution?

Mr. MORGAN. I will make the modification. Of course, that amounts to no committal of itself to any particular position upon the question whether the resolution should be concurrent or a simple resolution of the Senate.

Mr. DAWES. I only make the suggestion because of a firm conviction that otherwise the very purpose that the Senator seeks, I know in good faith, would be thwarted; there could no voice go forth of any force whatever. What potential force there can be in an expression of opinion by the Senate of the United States would be lost, because whatever may be the vote it would stop here to await the House. Without discussing the point of order, anxious as I am to co-operate with the Senator in serving notice of the kind he indicates, I wish the Senator to modify the resolution.

Mr. MORGAN. I will modify the resolution, and I ask its reference to the Committee on Foreign Relations, stating at the same time that I have no idea by offering the resolution in one form or the other that I can commit the Senate, or that the Senate would even by referring the resolution, if upon a call of the yeas and nays, commit itself in either form. I therefore modify the resolution and ask its reference to the Committee on Foreign Relations.

Mr. DAWES. I hope there will be no objection.

The VICE-PRESIDENT. The Secretary will read the resolution as modified.

The Chief Clerk read as follows:

Resolved, That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America, that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

Mr. INGALLS. Mr. President, I have no objection to the modification of the resolution nor to the sentiments expressed therein; but I protest against the assumption that the resolution in its original form was not in order and that it was not competent for the Senate to adopt it. There is no difference between the Senate as now assembled and as assembled in any other capacity or on any other occasion. The President of the United States has called the Senate together under the Constitution upon an extraordinary occasion. He might summon the House of Representatives in the same manner. He can invoke the exercise of our power, but he cannot limit it; and I contend that we have the right in this as in every other session, in every other way that the Senate can be assembled, to pass whatever resolutions we please and do whatever business we see fit. I have no doubt that we have a right to originate legislation, to act upon it in committee, and to pass bills ready to be acted upon when Congress may be in session.

I say this simply for the purpose of protesting against the assumption which has been made that the resolution as originally offered was not in order and not within the competence of the Senate.

Mr. HOAR. Mr. President, I desire to say in a word that I was led to make the suggestion to the honorable Senator from Alabama which he has adopted by this consideration: However we may differ on the most vital public questions so far as they are domestic questions, we desire to present, I am sure, to foreign governments absolute unity. Whatever the majority of the American people, represented by Congress, believe upon a question of foreign policy, that the united American people support. It seemed to me, therefore, that in making the declaration which the honorable Senator from Alabama proposes, so proper and timely as it is to make some declaration upon that subject, the proposition ought to avoid anything which might possibly lead to a difference of opinion on questions of order or questions of constitutional proceeding. That was all.

The VICE-PRESIDENT. The Senator from Alabama moves that the resolution submitted by him be printed and referred to the Committee on Foreign Relations.

The motion was agreed to.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of cer-

tain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely. Upon this motion the yeas and nays have been ordered.

Mr. PENDLETON. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate now proceed to the consideration of executive business. All in favor of the motion will say "ay," those opposed "no." [Putting the question.] The noes seem to have it.

Mr. PENDLETON. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] Were he here, I should vote "nay."

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were present, I should vote "yea."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. McDILL, (when his name was called.) On this and kindred questions I am paired for the day with the Senator from Maryland, [Mr. GORMAN.] I make this announcement for the day.

Mr. PLATT, of Connecticut, (when his name was called.) I announce that I am paired with the Senator from Oregon, [Mr. SLATER,] who has been called home. I have the right, however, to vote to make a quorum.

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Maine, [Mr. FRYE.] I make the announcement for the day. I shall be here all the time, however, notwithstanding I am paired.

Mr. PLUMB. I am paired with the Senator from Missouri, [Mr. VEST.] I make the announcement for the day.

The result was announced—yeas 25, nays 25; as follows:

YEAS—25.

Bayard,	Farley,	Johnston,	Ransom,
Beck,	George,	Jonas,	Vance,
Brown,	Groome,	Jones of Florida,	Voorhees,
Call,	Hampton,	Lamar,	Walker.
Camden,	Harris,	Morgan,	
Coke,	Hill of Georgia,	Pendleton,	
Davis of W. Va.,	Jackson,	Pugh,	

NAYS—25.

Allison,	Dawes,	Ingalls,	Platt of N. Y.,
Anthony,	Edgerton,	Logan,	Rollins,
Blair,	Hale,	McMillan,	Sawyer,
Burnside,	Harrison,	Mahone,	Sherman.
Cameron of Wis.,	Hawley,	Miller,	
Conger,	Hill of Colorado,	Mitchell,	
Conkling,	Hoar,	Morrill,	

ABSENT—26.

Butler,	Frye,	McPherson,	Slater,
Cameron of Pa.,	Garland,	Maxey,	Teller,
Cockrell,	Gorman,	Platt of Conn.,	Van Wyck,
Davis of Illinois,	Grover,	Plumb,	Vest,
Edmunds,	Jones of Nevada,	Saulsbury,	Williams.
Fair,	Kellogg,	Saunders,	
Ferry,	McDill,	Sewell,	

So the motion was not agreed to.

Mr. COCKRELL. Mr. President, I move to lay the resolution of the Senator from Massachusetts upon the table. That is the easiest and best way to get rid of it. It has been annoying the Senate for some time.

The VICE-PRESIDENT. The Senator from Missouri moves that the resolution lie on the table.

Mr. COCKRELL. I call for the yeas and nays on the motion.

The yeas and nays were ordered and taken.

Mr. BECK. I am paired with the Senator from Maine [Mr. HALE] who is now absent. I should vote "yea" if he were here.

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Bayard,	Farley,	Jackson,	Pendleton,
Brown,	George,	Johnston,	Pugh,
Call,	Groome,	Jonas,	Ransom,
Camden,	Hampton,	Jones of Florida,	Vance,
Coke,	Harris,	Lamar,	Voorhees,
Davis of W. Va.,	Hill of Georgia,	Morgan,	Walker.

NAYS—24.

Allison,	Conkling,	Hoar,	Mitchell,
Anthony,	Dawes,	Ingalls,	Morrill,
Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McMillan,	Rollins,
Cameron of Wis.,	Hawley,	Mahone,	Sawyer,
Conger,	Hill of Colorado,	Miller,	Sherman.

ABSENT—23.

Beck,	Ferry,	Kellogg,	Saunders,
Butler,	Frye,	McDill,	Sewell,
Cameron of Pa.,	Garland,	McPherson,	Slater,
Cockrell,	Gorman,	Maxey,	Teller,
Davis of Illinois,	Grover,	Platt of Conn.,	Van Wyck,
Edmunds,	Hale,	Plumb,	Vest,
Fair,	Jones of Nevada,	Saulsbury,	Williams.

So the motion was not agreed to.

Mr. HARRIS. Mr. President, I wish to call the attention of the Senator from Massachusetts to the fact that there are some three hundred important nominations lying upon your table. It is very important that the Senate should give some attention to those.

Mr. DAWES. How many did the Senator say?

Mr. HARRIS. Somewhere in the neighborhood of three hundred; I do not know the exact number.

Mr. DAWES. I should like to know the ground for the Senator's statement.

Mr. HARRIS. I did not catch the remark of the Senator.

Mr. DAWES. I inquired of the Senator if he would furnish to the public the grounds for his statement, what evidence he has.

Mr. HARRIS. The Senator from Massachusetts is certainly not ignorant of the fact, upon evidence entirely satisfactory to him, that there is a large number of important nominations lying upon that table, that he has for more than one month refused to look at or to act upon. There are important treaties, with which the Senator is also familiar, demanding the attention of the Senate. And in order that the Senator from Massachusetts may no longer neglect the most important, if not the only, duties that devolve upon him at this session, I move that the Senate proceed to the consideration of executive business where we can consider those treaties and those nominations that are made to fill vacancies by reason of which the public interest is suffering to-day as it has suffered for weeks heretofore. My motion is that the Senate proceed to the consideration of executive business.

Mr. DAWES. Will the Senator permit me to say a word?

Mr. HARRIS. Of course, if the Senator desires to be heard and will renew the motion, I will withdraw it; or if he is disinclined to do that, if upon the close of his remarks he will yield the floor to me, I will renew it.

Mr. DAWES. Most certainly I will yield to the Senator. That is a constitutional right the Senator has which I could not take away from him if I desired.

I wish to say, Mr. President, that I am not informed as the Senator is. I state distinctly that here in open session of this Senate I do not know that there is any nomination pending before the Senate, and if the Senator has come to that knowledge consistent with his duty and his oath, I wish the Senator would so communicate to the public, not only the fact which he has communicated, but——

Mr. HARRIS. Will the Senator allow me to call his attention to the seventy-third rule which shows exactly what executive secrets are? And the newspapers announce, as every Senator has a right to announce, day by day and every day, every nomination that comes to this Senate. The action that the Senate may take in respect to those nominations in executive session may fall within the forbidden rule; but the fact that a nomination has been made the Senator from Massachusetts knows is a public matter that every Senator as well as every other person has a perfect right to disclose.

Mr. DAWES. Mr. President, I have consulted the rule to which the Senator has called my attention, and I do not see anything in it about the newspapers. The Senator may have discovered something and may perhaps call my attention to it. I still assert my own ignorance; that is all—the Senator cannot complain of such a confession on my part—my ignorance here in open session of anything that transpires in executive session; and if I were to go to the newspapers, as the Senator seems to, for a rule of conduct or even for information to guide me in my duty here, I could not keep up with the Senator when the Senator says the Senate has received three hundred nominations.

Mr. HARRIS. If the Senator will suspend a moment, here is a message from the President now, and the moment it is received a copied slip of every nomination sent in it will be spread on that table for the Senator and me and all others to look at, and it is copied for the Associated Press as well.

Mr. DAWES. I will say——

The VICE-PRESIDENT. If the Senator from Massachusetts will suspend, the Chair will receive a message from the President of the United States.

Mr. DAWES. Certainly.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. DAWES. Mr. President, I suppose that message will remain sealed until we reach an executive session.

Mr. HARRIS. I will tell you all about it in half a minute.

Mr. DAWES. I do not yield for the purpose of reading an executive message.

Mr. HARRIS, (advancing to the Secretary's table and taking the slip accompanying the message.) I want to give the Senator from Massachusetts information upon a subject on which he seems to lack it. Here [handing the slip to Mr. DAWES] is a list of the nominations just sent here to-day; and I beg him to announce them to the

public, if we cannot get them through the press or in any other way.

Mr. DAWES. The Senator from Tennessee has put a piece of paper in my hand; and where he got it I do not know, [laughter,] or what right he has to it I do not know. [Laughter.] I should like to know whether the Executive has made the Senator from Tennessee a confidential communication upon this subject. I have no faith in this paper, sir.

I was remarking when the Senator interrupted me that whatever is sealed lying here upon the table of the Senate I do not know the contents of. The Senator seems to know, and he refers me to the newspapers. Now the ablest of these newspapers—and nothing can be so able as a newspaper—cannot keep up with the Senator by two-thirds at least.

The Senator from Minnesota [Mr. McMILLAN] suggests to me that this piece of paper being tissue paper, we ought to have no confidence in it on any side. [Laughter.] It is useful on the other side of the Senate to deceive the public and to carry before the country something that never existed, and when I come to think of it, and making my acknowledgments to the Senator from Minnesota, I do not wonder the Senator from Tennessee takes to it so. [Laughter.]

But the Senator from Tennessee has no occasion based upon any information which has reached me, and no authority based upon any information which has reached me, to state what he did to the Senate, and that was why I asked him for his information. It is not true in point of fact, so far as I am informed, though I confess that I have not received any confidential communication upon the subject, nor have I attempted to open any sealed messages from the President of the United States to the Senate of the United States. The Senator, however, stated a certain number as a fact, and now relies upon these pieces of paper from time to time, and all he has brought to my attention is one containing the names of five proposed postmasters. Now if the Senator knows that there are three hundred nominations pending, if he knows it outside of executive session, I wish he would state the authority. I do not know any such thing, and so far as I am informed the statement is not in conformity with the truth.

I will now yield to the Senator to renew his motion if he desires to make it, and on which he has been voted down more than twenty times already.

Mr. HARRIS. Mr. President, for this specimen of frankness and candor upon the part of the distinguished Senator from Massachusetts I am profoundly grateful. I have learned from those gentlemen who served with him in the other end of the Capitol as well as gentlemen who have served with him here that, distinguished for many things as we all know, he has always been most distinguished for the frankness and candor with which he would always act!

Now, does the Senator pretend that he is ignorant of the fact, and does he intend these galleries and the country to doubt whether there are three hundred important nominations lying upon that desk? If his remarks mean anything, they mean to cast a shadow of doubt as to that fact, while I undertake to say and assert that the Senator knows as well as I know, as well as you, sir, know, the truth of the assertion that there are three hundred, or near three hundred, important nominations lying upon your table undisposed of and unconsidered.

But I will not dwell upon it. I renew the motion to proceed to the consideration of executive business, with the hope that that three hundred may be rapidly reduced by the consideration and action of the Senate.

The VICE-PRESIDENT. The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business.

Mr. COCKRELL and Mr. VANCE called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] I announce it now for the day.

Mr. FARLEY, (when Mr. SLATER's name was called.) I was requested by the Senator from Oregon [Mr. SLATER] to announce that he is paired with the Senator from Connecticut, [Mr. PLATT.] The pair is for the residue of the session. I make that announcement now.

The roll-call was concluded.

Mr. COKE. My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.]

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Bayard,	Farley,	Jackson,	Pendleton,
Brown,	George,	Johnston,	Pugh,
Call,	Groome,	Jonas,	Ransom,
Camden,	Hampton,	Jones of Florida,	Vance,
Coke,	Harris,	Lamar,	Voorhees,
Davis of W. Va.,	Hill of Georgia,	Morgan,	Walker.

NAYS—24.

Allison,	Conkling,	Hoar,	Mitchell,
Anthony,	Dawes,	Ingalls,	Morrill,
Blair,	Edgerton,	Logan,	Platt of N. Y.,
Burnside,	Harrison,	McMillan,	Rollins,
Cameron of Wis.,	Hawley,	Mahone,	Sawyer,
Conger,	Hill of Colorado,	Miller,	Sherman.

ABSENT—28.

Beck,	Ferry,	Kellogg,	Saunders,
Butler,	Frye,	McDill,	Sewell,
Cameron of Pa.,	Garland,	McPherson,	Slater,
Cockrell,	Gorman,	Maxey,	Teller,
Davis of Illinois,	Grover,	Platt of Conn.,	Van Wyck,
Edmunds,	Hale,	Plumb,	Vest,
Fair,	Jones of Nevada,	Saulsbury,	Williams.

So the motion was not agreed to.

Mr. DAVIS, of West Virginia. I move to lay the resolution on the table, and ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 25; as follows:

YEAS—24.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Pendleton,
Beck,	Farley,	Jackson,	Pugh,
Brown,	George,	Johnston,	Ransom,
Call,	Groome,	Jonas,	Vance,
Camden,	Hampton,	Jones of Florida,	Voorhees,
Coke,	Harris,	Morgan,	Walker.

NAYS—25.

Allison,	Dawes,	Ingalls,	Platt of N. Y.,
Anthony,	Edgerton,	Logan,	Rollins,
Blair,	Hale,	McMillan,	Sawyer,
Burnside,	Harrison,	Mahone,	Sherman.
Cameron of Wis.,	Hawley,	Miller,	
Conger,	Hill of Colorado,	Mitchell,	
Conkling,	Hoar,	Morrill,	

ABSENT—27.

Butler,	Frye,	McDill,	Sewell,
Cameron of Pa.,	Garland,	McPherson,	Slater,
Cockrell,	Gorman,	Maxey,	Teller,
Davis of Illinois,	Grover,	Platt of Conn.,	Van Wyck,
Edmunds,	Jones of Nevada,	Plumb,	Vest,
Fair,	Kellogg,	Saulsbury,	Williams.
Ferry,	Lamar,	Saunders.	

So the Senate refused to lay the resolution on the table.

Mr. DAVIS, of West Virginia. It is rumored around this morning that our friends on the opposite side wish at an early hour to-day to renew their consultation of this morning. To give them an opportunity I move that the Senate do now adjourn.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senator from West Virginia moves that the Senate do now adjourn.

Mr. DAWES. Another illustration of the little ground there is and the want of safety in a man's governing his conduct by rumors. I hope the Senate will not adjourn but will address itself to the business of the Senate.

Mr. DAVIS, of West Virginia. It is strange everything brings the Senator from Massachusetts to his feet——

Mr. HOAR. Is the motion debatable?

The PRESIDING OFFICER. It is not if anybody raises the point of order.

Mr. HOAR. I raise it.

Mr. DAVIS, of West Virginia. All right.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate do now adjourn. [Putting the question.] The Chair is in doubt.

Mr. DAVIS, of West Virginia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MORRILL, (when his name was called.) On this vote I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

The roll-call was concluded.

Mr. KELLOGG. This is a motion to adjourn; I am not paired on that motion, and I vote "nay."

The result was announced—yeas 23, nays 25; as follows:

YEAS—23.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Pugh,
Beck,	Farley,	Jackson,	Ransom,
Brown,	George,	Jonas,	Vance,
Call,	Groome,	Lamar,	Voorhees,
Camden,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Pendleton,	

NAYS—25.

Allison,	Dawes,	Ingalls,	Platt of N. Y.,
Anthony,	Edgerton,	Kellogg,	Rollins,
Blair,	Hale,	Logan,	Sawyer,
Burnside,	Harrison,	McMillan,	Sherman.
Cameron of Wis.,	Hawley,	Mahone,	
Conger,	Hill of Colorado,	Miller,	
Conkling,	Hoar,	Mitchell,	

ABSENT—28.

Butler,	Frye,	McDill,	Saunders,
Cameron of Pa.,	Garland,	McPherson,	Sewell,
Cockrell,	Gorman,	Maxey,	Slater,
Davis of Illinois,	Grover,	Morrill,	Teller,
Edmunds,	Johnston,	Platt of Conn.,	Van Wyck,
Fair,	Jones of Florida,	Plumb,	Vest,
Ferry,	Jones of Nevada,	Saulsbury,	Williams.

So the Senate refused to adjourn.

Mr. DAWES. Mr. President, I hope we may have a vote on the resolution.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely.

Mr. COKE. Mr. President, I move that the Senate do now proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt.

Mr. COKE. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. MORRILL. I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Pendleton,
Beck,	Farley,	Jackson,	Pugh,
Brown,	George,	Jonas,	Ransom,
Call,	Groome,	Jones of Florida,	Vance,
Camden,	Hampton,	Lamar,	Voorhees,
Coke,	Harris,	Morgan,	Walker.

NAYS—24.

Allison,	Conkling,	Hill of Colorado,	Miller,
Anthony,	Dawes,	Hoar,	Mitchell,
Blair,	Edgerton,	Ingalls,	Platt of N. Y.,
Burnside,	Hale,	Logan,	Rollins,
Cameron of Wis.,	Harrison,	McMillan,	Sawyer,
Conger,	Hawley,	Mahone,	Sherman.

ABSENT—28.

Butler,	Frye,	McDill,	Saunders,
Cameron of Pa.,	Garland,	McPherson,	Sewell,
Cockrell,	Gorman,	Maxey,	Slater,
Davis of Illinois,	Grover,	Morrill,	Teller,
Edmunds,	Johnston,	Platt of Conn.,	Van Wyck,
Fair,	Jones of Nevada,	Plumb,	Vest,
Ferry,	Kellogg,	Saulsbury,	Williams.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs upon the motion of the Senator from Tennessee to postpone indefinitely.

Mr. DAVIS, of West Virginia. I move that when the Senate adjourns it be to meet at eleven o'clock to-morrow.

The PRESIDING OFFICER. The Senator from West Virginia moves that when the Senate adjourns to-day it be to meet at eleven o'clock to-morrow. [Putting the question.] The Chair is in doubt.

Mr. DAVIS, of West Virginia. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COKE. I move to amend the pending motion by making the hour half past eleven o'clock.

The PRESIDING OFFICER. The Senator from Texas moves to amend the motion of the Senator from West Virginia by striking out eleven o'clock and inserting half after eleven. The question is on the amendment.

Mr. DAVIS, of West Virginia, called for the yeas and nays, and they were ordered.

Mr. BECK. I move to amend the amendment by making the time 11.45, and on that I call for the yeas and nays.

Mr. CONKLING. That amendment is not in order, I think, Mr. President.

The PRESIDING OFFICER. It is an amendment to an amendment, and the Chair decides that it is order. The Senator from Kentucky moves to amend the amendment of the Senator from Texas to the motion of the Senator from West Virginia by striking out "eleven" and inserting "eleven forty-five," on which the yeas and nays are called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLAIR, (when his name was called.) I am paired with the Senator from Alabama, [Mr. MORGAN.]

The roll-call having been concluded, the result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Pendleton,
Beck,	Farley,	Jackson,	Pugh,
Brown,	George,	Johnston,	Ransom,
Call,	Groome,	Jonas,	Vance,
Camden,	Hampton,	Jones of Florida,	Voorhees,
Coke,	Harris,	Lamar,	Walker.

NAYS—24.

Allison,	Dawes,	Hoar,	Mitchell,
Anthony,	Edgerton,	Ingalls,	Morrill,
Burnside,	Hale,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Harrison,	McMillan,	Rollins,
Conger,	Hawley,	Mahone,	Sawyer,
Conkling,	Hill of Colorado,	Miller,	Sherman.

ABSENT—28.

Blair,	Ferry,	McDill,	Saunders,
Butler,	Frye,	McPherson,	Sewell,
Cameron of Pa.,	Garland,	Maxey,	Slater,
Cockrell,	Gorman,	Morgan,	Teller,
Davis of Illinois,	Grover,	Platt of Conn.,	Van Wyck,
Edmunds,	Jones of Nevada,	Plumb,	Vest,
Fair,	Kellogg,	Saulsbury,	Williams.

So the amendment to the amendment was rejected.

Mr. BECK. As we were a tie on that, perhaps another minute may help it, and I move to make the hour of meeting 11.46 to-morrow. That minute may save some of our friends.

The PRESIDING OFFICER. The Senator from Kentucky moves to amend the amendment of the Senator from Texas by inserting 11.46.

Mr. BECK. And on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. What is the motion, Mr. President?

The PRESIDING OFFICER. The motion was that when the Senate adjourns to-day it be to meet at eleven o'clock to-morrow. The Senator from Kentucky moves to amend by fixing the time of meeting to-morrow at forty-six minutes after eleven o'clock.

Mr. DAWES. Pending that motion I move that the Senate do now adjourn.

The motion was agreed to; and (at one o'clock and forty-six minutes p. m.) the Senate adjourned.

THURSDAY, *April* 28, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely, upon which motion the yeas and nays have been ordered.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes seem to have it.

Mr. MORRILL. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired to-day with the Senator from Georgia, [Mr. HILL.] I should vote "nay" if I were not paired.

Mr. HOAR, (when Mr. BROWN'S name was called.) I am paired with the Senator from Georgia, [Mr. BROWN,] reserving, however, the right to vote if my vote is necessary to make a quorum and makes no difference in the result.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. GROVER, (when his name was called.) My pair with the Senator from Nebraska [Mr. VAN WYCK] has been transferred to the Senator from North Carolina [Mr. VANCE] for to-day. I vote "yea."

Mr. ROLLINS, (when the name of Mr. HILL, of Colorado, was called.) The Senator from Colorado [Mr. HILL] is paired with the Senator from Arkansas, [Mr. WALKER.]

Mr. McDILL, (when his name was called.) I am paired for to-day with the Senator from Maryland, [Mr. GORMAN.]

Mr. COKE, (when Mr. MAXEY'S name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.] I make the announcement for the day.

Mr. INGALLS, (when Mr. PLUMB'S name was called.) My colleague [Mr. PLUMB] is paired with the Senator from Missouri, [Mr. VEST.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

Mr. WALKER, (when his name was called.) I am paired, until his return, with the Senator from Colorado, [Mr. HILL.] If he were here, I should vote "yea."

Mr. BECK, (when Mr. WILLIAMS'S name was called.) The pair of my colleague [Mr. WILLIAMS] continues with the Senator from Nebraska, [Mr. SAUNDERS.]

The roll-call was concluded.

Mr. DAVIS, of West Virginia. I am paired with the Senator from Iowa [Mr. ALLISON] until his return.

Mr. RANSOM. I am paired with the Senator from Illinois, [Mr. LOGAN.]

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bayard,	Farley,	Harris,	Lamar,
Beck,	George,	Jackson,	Morgan,
Call,	Groome,	Johnston,	Pendleton,
Camden,	Grover,	Jonas,	Pugh,
Coke,	Hampton,	Jones of Florida,	Saulsbury.

NAYS—21.

Blair,	Edgerton,	McMillan,	Rollins,
Burnside,	Ferry,	Mahone,	Sawyer,
Cameron of Wis.,	Hale,	Miller,	Sherman.
Conger,	Harrison,	Mitchell,	
Conkling,	Hawley,	Morrill,	
Dawes,	Ingalls,	Platt of N. Y.,	

ABSENT—35.

Allison,	Fair,	Logan,	Slater,
Anthony,	Frye,	McDill,	Teller,
Brown,	Garland,	McPherson,	Vance,
Butler,	Gorman,	Maxey,	Van Wyck,
Cameron of Pa.,	Hill of Colorado,	Platt of Conn.,	Vest,
Cockrell,	Hill of Georgia,	Plumb,	Voorhees,
Davis of Illinois,	Hoar,	Ransom,	Walker,
Davis of W. Va.,	Jones of Nevada,	Saunders,	Williams.
Edmunds,	Kellogg,	Sewell,	

So the Senate refused to proceed to the consideration of executive business.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. BUTLER. Mr. President, I have had no disposition to take part in this debate, and should have carried out my purpose to remain silent but for the most remarkable and uncalled-for philippic of the Senator from Maine [Mr. FRYE] and some novel and extraordinary propositions of his republican colleagues, which have made it necessary for me to enter into a vindication of my own course and to fulfill a promise made to the honorable Senator from Rhode Island, [Mr. BURNSIDE.]

It is not an agreeable duty—a very ungracious duty—but nevertheless a duty; and I shall endeavor to discharge it fearlessly, and with becoming consideration for the feelings of my brother Senators and a due regard for those amenities of debate that should always control us in this high and dignified branch of the national Legislature. And if in the heat of earnest discussion I should appear to transcend the limits of parliamentary propriety, I trust it may not be regarded as intentional or wanting in a proper estimate of senatorial decorum.

Mr. President, on the 20th of this month referring to some observations made by the Senator from Maine, [Mr. FRYE,] who I regret very much is not in his seat, in a colloquy between the honorable Senator from Rhode Island [Mr. BURNSIDE] and myself, I used the following language:

> The Senator sat there and heard that tirade; but when I rise and attempt to vindicate myself, the Senator comes to the front and declares that whoever says there was a bargain in this Chamber, has uttered a falsehood.
>
> Mr. BURNSIDE. Well, I do say so yet.
>
> Mr. BUTLER. I have made no such charge; but, Mr. President, if I do not demonstrate it by irrefragable testimony I will resign my seat in this Senate.

Again I said:

> The Senator from Maine arraigned the entire South almost; he arraigned every Senator from the South, charging that we are here the representatives of States that have repudiated their public obligations, as an excuse for something that is being done in this Senate.

Further on I said:

> But, Mr. President, I have been betrayed into saying a great deal more than I intended when I rose. I repeat that at the proper time if the remarks of the Senator from Maine, in my judgment, shall require further notice at my hands as to what he may have said about my State and the condition of affairs down there, I shall take occasion to ask the Senate to hear me in response; but for the present I desire to repeat that that is not the issue. The real issue is whether or not a bargain has been made on this floor by which it is proposed on the one part to take something which does not belong to the republican caucus or the democratic caucus or both combined in exchange for the influence or the vote or the power of any man or set of men, to wit, the officers of this Senate. They do not belong to us. They belong to the sovereign people of this country, and we control them in trust for the people and not to barter away for political power.

I regret extremely that the Senator from Maine who saw fit to make this arraignment of myself and my associates and my people is not in his seat. I regret that circumstances will not permit me to postpone what I have to say until his return; for I shall have something to say about him, and about his State, which I should prefer to have him hear.

I said, Mr. President, that I made no charge of a bargain in the Senate, and I repeat it. I said further that I would produce the evidence which in my judgment would go to establish beyond all doubt that a bargain had been made; and in proceeding to do that I wish it to be understood that with the motives and purposes and intentions of Senators, as individuals, I have nothing to do. I am not here to impeach motives, to call in question the individual integrity and honesty of Senators. The junior Senator from Virginia [Mr. MAHONE] says that "no man can search the human heart." That is true. No power but the power of Omniscience and Omnipotence can "search the human heart" and interpret its mysterious operations; but in making ordinances and rules and regulations for the government and protection of society, mankind provided that men who are twenty-one years of age, who are *sui juris*, who are not under duress, should be held responsible for their acts as well as their utterances. While I do not attempt to "search the human heart" and determine what motives influence Senators or gentlemen, I have the right, and it is my duty as a Senator, to criticise, legitimately, the public acts, the public votes, and the public utterances of all Senators and all men who belong to the public.

It is not my habit, it has never been my habit, to impugn the motives or question the integrity of any Senator; and while it is true that we cannot "search the human heart," how many human beings have been sent to the gallows and to the State's prison for life upon *circumstantial* evidence! How many of the greatest and most revolting crimes in history have been investigated and determined upon circumstantial or presumptive evidence, when no eye saw and no ear heard the actor committing the crime! It is also true that there can be no crime without intent. The presence of *criminal intent* is necessary to constitute crime or wrong-doing, but mankind frequently determines the character of the crime committed or wrong done by the acts of the individual, by circumstances, by indirect evidence, not by the plea of not guilty or the protestations of the accused or suspected. It is not sufficient in the affairs of this life, in a civilized country, to meet a charge by the plea of not guilty and by the counter charges of falsehood and cowardice and slander and revolution and treason. No, sir, charges are not met in that way. The law demands something more substantial, and in the conduct of human affairs the interests of society are more exacting.

In the familiar illustration of a man who stands upon a house-top and recklessly throws a billet of wood upon a crowded street below and kills one of the passers-by, whom perhaps he had never seen or heard of before, will it avail for that man to come before a court of justice and say, "I am not guilty;" "I never saw the deceased;" "I had no malice against him," (and malice is a necessary ingredient to constitute murder;) "it is a cruel falsehood to charge me with murder." This does not satisfy society, it does not satisfy the law made for the protection of society. So the law intervenes, and says, "Although you may never have seen or known the deceased, you have a heart devoid of social duty and fatally bent on mischief," and the law *implies* malice from the reckless act of hurling the billet of wood from the house-top into the crowded highway and destroying the life of the innocent. So there are innumerable examples that I might use to illustrate the proposition, that acts and circumstances sometimes "speak louder than words;" as true when applied to political action and official life as to law or morals or social duty.

I repeat, I have nothing to do with the motives of the Senator from Virginia. I make no charges against him. I have nothing but the kindest feelings personally for him; but when he and his new political allies rise from their seats in this Senate and charge me with "revolution and treason," it is my duty, it becomes necessary for me in vindication of myself, to account for the course that I am taking, and for the votes that I cast. If there has been nothing improper, if there has been no political arrangement by which the offices of the Senate are proposed to be transferred from one party to the other for an improper purpose, then my conduct is unjustifiable, but if I believe conscientiously, from the evidence, not from my own say-so, that there has been, it is my bounden and sworn duty to act accordingly and prevent if I can by all constitutional and lawful means the consummation of that which I believe will bring trouble and disaster upon this country and upon the liberties of the people.

"Political bargains" may be established by *circumstantial* evidence as well as crime. "Political bargains" are sometimes made by political parties and receive the assent of men who, as individuals, would never think of consenting to them. Where party ambition, party exigency, the love of party power, become aroused and a line of policy is entered upon, every member of that party is swept along before its irresistible power, the honorable and the dishonorable, the courageous and the cowards, the patriot and the demagogue, the statesman and the time-server, and honorable men sometimes find themselves obeying the behests of party dictation, involved in measures and policies against which their private judgment and feelings revolt. It will always be so, Mr. President, while party tyranny is so unrelenting and exacting, like the cyclone in nature, when it bursts from a cloud and sweeps over the face of the earth, tearing up by the roots the strong, sturdy monarch of the forest, at the same time that it carries before its whirling tempest the chaff and dry leaves of autumn. Many allowances should therefore be made. Many are made for the weakness of partisans who are unwilling to brook the displeasure and encounter the frowns of less scrupulous party friends by resisting the unconscionable demands of party.

But if when I propose to vindicate myself and those with whom I am acting and to justify our official conduct in this senatorial contest I am met with denunciation instead of facts, argument, and reason, the country will not be satisfied, the people will not be satisfied. I had never made any charges upon the Senator from Virginia, I had never charged him with being a repudiationist, I had never charged him with treachery to the party that elected him to the Senate, I had never charged him with a want of fidelity to his trusts; and yet, in the first utterance he made on this floor, he takes occasion to arraign every democratic Senator who did not choose to admit that he was right in all that he was doing.

But, Mr. President, recurring, what is the evidence which demonstrates the existence of a "political bargain?" What is that evidence? What is that circumstancial presumptive evidence by which it is proven? Hundreds of criminals have been sent to the gallows and hanged until they were dead with not one particle of *direct* evidence as to the crime with which they were charged. The power and force and efficacy of circumstantial evidence run through the entire civil and criminal code of this and all civilized countries, and it has been affirmed by men learned in the law to be in many cases the very strongest and most conclusive and convincing of all evidence. Now, what are the facts and circumstances, and the inevitable inferences and conclusions to be drawn from them, going to establish the truth of the charges that have been made? They may be grouped and formulated as follows:

First. The Senator from Virginia [Mr. MAHONE] was elected to the Senate by a democratic constituency, as a democrat, and

Second. His purpose to vote with the republicans was never an-

nounced to the public until his first vote in this Chamber developed that fact.

Third. Following close upon this "new departure" and that vote was the assignment of the Senator, by the republican caucus, to the chairmanship of an important committee of this body.

Fourth. In a brief space of time followed the nomination by the republican caucus of Mr. Riddleberger, a democrat, his intimate personal and political friend, for Sergeant-at-Arms, and the Senator says he is responsible for that nomination.

Fifth. The nomination of Mr. George C. Gorham for Secretary of the Senate, the editor of the republican organ in this city, who had earnestly espoused the Senator in his newspaper, although he (the editor) is an uncompromising "stalwart" republican, and the Senator a "better democrat than the Senator from Georgia," [Mr. HILL.]

Sixth. The appointment, by the Senator, as clerk of his committee of the brother-in-law of said Gorham.

Seventh. The nomination, by the President, of the personal and political friends of the Senator to important Federal positions in Virginia, although the Senator says, and they say, they are democrats.

Eighth. The President has not appointed other democrats, the political friends of any other democratic Senators in any other State, to important Federal positions.

Ninth. The Senator has voted one hundred and twelve times, up to April 26, since he has been a member of the Senate, and every time with the republicans—never with the democrats—although he said in his speech, printed in the RECORD on the 31st of March last, that "I was elected to the Senate of the United States to do *their* will, [meaning his constituents,] *not* to a *caucus* to do *its* petty bidding."

Tenth. By said votes the Senator is carrying out the will of the republican caucus as obediently as if he had never belonged to any other party.

Eleventh. He moved his seat from the democratic to the republican side of the Chamber, and appears to obey the dictation and "bidding" of the republican caucus and republican Senators as absolutely as if they controlled his will and senatorial action.

Twelfth. The republican caucus and republican Senators have refused to transact the business for which the Senate was convened in extraordinary session until they shall have disorganized the Senate and elected the friends of the Senator to the vacancies which they seek to create, thereby paralyzing the executive arm of the Government, preventing the proper discharge of the public business, obstructing the wheels of the government—all this to reward the Senator for his votes and for the political power that his vote gives *them*.

Thirteenth. The Senator still claims to be a democrat, but votes steadily with the republicans.

Fourteenth. The Senator avowed in his speeches that he "is the custodian of his own democracy," and yet he has transferred the custody of it to the republican caucus and votes its "bidding."

Fifteenth. The action of the Senator and the republican caucus in seeking to turn out faithful officers at an executive session of the Senate and elect and install others, some of whom are untried and inexperienced, is without precedent in the history of the Government.

Sixteenth. Mr. Riddleberger is, as he avows, a "democrat" and unreconstructed; a "readjuster" or repudiationist, and must therefore be objectionable and offensive to republican Senators.

Seventeenth. The republican Senator from Ohio avows that "anything that will beat down that party (the democratic) and build up our own (the republican) is justifiable in morals and law." Corrupt bargains, perjury, murder, piracy, rapine, arson, rape, incendiarism—"*anything*" is "justifiable," says that Senator.

Eighteenth. The same Senator and others of his caucus propose to *buy* our acquiescence in their corrupt party policy by tendering *pay* to the present democratic employés of the Senate until next December, if we will allow the election of Riddleberger and Gorham, and this, too, without the semblance of law or right.

Nineteenth. The Senator from Virginia and other republican Senators have assailed the motives and questioned the official integrity of every democratic Senator on this floor, because they vote as their conscience dictates; and we have a right to assume that they do this to divert the attention of the country from this unnatural alliance, and bolster up and give plausibility to an untenable and wrong position.

Twentieth. The Senator from Virginia has said that he has nothing to apologize for respecting his part in the confederate army, is, therefore, unreconstructed, and the President of the United States has said that he will shake hands with no man who has not expressed repentance for his sins of rebellion; and there must therefore be some other reason for the interchange of political and personal favors than political affinity and personal regard.

Twenty-first. The Senator from Virginia and some of his new political allies, instead of inviting investigation of charges that have been made, far and wide, of corrupt practices, seek to prevent on this floor free speech and legitimate discussion touching those charges, by threats and denunciation.

Twenty-second. The reason assigned for this extraordinary coalition is that the Senator from Virginia is in favor of "a free ballot and fair count" in Virginia; that it secures "a free ballot and fair count;" whereas there is no evidence here or elsewhere that the "ballot" is not perfectly "free" and count "perfectly fair" in Virginia. The elections in that State are managed by three election judges—one republican, one readjuster, and one democrat—and if there is not a free ballot and fair count the fault lies with the republican and readjuster.

Twenty-third. It has heretofore been the unbroken, universal rule and practice of the republicans to nominate none but republicans for Sergeant-at-Arms, and make none but republicans chairmen of the committees, when in the majority, except as to the last, to give unimportant chairmanships to three of the oldest democratic members of the Senate. They have never before made a democratic Senator chairman of one of their important committees—in this case one who has been recently sworn in—and never before have the republican caucus nominated for the important position of Sergeant-at-Arms a democrat unreconstructed and a repudiationist.

That, Mr. President, is the evidence upon which I rely to establish what has been charged by others. The Senator from Ohio [Mr. SHERMAN] in justifying this new alliance said that it was the commonest thing in the world for gentlemen to change their opinions. He cited the instance of Mr. Doolittle and others. I should like the Senator to tell me if Mr. Doolittle or any other of the great lights of the republican party, immediately upon the change of their political opinions, were rewarded with high honors and emoluments by the party to which they transferred their allegiance. My friend the distinguished Senator from Georgia [Mr. BROWN] has been held up as an instance of a man who had changed his political opinions. With that frankness which becomes him he says, "Yes, I did change, and I changed again to the democratic party, and I changed to it when the republican party was in the full flush of its power and could have given me almost any office at my request." But I ask the Senator from Ohio, I ask any republican Senator, if he can point to an instance in the history of this Government where any Senator has changed and was so soon thereafter rewarded with personal positions of honor and had his friends rewarded by the party and the Administration to which he had changed?

Mr. President, it is said that you want "a free ballot and a fair count" in the South; you want to dissolve "the solid South." I hope I may not be considered as individually offensive to any republican Senator on that side when I say "a free ballot and a fair count" is the last thing that you want, and I have only to turn to the record of the last election to show how absolutely empty and unreal that claim is.

"A free ballot and a fair count!" when the gallant democratic State which my distinguished friend on my left [Mr. VOORHEES] so ably represents in part on this floor was colonized with colored voters from the South immediately preceding the last election to nullify and neutralize the democratic vote of that State. A "free ballot and a fair count!" when you sent your emmissaries into Indiana with bags of money, and they *camped* upon that State prepared to buy every venal voter who offered himself for sale; when you spent millions all over the country buying suffrages and corrupting the suffragans; when your powerful corporations and monopolies *coerced* their employés, dependent upon them for their daily bread, to vote their will and their bidding, and made a travesty and mockery of free elections. "A free ballot and a fair count!" If I do not show as to Maine before I get through that such a thing as "a free ballot and a fair count" is scarcely known there, then I shall be more mistaken in the effect of evidence than I have ever been before in my life.

The Senator from Virginia said in his speech:

> The desire of our people for cordial relations with all sections of a common country and the people of all the States of the Union, their devotion to popular education, their efforts for the free enjoyment of a priceless suffrage and an honest count of ballots, their determination to make Virginia, in the public belief, a desirable home for all men, wherever their birthplace, whatever their opinions, and to open her fields and her mines to enterprise and capital, and to stay the retrograde movement of years, so as to bring her back from the fifteenth in grade to her original position among the first in the sisterhood of States, forbid that my action here should be controlled or influenced by a caucus whose party has waged war upon my constituency and where party success is held paramount to what I conceive to be the interests of Virginia and the welfare of the whole country.

He asks a blessing for Virginia. He will pardon me for saying that "the voice is Jacob's voice, but the hand is the hand of Esau." I think I hear the republican party coming to him, and in the language of Rebekah to her son, exclaiming, "Upon me be thy curse, my son; only obey my voice, and go fetch me them." The republican party says this to the Senator, and the Senator responds, responds for Virginia with "the voice of Jacob" but with the "hand of Esau." He says that he is called upon to defend Virginia from those who attack her and ought to have been her defenders. I have never attacked Virginia; I could not find it in my heart to attack that State. I have seen her fair bosom rent and torn by the rough plowshare of war. I have seen too much of the uncomplaining, unflagging devotion of her fair and beautiful daughters, and splendid gallantry and daring genius of her peerless sons. I have received too much of kindness and hospitality and consideration at their hands to attack Virginia, and I have given some evidence at least of my desire to *defend* her by taking the chances of death upon her beautiful hills and classic fields, and so has the Senator. I have made no attack upon that old State. My own blood is mingled with her dust, and I would as soon think of attacking the graveyards of my own dead as to attack her. If I had any inclination to attack anybody in Virginia it would be those of her sons whose course, I believe, is bringing dis-

honor and degradation upon her. If I had any disposition to attack "the old mother of States" or any of her sons, or her people, it would be those who are asking blessings in her name and receiving them for themselves. I have not only not attacked Virginia, but I have attacked none of her sons. But I am not content as a southern Senator to permit her junior Senator, or any other Senator, to impugn my motives and asperse my integrity because I see fit to vote as my inclinations dictate in this body.

The Senator has attacked his people, not I. He denounces all of those of her gallant sons who do not agree with him as "Bourbon, funder debt-payers." Just what he means by "Bourbonism" I do not know, but I have taken the trouble to find out some of the effects of "Bourbon" government in Virginia, and I find that under it her population has increased 23 per cent. I find that one of her principal cities (Lynchburgh) has increased in population 133 per cent., and that her capital city has increased 25 per cent.; that Norfolk has increased 14 per cent., and Petersburgh 14 per cent. I find that her principal product, tobacco, has increased 115 per cent. under "Bourbon rule." I find that her railroad construction has increased 30 per cent. under "Bourbon rule." And I have found another thing, that just as the public confidence was beginning to be restored in her securities the speech of the honorable Senator caused them to decline in the markets of this country at least 10 per cent. Yet the Senator says we are attacking Virginia! To outside "barbarians," "Bourbon sympathizers," it looks as if a little more "Bourbonism" and a little less "readjusterism" would be good for her. Mr. President, whatever may be my fate or the fate of this discussion or of all concerned in it or of its effects, I shall always cherish for Virginia sentiments of the warmest affection and wish for her people the choicest of God's blessings.

And now I crave the indulgence of the Senate while I discuss another matter. The Senator from Maine apologized for the remarks he made in this Chamber upon the ground that he was a new member here, "the youngest Senator," I believe he said, and then proceeded to read us all a lecture on this side of the Chamber, assailed our civilization, arraigned our people, attacked our habits and methods of life, denounced our politics, morals, and customs, and took his departure for the North. Well, Mr. President,

> He who fights and runs away
> May live to fight another day.

The Senator has gone. I am sorry he is not here. He arraigned my State. He said we did not have "a free ballot and a fair count," and he used this unfortunate expression:

> Ah, it is easy to shoot labor when it has been ground down for a hundred years by slavery.

Then he complains that my friend the Senator from Florida [Mr. CALL] should have referred to the ballot in New England, and complains that he said that they were required to educate their people before they could exercise the ballot, to impose educational and other suffrage qualifications. He said that the civilization of the South was founded upon barbarism, and the civilization of the North (meaning, I suppose, New England) was founded upon the Bible, and the school-book, &c; that there were two civilizations in this country; there had been an "irrepressible conflict" between slave labor and free labor, and he arraigned the entire South for her "barbarism" and want of civilization; that we had been conquered; and he rattled the raw-head and bloody-bones of war and famine and revolution at us with terrible significance. So far as my own State is concerned I would simply say this: She needs no defense at my hands. Her records under democratic government answer the calumnies against her and I confidently refer to them. I wish I had time to run through the catalogue of crimes under the rule of his friends in that State from 1868 to 1876. I could show her debt increased from about five to twenty million dollars; taxes amounting to about ten millions more wrung from impoverished people, stolen, squandered, wasted; race conflicts, riots, lawlessness, ballot-box stuffing, crime, confusion, disorder, anarchy; public officials holding high carnival in debauchery, profligacy, robbery, conspiracy. I could show all this. I could show that in one year the republican Legislature spent for public printing $385,000. The democratic Legislature spent only $6,178 for the same purpose. The republican Legislature spent for legislative expenses in one year $1,533,574, and in four years $4,187,573. The democratic administration for the same purpose spent in one year but $84,096, and so on through the list. But I have not the time.

Now, under democratic rule the expenses for the public service are reduced to the minimum of economy and are about one-fourth of the radical expenses. Peace, quiet, order, prosperity, progress, good feeling prevail throughout the State.

The Senator would invite us to another republican feast like the one which broke up in confusion, terror, flight, in 1876. I shall decline the invitation. The whole people of the State decline, except the vampires who fattened (and fled) on the vulgar viands of radical debauchery. No, sir, we want no more of it, and we will not have it. I refer the Senator to any twenty of the most respectable, intelligent, patriotic republicans in that State, ay to any 20,000, and let him ask them if they would have the State remanded to republican hands such as controlled it in the flush days of radical rule. Let him ask them if it would be a good thing for them, for the State, for the whole country, to exchange the present democratic government for *any* that the republicans could organize. By *their* answer I will abide, and this is my answer to his assault upon South Carolina.

And just in that connection, although not bearing especially upon my State, I will ask leave to read an extract from an address delivered before some of the leading citizens of Springfield, Massachusetts, the other day, by General Armstrong, principal of the Industrial and Normal Schools for Negroes and Indians, at Hampton, Virginia. He spoke as follows:

> The sentiment throughout the South on the subject of education is highly encouraging. The change in twenty years is the most wonderful in all the history of civilization. Our graduates go into the Carolinas, the Virginias, and Maryland, and they never report to me that they have been the subject of hostility or outrage. In all those five States the negro teacher finds great encouragement and warm support from the best white people. They write me constantly about it. You people at the North have no idea of the degree of interest which has sprung up at the South in educational matters. Your northern papers, except here in Springfield, do not give much space to southern affairs, except to southern politics. Why, their colleges for the white youth are crowded with young men who are living on hominy to get an education, as their fathers did when they fought under Lee. You may be surprised if I tell you the fact that one of the greatest obstacles to the success of our graduates is not the white opposition but the opposition of the old colored preachers, men without education, wedded to a religion which largely consists of sensuous excitement. When one of our teachers goes into the Sabbath school, as they are taught to do, they are quite likely to take more decided ground against lying and stealing than the old minister who was brought up to "revivals," and a struggle for influence ensues, in which the old dispensation holds that "edication is taking that young man to hell."

There, Mr. President, is a voice which I suppose will be heeded by the Senator from Maine in reply to his charges of "barbarism" upon the South. I think he will not deny that authority. And is this eternal, everlasting, insatiate, insatiable, crusade upon the South never to stop? If secession was a crime and a mistake, oh, how egregiously has the South suffered for it! If maintaining slavery in her midst was a crime, how the revenges of time have settled with her for it! Is there then never to be a cessation, a stop to tantalizing, misrepresenting, calumniating a people who have had a problem to deal with that no people have ever had since civilization dawned on the earth—such a problem, I say, as no people have ever had to solve. They have been and are doing the best they can to solve it, fairly and honestly and truthfully, and in accordance with that love of constitutional liberty and republican freedom which was born with them. It seems to me that, instead of helping us to solve it, the republican party have thrown obstacles in our way, and then curse and anathematize and abuse and misrepresent us because we act with the northern democracy. In all those dark days, in all those days of terror and suffering and wrong, that the Anglo-Saxon race of the South was subjected to, not a word of kindness, not an expression of relief, not a whisper of sympathy did we get from anybody at the North except the brave, gallant democracy of that section—not a whisper. When we were down, when we were being tramped upon, when we were being robbed, our republican friends sat silent as the grave and never extended a finger for our relief; but as long as their political allies, the *solid republican South*, were plying their avocation, everthing was lovely and the people had to submit. When in the course of time, in God's own providence, that nightmare was shaken off by the gigantic efforts of the Anglo-Saxon race and it became democratic, then the hue and cry is raised from one end of the country to the other, "The solid South menaces the liberties of this country," and in the language of the Senator from Maine is a wicked, criminal usurpation of the rights of the people. "O Consistency, thou art indeed a jewel!" How men's minds and souls and bodies are warped and deformed by the love and lust of political power! And how conveniently cant and hypocrisy enable men to shift their political sails and back and fill before any breeze!

I know not, Mr. President, whether the South is solid or not. I do say, however, that so far as our democratic solidity is concerned, she is solid for good government; she is solid for the honest administration of affairs; she is solid for the education of her children; she is solid for the development of her industries; she is solid in encouraging the people of all sections of this country to come and live under her beautiful climate and partake of the almost boundless possibilities of her future; she is solid for the peace and order of society, and there is not a sentiment in the heart of any man in the South, who is a man, that feels a scintilla of hostility for the colored race. Why should we? As the Senator from Maine said, pathetically, they stayed at home while we were at the front in the army of the confederacy and protected our wives and children. So they did; and I hope God may strike me down and paralyze my right arm if I have cherished a sentiment of hostility to those kind-hearted people who protected my wife and children.

No, sir, it is a base calumny upon the manhood and the courage and the honor of the southern men to say that they would oppress the weak and the lowly and the humble-born. I wish I could take that Senator, I wish I could take all those Senators, to my home—and I hope I shall be excused for the egotism—I wish I could take that Senator to my home, among those people who have known me from my infancy, and ask them if I have ever done them a wrong; ask them if I have not, when their republican friends were standing back, gone to the front in their defense and to their assistance. I should like for him to go to-day to my home, upon my farm, and see the one hundred and thirty-six colored people there, and ask them whether I ever did them an injury or not.

I am not quite prepared to admit, however, and the Senators, if

they give expression to their honest sentiments, are not quite prepared to admit that those people, recently released from slavery, are fit to be judges and governors and legislators and magistrates; and when the Senator from Maine says, "we educate our voters in New England;" and says, "why do not you educate yours in the South?" I throw back to him the inquiry, that when you had absolute control of those people, when you were reconstructing the governments of the South, when you controlled every office from governor to constable and dictated every line of the reconstruction measures, why did you not provide an educational qualification for the suffrage in South Carolina? The white people of that State had no voice in the form and character of the charter which was to be the organic law of their future government; from which they were to derive protection for their lives, their liberties, their families, and their property. They were as voiceless as the tomb and as powerless as the shorn Samson.

It is not very becoming, Mr. President, in Senators now to taunt us with the ignorance of suffrage in the South when they themselves created it, and all they did toward helping the poor freedman was to establish the Freedman's Bureau and the Freedman's Bank. The Senator from Maine says that the savings banks of Massachusetts have millions upon millions of the savings of the laboring classes of Massachusetts put away safely. Oh, Mr. President, so did those poor freedmen when you organized that vortex to draw into it the sweat, the muscle, the labor, the toil of those poor people never to get it again. Of course Massachusetts has millions of money deposited in her savings banks. She had the Freedman's Bank to draw on as well as the savings of the mechanics of Massachusetts. You organized the Freedman's Bank sanctioned by the great power of this Government, and you drew into it, under the pretext of philanthropy and guardianship and protection, millions of money from those poor people, and you have never paid it back to them.

The Senator says that the civilization of the South is founded upon the barbarism of slavery. Well, Mr. President, it is not a matter of much practical consequence at this day and generation who is responsible for slavery in this country; but inasmuch as we are making history, as it is said, (not very creditable perhaps,) and inasmuch as the Senator has invited us into this arena, instead of to the hustings, to discuss the facts of history with him, I will read a letter from Hon. Jeremiah S. Black to Hon. James A. Garfield in 1876 on the subject of slavery. He says:

> The Plymouth colony and the province of Massachusetts Bay were proslavery to the backbone. If you doubt this, I refer you to Moore's History of Slavery in Massachusetts, where the evidence (consisting chiefly of records and documents perfectly authenticated) is produced and collated with a fullness and fairness which cannot be questioned. The Plymouth immigrants planted precisely the doctrine which you ascribe to the Jamestown colonists; that is to say, they held that "the negro had no rights of manhood, that the white man might buy, own, and sell him and his offspring forever." Practically and theoretically they maintained that human slavery in its most malignant form was a perfectly just, proper, and desirable institution, &c.

Then he goes on to say:

> They executed this theory—

That is the Massachusetts people—

> to the fullest extent in their own wars with the Indians. Without cause or provocation, and without notice or warning, they fell upon the Pequods, massacred many of them, and made slaves of the survivors, without distinction of age or sex. About seven hundred, including many women and children, were sent to the West Indies and there sold on public account, the proceeds being put in the colonial treasury. Eight score of these unfortunate people escaped from the butchery by flight, and afterward gave themselves up, &c.

Then he goes on to say that the Indians did not make good slaves, that they were insubordinate, that they were restless; and the good, pious people of Massachusetts sent them to the West Indies to exchange them for blackamoors or Africans. Not content with enslaving the Africans and the Indians, they enslaved the white heretics who approached their shores and sent them off and exchanged them for Africans.

This document is so luminous with great thoughts and historic verity, so full of patriotic wisdom and constitutional learning, that I shall ask to incorporate it as an appendix to my remarks. It should be preserved among the archives of the Government, and I commend it, prayerfully do I commend it to my friends on the other side, when they rise and charge that the southern civilization is based upon the "barbarism" of slavery.

Who are some of the offsprings of that "civilization?" Washington, Jefferson, Madison, Monroe, Henry, Wirt, Marshall, the Randolphs, the Lees, Taney, Pinkney, Macon, Gaston, Mangum, the Rutledges, the Pinckneys, the Marions, the Sumters, the Pickens, the Hamptons, the Calhouns, the Lowndes, Troup, Crawford, Benton, the Jacksons, Davis, the Clays, Lewis, the Crittendens, the Prestons, the Breckinridges, Thomas, Canby, Drayton, Gibbon, Scott, and Taylor. The great naval hero, Admiral Farragut, whose monument this entire city turned out to see uncovered, was one of the "barbarians" who rose from that "civilization." He whom the Senator seeks to preserve in enduring brass in a public park of this city was one of the "barbarians" from that "civilization." George H. Thomas, for whom you have made an equestrian statue in one of our handsomest reservations, who led the armies of the Union as perhaps few others of those great soldiers led them, was another of the "barbarians" whom the Senator now seeks to denounce.

Mr. President, I remember when as a boy I attended the deliberations of the Senate, and subsequently to have heard something about the "slave oligarchy," that it was arrogant, aggressive, strong. Perhaps it was; I will not argue that; but one thing I can say for it and its illustrious associates of the North: in the history of this Government they never plundered the public Treasury, they never organized "Credit Mobiliers," they never made possible "Black Friday," they never had five circuit judges of the United States court to resign their seats under the threat of impeachment for corruption and fraud, they never had their Representatives kicked out of Congress for "selling cadetships," they never traced corrupt contracts to the very door of the White House, they never had race conflicts, they never had rotten borough governments to rob the people, sustaining them with bayonets, they did not drive American commerce from the high seas to put public plunder in their pockets; their great statesmen never had their debts paid by corporations and manufacturing companies. They may have been aggressive, they may have been strong, they may have been arrogant, but none of these sins that I have enumerated, and many more that I might enumerate from republican history, can be laid at their doors truthfully.

The Senator tells us about an "irrepressible conflict." Yes, sir, there was an irrepressible conflict between free and slave labor. There were two civilizations moving toward each other on converging lines. They met at Fort Sumter and there the combustion took place, the issue was joined. Then for four years there was a "battle of the giants," such a battle as the world has never seen; until at Appomattox one giant fell covered with wounds and blood and fatigue and want and exhaustion. He surrendered; and with that was buried *that* "irrepressible conflict." Down with it, forever and for aye, went the institution of slavery; and I am glad of it. Down with it in a grave of blood and ruin and confusion went the institution, and there ended that "irrepressible conflict." It ended as I had supposed forever; it has ended forever; but let me warn that Senator that another "irrepressible conflict" has arisen in this country, not between African slavery and freedom, but it is a conflict on the one hand between the people for their liberties, and arrogant, bloated corporate power and monopoly on the other hand. That is another "irrepressible conflict" to which I invite the attention of the Senator. When he said, "How easy it is to shoot labor ground down with a hundred years of slavery," he forgot how labor was shot not more than four years ago at Pittsburgh, at Chicago, and at other places; labor that had never been and never will be "ground down" with slavery. Oh, but the Senator would have us understand that they are only *poor white mechanics*, a "*lawless mob*," as another republican Senator styles them, who ought to be shot when they do not obey the behests of corporate powers. They ask you for justice and you give them shot and shell. They ask you for bread and you give them a stone. They ask you for labor and you give them the highway and a kick and tell them to support their wives and children upon tramping and fresh air. Unfortunate allusion of the Senator! In this very morning's paper I see that "irrepressible conflict" still going on—strikes at Milwaukee, strikes in Saint Louis, strikes in other large cities, of the free-born, liberty-loving white men of the North against the aggressive, bloated plutocracy which is seeking to grind them to the dust. That is an "irrepressible conflict."

No, sir, we do not shoot labor at the South, and if the honorable Senator from Maine will go with me I will show him men with the plow handles in their hands, as good and intelligent and as proud as he dare be. The laboring man of the South does not know what hunger, cold, and want are.

The Senator says that we of the South cannot longer "blindfold" the people of the North. We are not seeking to do so. We have never sought to do so. We wish the people of the North had seen and could see the condition of things at the South, and we wish the people of the South could see the real condition of things at the North. We want the light of truth turned on all over this land. And let me say to the Senator in reply, *he* cannot throw dust in the eyes of the freemen of the North and keep them longer in the dark as to the shortcomings of republican methods and policies by abusing and misrepresenting the South. They are beginning to have eyes to see and ears to hear, and they see and hear, and his "cuttle-fish" tactics had better be abandoned.

I invite the Senator to a little history from his own State. In an editorial in one of the leading papers of Maine of October 31, 1879, I find the following:

> Our laws against bribery are a dead letter. Neither party to the crime can be put on his oath, and conviction is impossible in the present demoralized condition of public sentiment and perversion of judicial machinery. A man in York County was offered $5 to cast a republican ballot. He accepted the money, took the ballot, rolled the money up in it, went before the grand jury and made his statement. A majority of the jury were republicans, who voted to find no bill against the briber. In both State and United States courts it has been found impossible to convict for bribery at elections; and as the law now stands bribery rides rampant over the law.

If my memory serves me, I heard the Senator make some reference to the courts and juries in South Carolina. I commend him to his own State to begin his crusade of reform.

Mr. HALE. Will the Senator give the name of the paper from which he reads?

Mr. BUTLER. Certainly, I will do so with pleasure; it is the Eastern Argus. In the same paper of October 30, 1879, I find the following extracts from the Boston Globe. These papers are respectable and reputable; I presume they are, such at least is my information.

and belief. I am not even advised to what political party they belong. The extract from the Boston Globe is as follows:

The most iniquitous kind of corruption which has been practiced in the State of Maine has been the joint use of the much vaunted morality law against the sale of intoxicating liquors and the power of the courts. In Cumberland and in Kennebec, in Knox and in Androscoggin, in Sagadahoc and in Penobscot—in short, all over the State, liquor sellers of high and low degree, who have until now uniformly voted the democratic ticket—men whose principles, whose selfish pecuniary interests and political policies would all tend to make them democrats, or at least opponents to that party which has kept the prohibitory law in existence, have in large numbers, and in some cities and towns wholly voted the republican ticket. As a reward for this service sentences imposed by the highest courts of the Commonwealth have been mitigated and annulled by the action of the administrative officers connected with the judiciary.

There stands upon the records of county courts to-day sentences imposed but never enforced, both of imprisonment and fine, and evidence equally strong that indictments have been made but quietly shelved and no further action taken on them, laid on file or nolle-prossed.

Intimidation has reached the Church, and an instance of this is found in the case of a man who was a Sunday-school teacher in Androscoggin County. His class was taken away from him for no other reason than that he was a democrat.

The laws of Maine provide, as is usual elsewhere, that paupers shall not vote. And yet in one of the largest cities in the State not only were those allowed to vote who had been furnished with outside aid, but actual inmates of the poor-house were taken to the polls and there made to deposit their ballots—republican ballots; and this is not an isolated case.

In concluding this chapter of the record of the base frauds and corruptions fostered by the dominant party in Maine against popular rights and free government, we have given but a faint general picture of the terrible truth.

I commend to the honorable Senator from Maine that he take that "Bible," that "school-book," upon which he says his "civilization" is founded, and issue a new edition of both, for some, at least, of his own people.

Here is a letter from Rev. Henry A. Wales to D. P. Stubbs, esq., dated Biddeford, Maine, October 21, 1879, in which he says that he was intimidated because he was a greenbacker, and his flock left him, some of them because he chose to exercise the right of an American freeman in thinking politically as he chose. I shall not delay the Senate to read it, but will ask to have it incorporated in my remarks.

Mr. HALE. Who are the signers to the letter?

Mr. BUTLER. It is from Rev. Henry A. Wales to D. P. Stubbs, esq.:

The next morning after my nomination (unexpected to me as though I should now be apprised of the shooting of my father) I received a short note from the chairman of my society committee, himself a leading republican in the city, and a delegate to the convention at Bangor which nominated "Corporal" Davis for governor, asking me to call at the wood-room of the Saco Water Power Company, where his office is, at ten o'clock. I received the note at about 9.30 a. m.; sent word I would be there at eleven, and went. I found there the chairman as aforesaid, and the next man upon the committee, who also is treasurer, (a leading republican and treasurer of the city of Saco.) They endeavored by every argument they could bring to induce and frighten me into appearing in a card in the afternoon paper stating that I declined to accept the nomination which had been tendered me. I chose, however, to stand as a candidate. They then used all their power to defeat me. If I was elected I could not afford to go, and it would simply be an injury to the society and to the city. On Saturday evening I was advertised to speak in city hall, but was attacked very severely with cholera-morbus, and could not stand erect when the time arrived. On Sunday I preached in my accustomed place, (more dead than alive, however.) After the service a large number of the republican members of my society signified to the sexton and collector that they should want their pews no longer, and the Sunday after election a larger number, so that, as the collector informed the treasurer, and the treasurer informed me, more than four hundred dollars' worth of seats were given up as the consequence of my nomination and election on the "greenback" ticket to the Maine Legislature. Since that time some have demanded their seats again; and others have said they did not mean to give up their seats. Others, I think, will come back, for our Sunday evening lectures are the most popular just now of any in the city.

But the ex-mayor, for whom I voted last spring, says that he won't go to church to hear any "greenback orator" preach to him. The chairman of the committee said he would not hear me preach again, but he has probably reconsidered his assertion, for he was at my lecture last Sunday evening, with his wife. At noon the day after my nomination, I was called from my dinner to meet a wealthy man of my society in my sitting-room, who told me that he would never hear any man preach who voted the greenback ticket. He said that I was demeaning myself beyond reparation by accepting the nomination of the greenback and democratic parties, and that nearly one-half of my society would withdraw themselves if I persisted in remaining a candidate.

Another member of my society was as busy as a beaver circulating statements that I had on two or three occasions lied to him concerning my politics, between my nomination and election. He was one of my warmest society friends before election, but has withdrawn all his support, as well as his presence, since the election.

These are only the salient points in the case. But I have not time to write more. If God spares my life I shall attend the session of the Legislature next winter, and I shall do all in my power to unite all the elements of opposition, that next year we may be sure, whatever else may be the issue, to defeat one of the most overbearing, unscrupulous, and corrupt parties that the Almighty ever suffered within the pale of a free nation. I have never preached nor prayed, by word, or gesture, or deed one single word of politics in my pulpit nor among my parishioners. I believe the pulpit was not ordained for that purpose. But my vote is sacred to myself and my God, and while a breath lasts in my body I shall continue to vote as I please, and to accept or decline, as I please, whatever national or State honors my fellow-citizens may accord me.

I will inquire if the honorable Senator from Maine has ever heard of one Jacob E. Stevens, of Auburn, who made affidavit that one Fred. Kimball had offered to give him $5 to vote for Tom Littlefield, the republican candidate; or of C. H. Foster, of Lisbon Centre, who swears that a lawyer in Winthrop offered to give him an appointment as route agent or a clerkship if he would quit the greenback party and vote the republican ticket; or of Moses Abbott, of Lisbon, who makes affidavit that F. W. Kimball offered to bribe him; or of a hard-money democrat who was offered $150 to use his influence and vote for Davis; or that ten men in Lewiston were paid $10 each to vote for Davis; a greenback man in Auburn was offered $5, which he refused, then $10, which he accepted, to vote for the republican nominees; that $25 was offered a farmer and two sons in Brunswick to support Davis, the republican nominee; and that in Lewiston, Augusta, Bangor, and Portland $15 was the price of votes; that in Waldo County men changed their minds within a few days and voted the republican ticket, admitting that they had been paid to do so? If not, I will furnish the Senator with the evidence of it. Has the honorable Senator heard of the route agent from Bangor to Portland having been assessed $42.50 on a salary of $850; or of a country postmaster who, with a salary of $45, was assessed $2.25 as his share of the republican fund; or does he know that five, ten, fifteen, and twenty dollars were paid, and in some instances twenty-five, thirty, and as high as forty-five dollars, were paid for a single vote in close districts in Maine in the election of 1879? If not, I can furnish him the data.

September 27. Has the honorable Senator heard of the postmaster at Hopkinton, New Hampshire, having been assessed $20 to aid the election in Maine? Has he seen and read an extract from the Providence Press which severely rebuked the radical leaders in Maine for their party terrorism, the bulldozing of pensioners, and wholesale purchase of votes by money extorted from office-holders? If not, I will be glad to furnish him a copy.

Mr. ROLLINS. Will the Senator give me the name of the postmaster at Hopkinton, New Hampshire, who was assessed?

Mr. BUTLER. I cannot give the name now, but I will be able to do so. I took this statement down from the affidavit.

Mr. ROLLINS. I should like to have the name of the postmaster in New Hampshire who was assessed $20 for the Maine election.

Mr. BUTLER. If the Senator had the names of all those who have been assessed in his State for political purposes he would have more than he could attend to.

Mr. ROLLINS. The Senator will find that the postmasters of New Hampshire were not assessed to pay for the Maine election.

Mr. BUTLER. As to whether it is true or not the Senator and the affiant must settle; I am not able to say. I will furnish the Senator with the source of my information if he desires it.

Mr. ROLLINS. I desire it.

Mr. BUTLER. I give the names, the places, the circumstances, and the time, which is rather more fair than the honorable Senator did on a previous occasion on this floor.

Has the honorable Senator heard how Booth Bay and Southport were carried by republicans by the shameless use of money? Has he heard the evidence of Mr. Willard Merry, of Mr. Martin E. Beals and of Mr. Thomas Boyd? If he has not I should be pleased to furnish the Senator with their evidence, as it would enlighten him as to the methods in his own State. Or has he heard of the confessions of Mr. E. K. Hall, of Nobleborough, and of Mr. William Herbert, of Bristol Falls?

Has the honorable Senator heard of a petition numerously signed by the citizens of Lewiston to secure the release of one Woods, a liquor dealer who had been prosecuted for a violation of the law, and who were required to vote the republican ticket in order to secure their friend's release? If he has not I can furnish him the names, and more, I can furnish him an affidavit setting forth the names of students of Bates College who were disqualified, and yet were allowed to vote because they voted the republican ticket. Has he heard of the addition of names to the voting list, the voting of non-resident parties; of voting in the name of dead persons? Has he heard of trades-people who said they could make affidavit of intimidation and fraud but were afraid lest they should be socially ostracised and ruined in their business? If not, I can furnish him the names and circumstances.

Has the honorable Senator seen the affidavit of James Randall, of Stetson, who swears that he was offered by James W. Rogers a barrel of flour if he would vote the republican ticket, which affidavit is sustained by that of his wife, Mary Randall, or the affidavit of Asa Folsom, of Stetson, who swears that Winslow Powers offered him a horse if he would vote the republican ticket; that he did vote the republican ticket on that account, but has never yet received the horse?

So I could go on, but I will have these facts published in the RECORD where the Senator can see them for himself. I will give the statement of fifteen or twenty apparently intelligent, respectable men, who say that they were prevented from going to the polls by the republican selectmen and managers of election refusing to clear the platform in order that they might be enabled to deposit their ballots without restraint.

Mr. HALE. I shall be very glad if the Senator will give the names and places of residence of those making these affidavits. I know something about that election, and I want to know what these men are and who they are.

Mr. BUTLER. I will give the names with a great deal of pleasure. I find I have not the names here, but I will furnish them to the Senator. I only made this extract.

Mr. HALE. I recognize some of the names.

Mr. BUTLER. Has the honorable Senator heard of Alexander Grant, of the county of Hancock, that Nelson Jelleson, of Ellsworth, offered him $2 to vote the republican ticket; or of Christopher W. Clough, of Hancock County, who swears that P. Bonzey, James Clough, and Christopher Kincade offered him $5 and "plenty to drink" if he would vote the republican ticket; or of Eben M. Bickford, that he was offered by Jelleson $2 for voting the republican ticket?

Has the honorable Senator seen the statement made by Elbridge D. Linscott, dated Union, October 13, 1879, in which he says that his employer offered him $2 to vote the republican ticket; that he refused at first, whereupon his employer threatened to discharge him, and that rather than lose his place he voted the republican ticket and took the $2?

Has the honorable Senator heard of men by the names of Kerrigan, Desmond, Libbey, and Alexander, of Portland, having been bought to vote the republican ticket? Has he heard of a prominent business firm in the Seventh ward of Portland bulldozing its employés, threatening to discharge them if they voted the greenback or coalition ticket; and of another man by the name of Reddy having been purchased to vote the republican ticket? If he has not I can furnish him the evidence.

Has the honorable Senator heard of a certain overseer in the mill at Shapleigh bulldozing six of his men by telling them he would discharge them if they voted the greenback ticket?

Has the honorable Senator heard of William Emery, district attorney of York County, going before the grand jury of that county with testimony that certain voters had been bought to vote the republican ticket, which testimony was conclusive and uncontradicted, and yet the grand jury by a strict party vote refused to find a true bill against the malefactors?

I want to call the attention of the Senator to the affidavits of Levi Richards, Melvin A. Atkins, H. A. Priest, and John A. Preble, of Kenebec County, setting forth bribery and offers of bribery to vote the republican ticket; and also of the poor man of the town of China who was compelled to vote the republican ticket rather than have his wife and sick mother turned out of his home; and the affidavits of Orison Whitely, W. L. Folsom, William Webster, and Silas Piper, of Penobscot County, detailing instances of bribery, corruption, and intimidation.

I want to invite the attention of the Senator to the affidavits of Algernon A. Hopkins, Robert D. Merrill, Warren Waltz, and George W. Hammond, of Damariscotta, Maine, and as to the election at Nobleborough, in the county of Lincoln, where money, bribery, threats, and intimidation were freely used to force voters to vote the republican ticket.

I presume the Senator has heard of the county of Kittery in Maine. If he has I beg leave to refer him to the affidavit of E. C. Pettigrew (November 17, 1879) in reference to an offer made to pay him a barrel of flour and $5 for his vote.

I refer the honorable Senator to a statement signed by a number of citizens of the town of Lincoln, setting forth the practices of the republican selectmen and managers of election in crowding them and other greenback and democratic voters from the polls and refusing to have the platform cleared in order that they might get up to deposit their ballots freely and without restraint.

Mr. HALE. Is there anything in the paper that the Senator is reading from indicating that the selectmen or managers of elections in the town of Lincoln were republicans?

Mr. BUTLER. My recollection of the statement is that it says they were republicans. That is my recollection.

Mr. HALE. Precisely the contrary is the fact and has been for years. I know all about that.

Mr. BUTLER. I will furnish the entire statement. My own comment is this: They appear to be men of intelligence and respectability, but the Senator has better means for knowing that than I have. I will furnish the names; I did not copy them.

Mr. HALE. I am sorry the Senator has not got them here, because if I am called upon by any of his strictures upon my State to reply the only time I should wish to reply would be at the present time when he sits down, and I should be glad to have the names. Of course if the Senator has not them here I cannot get them.

Mr. BUTLER. I have not them with me. I could get them. I suppose.

I also invite the Senator's attention to the affidavit of Thomas R. Rand, William H. Atwood, James Donovan, N. J. Wedgewood, Moses Abbott, Jason Rand, and Alfred King, as to the republican intimidation, bribery, corruption, and fraud in the county of Androscoggin, State of Maine. December 9, Mr. James Avery, of Somerset, in the State of Maine, made the following affidavit.

Mr. HALE. Let us hear it.

Mr. BUTLER. It is as follows:

I hereby certify and declare that some two months ago I was importuned frequently to join the Davis Club, of Fairfield, and especially urged to do so as I was a soldier, and it might be to my disadvantage if I did not do so. I refused, having always been a democrat. Afterward I learned that my wife had been induced to call on the town for assistance by some of these persons, and the selectmen furnished her $1.50 in goods. I went and paid for the same and got a receipt. I did this believing it was done to deprive me of voting. On the day of the election I offered my vote, and it was refused on the ground that I had received help from the town. I served in the Army, and had an honorable discharge.

Mr. HALE. What is the date of that paper, if the Senator pleases?

Mr. BUTLER. I did not get the date, but I will furnish it; it is about the same time, October, 1879.

Mr. HALE. To what election does it refer?

Mr. BUTLER. To the election of 1879. From the same town is the affidavit of Daniel Butterfield and O. M. Chamberlain, who were threatened with having their pensions cut off if they did not vote the republican ticket.

I presume the Senator has heard of a mob of his political friends refusing to permit Major E. W. French, of the adjutant-general's office of the State of Maine, to remove the State arms from the State arsenal under orders from the governor of the State. If he has forgotten that incident in the history of Maine it will give me great pleasure to furnish a full account of it to refresh his memory. Mob law! Mob violence! Mob rule! in a State where they have a free ballot and a fair count.

Mr. HALE rose.

Mr. BUTLER. I would prefer if the Senator would not interrupt me now.

Mr. HALE. If the Senator will excuse me——

The VICE-PRESIDENT. Senators will address the Chair.

Mr. HALE. I did not quite get from the Senator what the instance was that he referred to just now of mob law. He will oblige me very much if he will read that again.

Mr. BUTLER. The instance when Major E. W. French, of the adjutant-general's office, went, it seems, to some arsenal to procure certain arms, and he loaded them in a wagon, and he was prevented by a mob from removing them.

Mr. HALE. I know all about that.

Mr. BUTLER. I am glad of it. I want to invite the honorable Senator's attention to another branch of morals, law, religion, morality, a "free ballot and a fair count," and the progress of civilization in his State. I will read an editorial from the Lewiston Weekly Gazette of Friday, April 15, 1881, to which I invite the honorable Senator's attention, and I wish I had the opportunity of inviting his colleague's attention to it, as I believe that is his home:

Oh, dear! oh, dear! What a high old moral community this is getting to be! Were it the slightest good, we could moralize in a dismaler strain than ever Hamlet did over Yorick's skull. There's a cussedness in this world that runs cross-grain with all the purity, piety, morality, and sobriety of the great moral party, that is simply exasperating. The millenium don't seem to have come after all. Yonder at Week's Mills—

Perhaps the Senator knows where that is; I do not—

a man smashes his mother's head with a hatchet, chops her up, tries to burn her limbs in the stove, and don't seem to feel any remorse. Only the other day there was the hideous Chandler case at Minot, disclosing a revolting absence of the commonest decency and moral perception. A short while since a girl of seventeen was found rolling in the mud on Lisbon street—dead drunk, in the pure, correct city of Lewiston. Last week a dead baby was found on a dung-hill on Cedar street, abandoned to be gnawed by rats; and this week another has been found in Auburn. A member of Independent Baptist church at Corinth, "who had his sins washed away four years ago," has just absconded with his step-daughter, leaving two or three wives and a number of children to mourn the pious one's absence. Only on Wednesday two brothers, theological students at Lawrence, in the neighboring State of Massachusetts, went burglaring, and one of them was shot dead and the other one confesses to a course of previous robberies.

I see my friend, the honorable Senator from Massachusetts, [Mr. DAWES,] pricks up his ears when that is mentioned.

Every paper contains news of some new outrage in our midst. We could pile instance on instance, did multiplying horrors effect any good, but why add to the sickening list? While the church bells are ringing, and good people wending their way up the aisles; while parsons in shoals are exhorting their flocks; while strict prohibition laws are in full force; while crowds of busybodies flutter around us, who think their special mission is to look after other folks' souls; while all these beneficent agencies are at work we say, drunkenness and gambling, immorality and thievery, adultery and incest, murder, infanticide, and matricide spring up among us as rapidly as fungi in a dark, loathsome cave, making thinking men shudder while the fools dance on.

This is no fancy picture, purposely drawn in dark colors, but a bare statement of facts held to the light. Did we but grasp these realities fully and view them truly, all this congratulatory hand-shaking, this self-satisfied adulation, this fatuous complacency that seems to prevail among us would give way to pale fear as men asked each other what shall we do? Whither are we drifting?

Did our lawgivers give less time to securing fat sinecures for themselves and their cat's-paws, and more to the weighty responsibilities of their offices, we should see a strong, wise legislation that would foster virtue and truth and reduce to a minimum all mean things; we should behold the church casting off the robes of sanctimoniousness that some of its priests draw around it with so lofty an air as to frighten away all timid wretches that cannot see the beauty behind and drive them down deeper into the slough surrounding them, to grapple manfully with this demon of crime and of foulness that seems omnipresent; we should have a religion that believed more in saving the poor, the miserable, the wicked, and, contenting itself less with pretty lectures, and frantic revivals, tepid tea-meetings, and all that sort of pious frivolity, would meet the foe face to face. Not that the fault rests with the clergy. Instead of men holding aloof and expecting the church to look after all humanity's morality, did they seize the sense of the never-ending train of crimes, they would join hand in hand with the professed saviors and strain every sinew; work might and main like heroes; rest not, but toil unceasingly to wash out this stain of crime, which is spreading further and further, blackening the fair fame of this State of ours; to alleviate the misery, sin, and wretchedness abounding everywhere around us. Were this matter viewed through other than the rose-colored spectacles we persist in donning, we should meet men of all grades working silently and in unison, with a grim doggedness to save this dear New England, that we love and reverence, from the sin and sorrow rampant in it.

But, bah! what's the use of moralizing. Things ran crooked ever since the days of Ptolemy Philadelphus, and before that.

Now, I want to read to the Senator a slight supplement in the form of a private letter which I received from a gentleman of Boston, Massachusetts, whose name I shall withhold:

BOSTON, *April* 21, 1881.

DEAR SIR: I mail herewith a copy of the Lewiston Gazette, published at the home of Hon. WILLIAM P. FRYE. I call your attention to an article under the heading, "Maine To-Day," which I have marked. I will add some additional facts as to cases therein referred to.

Hon. M. C. BUTLER.

"Week's Mills" is a post-office in the town of China, Kennebec County, ten miles from Augusta. The murderer, Merrill, is in jail in Augusta. It was two or three days before the murder of his mother was discovered. He killed her in the barn in the evening. Tried during that night and the next day to burn the remains in the cook-stove, after cutting them up into pieces with his hatchet. The second

day he took the trunk and other pieces on a horse-sled (secreted under potatoes he carried to Augusta and sold) and buried them in the snow in a piece of woods on the way. Pieces of her fingers which he had chopped up were afterward found in the road, having rattled out of the potatoes as he drove along. When arrested he confessed the facts.

The facts in the Chandler case cited are these:

Out of deference to this presence, out of common decency, I shall decline to read the revolting recital therein set forth. I will only characterize it by saying that in heinousness, in brutality, in beastliness, it has never been equaled since the deeds of the Borgias shocked humanity by the cruelty that characterized them. If there was a beast in human form in my own State that could perpetrate a crime of revolting cruelty like this, I would invoke the curses of God Almighty upon it to blast and consume it with everlasting fire. The school-book and the Bible the foundation of such a civilization! God help the school-book and the Bible if such lessons should be learned from them. But Satan had more to do with such atrocities than the Bible and the school-book, and the Senator should not desecrate them by "founding" *such* a "*civilization*" upon them.

Mr. President, it gives me no pleasure to cite these instances of crime. I do not cite them to discount anything that may be wrong in South Carolina. Far be it from me to arraign the people of Maine or of New England; far be it from me to say one word against the gallant people of that section of this great Union. They have their troubles and trials. They have great and good men and women who wish "peace on earth, good-will toward men." So have we of the South. They have their bad men and women, and criminals, and so have we. I do it, however, to remind that Senator that before he begins another crusade into South Carolina for the purpose of reforming us and our morals, he should apply the teachings of the school-book and the Bible to his own home and to his own town, and that it is not always safe for a man who lives in a glass house of such thin dimensions to be casting stones at others.

I have another editorial, headed "Murder," from the Eastern Argus of September 29, 1879, as follows:

Another horrible murder in this vicinity, all the known facts in regard to which are given in another column, shocks the community and leads thoughtful persons to inquire, what does the alarming increase of murders mean? Has human life become less sacred, that it is hopelessly at the mercy of every worthless brute who covets a few dollars? Has Maine's regard for the sacredness of the lives of the murderers made this State the favorite stamping ground of murderers from other States? Or has the moral sense and manhood of her own people deteriorated under and in spite of her boasted educational advantages and reformatory laws?

These are pertinent questions, and they are important ones. The records of our courts and the swelling numbers of criminals in prison, with a stationary or decreasing population—

Here I may say that I believe the population of Maine increased in ten years only 3 per cent. Down in that "barbarism" in the South where I live, so repressive of progress and independence, civilization, and character, as the Senator would have us believe, we have increased *forty-one* per cent., but in "the God and morality" community, where the Senator lives, the increase has been but *three* per cent.—

tell a story of the increase of crime very sad, not to say alarming, to contemplate, and which painfully suggests that there must be something wrong in our education, or in our dealing with criminals, or perhaps in both.

We may be unduly moved by the frequent repetitions of bloody tragedies which we have been called upon to record, but unless we are, there is imperative demand upon philanthropy and statsmanship to study the causes of the undoubted and alarming increase of heinous crimes and to seek out and apply remedies to arrest that increase.

This, Mr. President, is no language of mine. I do not bring it here, except from the records of your own newspapers, and I commend them to the Senator before he goes off away down South and undertakes to read us lectures on reform and morality and religion. We have difficulties enough of our own—too many crimes, entirely too many crimes—all over the South as well as at the North. I do not think it is becoming in the honorable Senator, if he will pardon me for saying so without disrespect, that he should signalize his entry into this Chamber by a tirade of abuse and misrepresentation upon one great section of this great country.

The Senator appeared to be very fond of reminding the "rebel brigadiers" that they had been conquered. It is true; we have never denied it; we were conquered; but if the Senator from Maine had any particular hand in that little operation I never heard of it; if he had any hand in that conquering it was with a projectile that fired and killed at a longer range than any I ever heard of. Conquered us! Oh, how startling; how terrible it was to see the Senator draw his sword fifteen years after everybody else had sheathed theirs! With glaring eyes, distended nostrils, outstretched arms, and voice trembling with rage, he was charging upon the lamb-like rebel brigadiers as they sat on the lower side of the stream. I was reminded, if I can say so without disrespect, of that valiant knight of Quixotic memory on his Rosinante, charging a flock of sheep or other imaginary enemy. Oh, Mr. President, how the Senator did conquer us! How Maine rewards her soldiers—soldiers in peace and bombproofs in war!

I will read an extract from a speech of one, I believe, of the most distinguished soldiers who led the Union Army during the war, from Maine, General Chamberlain. Perhaps some of the republican Senators have heard of him. I have. Here is what he said in a speech delivered at Boothbay, Maine, on the occasion of the unveiling of the soldiers' monument:

There is, perhaps, a natural antagonism between politicians and soldiers. Often the politicians make the wars and the soldiers end them. The soldiers win the fight and the politicians want the profits. The wranglers after the spoils are louder than the wrestlers for the cause. Men who freely poured out their heart's blood for their convictions, though wrong, are less to be feared than they who skulk in the rear and gloat over the strife so long as they can fill their pockets with plunder, snatched alike from foe or friend.

There is the language of a man who was in at the conquering. He was there, and I thought, Mr. President, that I had heard that my distinguished friend from Rhode Island [Mr. BURNSIDE] was in at that conquering, when he led so gallantly that splendid corps of American soldiers, the Ninth Corps, and who also led that splendid Army of the Potomac. I thought he was there. I thought the honorable Senator from Illinois, [Mr. LOGAN,] at the head of the Fifteenth Corps and the Army of the Tennessee, that invincible body of American soldiery, was there. I thought that I had seen the bright saber of the knightly Custer flash out in my front upon the crest of battle as he came charging down at the head of his gallant Michiganders. I will read now an extract from a private letter of this dashing hero to a "rebel brigadier," Fitz Lee, and see when he thought hostilities had ended. It is worthy of his generous heart and patriotic courage:

WASHINGTON, *April* 17, 1876.

MY DEAR GENERAL: * * * I have no doubt we could entertain each other in the happiest and most interesting manner, by relating incidents of skirmishes, battles, and raids in which we were both engaged, although upon opposite sides. You were my instructor in cavalry at West Point, a sufficient cause for me to cherish pleasant recollections of you, but I have a more recent as well as enduring cause to feel the warmest interest in you; and that is, we contended with each other in battle, and I need not remind you that when men have exchanged cannon-balls or crossed sabers with each other a fellowship is founded the strength and sincerity of which is almost beyond estimate. From the moment the last gun was fired and the war was ended, I sheathed my sword, and in doing so buried every spark of animosity or bitter feeling indulged in during the days of actual conflict.

I rejoice to learn from mutual friends of your success in following the arts of peace; as you were gallant in war I trust you may be fortunate in peace. My limited stay here will debar me the pleasure of a visit to you; I hope, however, this is only a pleasure deferred. I expect to leave this city for the plains during the present week. My address is Fort Lincoln, Dakota, where I will always be glad to see or hear from you.

* * * * * * *

G. A. CUSTER.

General FITZ HUGH LEE.

I thought I had seen the compact squadron of the fearless Merritt as he too came moving like a wall of adamant in our front. I thought I had heard of the wiry form of the dashing Kilpatrick in the pine lands of the South leading his fierce squadron to the onset. I thought that that greatest of American soldiers now living, Grant, was there. I thought that the restless Sherman, with his impetuous ardor, was there, and McClellan, one of the most accomplished soldiers of his day. I thought Slocum, Wright, Parke, Humphreys, and Gregg and Torbert, and Sheridan, (about whom it was said he could come nearer locating the strength of his enemy by the fire of the musketry than any man in the American Army,) and Randal McKenzie were there, and that Gillmore and McPherson and the dauntless, chivalric Hancock, ("the noblest Roman of them all,") with that splendid Second Corps, whom Grant always selected to detail for our lines when he wanted a dangerous place carried or a difficult movement executed, were there. But I believe, Mr. President, that I have been laboring under a delusion—in a dream. It was the Senator from Maine, [Mr. FRYE.] [Laughter.] He led the cohorts of the Union against the "rebellion" and "conquered" it; and, oh, Mr. President, how I beg his pardon for the great injustice that I have done him, and I am afraid history has done him, when I supposed that any of the brave American soldiers who had felt our steel and whose steel we had felt, each admitting that they were foemen worthy of the steel of the other, when I supposed that perhaps some of these names were there; but I am sure after the speech which I heard in the Senate from the Senator from Maine, who talked about "*conquering*" us, I was wrong. You never hear those soldiers talk about it. The soldiers in war and the peaceable men in peace never talk about conquering each other. It is only those who were in bomb-proofs who charge upon the unfortunate "rebel brigadiers" with a sort of wolverine ferocity when they are on the lower side of the stream, and not muddying the water. I wonder how the honorable Senator from Virginia [Mr. MAHONE] relished that onslaught of the Senator from Maine upon that civilization which he represents in this body when he said it was "*barbarian*." I hardly think, knowing how gallantly he led that light division of his on the lines around Petersburgh, that it was very pleasing to him.

But, Mr. President, I do not believe that the Senator from Maine properly represents the feeling of the thinking men of New England. Far be it from me to arraign New England, as I said. I have New England blood in my veins, and I am proud of it, and I should be less than a man if I could say one word that would reflect upon the high character of the true men and women of New England. Too many of those people are carrying their money South to invest in the inviting fields for investment to believe that that civilization is barbaric; too much of the capital of New England is going down there to develop the endless water-powers of that beautiful land and is being kindly and courteously received by the people of that section to believe the tirade which the Senator has seen fit to utter against us.

Mr. President, something has been said, notably by the Senator from Ohio, [Mr. SHERMAN,] that the majority in this Chamber and all other deliberative bodies have the right, as I understood him, the inherent, unqualified right, to rule. Why, sir, this is not a government of majorities; this is not a government of a majority rule, any more

than it is a government of one-man power. It is a government guided and controlled by a written constitution, a government of minorities as well as of majorities.

But, says the Senator from Ohio, you ought to let us go on and pass this resolution and "then denounce us" if it is wrong. That was his proposition. That is the way minorities should behave themselves, he says; "permit us to pass the resolution, whether it is righteous or unrighteous, holy or wrong, and then denounce us!" Oh, no, Mr. President, that is not the doctrine for a *constitutional* government. It might be true of an *absolutism*. You may as well tell me that after the serpent has struck its fangs in your flesh, discharged the poisonous venom, and withdrawn the fangs, the danger to the victim is over. Why, sir, the danger begins when the fang is withdrawn. The poison is left, producing drowsiness, then convulsions, then death. So with the poison of wrong and fraud when once distilled and thrown into the blood of the body-politic. It leaves it there, first like an opiate to drown the sensibilities and paralyze the watchfulness of the people, make them drowsy, and then produce convulsion and death. No, sir, the way, with all deference to the opinions of that distinguished Senator, to prevent the poison of the serpent is to scotch it before it has gotten its fangs into your flesh.

So it is with the Constitution. Every time we camp outside of it, as our republican friends admit they have done, we shake the great structure from turret to base, and weaken the foundation upon which the great edifice of liberty is built.

No, Mr. President, if there is any form in which the destruction of liberty is more dangerous than another, it is when insidious, invisible, unseen; destruction by the bribery of the people, whether that bribery is in coin or whether it is used in the State of Virginia in the form of Federal patronage. It is dangerous, absolutely destructive, and I cannot give my consent to permit it, if I can prevent it. Senators talk about the movement of the Senator from Virginia being an "entering-wedge" to dissolve "the solid South." If this arrangement succeeds, it will be an entering-wedge to destroy the liberties of the people. It is dallying with dishonor and bartering with cupidity.

Mr. President, I do not know that I can better conclude the remarks with which I have vexed the patience of the Senate very much longer than I expected than by reading an extract from one of the greatest commentators upon the American Constitution, Mr. Justice Story. He says:

> The structure and organization of the several branches composing the Legislature have also (unless my judgment has misled me) been shown by the past review to be admirably adapted to preserve a wholesome and upright exercise of their powers. All the checks which human ingenuity has been able to devise, (at least all which, with reference to our habits, institutions, and local interests, seemed practicable or desirable,) to give perfect operation to the machinery of government; to adjust all its movements; to prevent its eccentricities, and to balance its forces—all these have been introduced with singular skill, ingenuity, and wisdom into the structure of the Constitution.
>
> Yet, after all, the fabric may fall; for the work of man is perishable and must forever have inherent elements of decay. Nay, it must perish, if there be not that vital spirit in the people which alone can nourish, sustain, and direct all its movements. It is in vain that statesmen shall form plans of government in which the beauty and harmony of a republic shall be embodied in visible order, shall be built up on solid substructions, and adorned by every useful ornament, if the inhabitants suffer the silent power of time to dilapidate its walls or crumble its massy supporters into dust; if the assaults from without are never resisted, and the rottenness and mining from within are never guarded against. Who can preserve the rights and liberties of the people when they shall be abandoned by themselves? Who shall keep watch in the temple when the watchmen sleep at their posts? Who shall call upon the people to redeem their possessions and revive the republic when their own hands have deliberately and corruptly surrendered them to the oppressor, and have built the prisons or dug the graves of their own friends? Aristotle, in ancient times, upon a large survey of the republics of former days and of the facile manner in which they had been made the instruments of their own destruction, felt himself compelled to the melancholy reflection, which has been painfully repeated by one of the greatest statesmen of modern times, that a democracy has many striking points of resemblance with a tyranny. "The ethical character," says Edmund Burke, "is the same; both exercise despotism over the better class of citizens, and the decrees are in the one what ordinances and arrêts are in the other. *The demagogue, too, and the court favorite are not unfrequently the same identical men, and always bear a close analogy.* And these have the principal power, each in their respective governments, favorites with the absolute monarch and demagogues with the people, such as I have described."
>
> This dark picture, it is to be hoped, will never be applicable to the Republic of America. And yet it affords a warning, which, like all the lessons of past experience, we are not permitted to disregard. America, free, happy, and enlightened, as she is, must rest the preservation of her rights and liberties upon the virtue, independence, justice, and sagacity of the people. If either fail, the Republic is gone. Its shadow may remain with all the pomp and circumstance and trickery of government, but its vital power will have departed. In America the demagogue may arise as well as elsewhere. He is the natural, though spurious, growth of republics, and like the courtier he may by his blandishments delude the ears and blind the eyes of the people to their own destruction. If ever the day shall arrive in which the best talents and the best virtues shall be driven from office by intrigue or corruption, by the ostracism of the press, or the still more unrelenting persecution of party, legislation will cease to be national. It will be wise by accident and bad by system.

These profound reflections may be fitly supplemented by the language of another great intellect, who saw through many of the delicate intricacies of republican system with the vision of genius and grasped the complicated machinery in its minutest details, the relation of the parts to each other and to the whole.

Mr. Calhoun said in his celebrated letter to Mr. William Smith on the Rhode Island controversy in 1843:

> Constitutions stand to governments as laws do to individuals. As the object of laws is to regulate and restrain the actions of individuals, so as to prevent one from oppressing or doing violence to another, so, in like manner, that of constitutions is to regulate and restrain the actions of governments, so that those who exercise its powers shall not oppress or do violence to the rest of the community.
>
> Without laws there would be universal anarchy and violence in the community; and without constitutions unlimited despotism and oppression. This is true, be the form of government what it may. If the government of one man, or that of a few, would abuse its authority if not restrained, as is admitted, there is no reason why that of the many would not do the same if not also restrained. If in a community of one hundred persons forty-nine cannot be trusted with unlimited power over fifty-one, on what principle can fifty-one be trusted with unlimited power over forty-nine? If unrestrained the one will abuse its powers, why will not the other also? Can the transfer of a single individual from the side of the fifty-one to that of the forty-nine have the magic effect of reversing the character of the two, and making that unsafe which before was trustworthy?
>
> The truth is the government of the uncontrolled numerical majority is but the *absolute and despotic form of popular governments*, just as that of the uncontrolled will of one man, or a few, is of monarchy or aristocracy; and it has, to say the least, as strong a tendency to oppression and the abuse of its powers as either of the others. Hence it is that it would be the death blow of constitutional democracy to admit the right of the numerical majority to alter or abolish constitutions at pleasure, regardless of the consent of the government, or the forms prescribed for their amendment. It would be to admit that it had the right to set aside, at pleasure, that which was intended to restrain it, and which would make it just no restraint at all; and this would be, to attribute to the simple numerical majority an inherent, absolute, and paramount power, derived, not from agreement, compact, or constitution, either expressed or implied, but a higher source. It would be, in short, to attribute to it the same divine right to govern which Sir Robert Filmer claimed for kings, and against which Locke and Sydney so successfully combated. The argument, in both cases, is drawn from the same source, and leads to the same consequence. Admit political power to be *inherent*, it matters not whether in a dynasty or in a numerical majority, and the consequence is inevitable that it is absolute, and cannot be subject to constitutional restraints. It is only on the opposite theory, that all political rights are derived from assent or compact, expressed or implied, and are conventional, that government, be its form what it may, can be subject to constitutional restraints; and it is, accordingly, to this source that Locke, Sydney, and other writers on the side of liberty, traced them. Fortunately for us, their doctrines became the creed of our ancestors, and the foundation of our free, popular, and glorious system of government, in which laws derive their authority from constitutions, and these *from the free and united assent of the whole community, given expressly, or by a cheerful acquiescence.*

I believe, Mr. President, it will never be found in the history of the republics of the past that one of them has perished from outside influences. It is *internal corruption;* it is lulling *the people*, the bed-rock upon which all republics are based, into a dangerous acquiescence, delusive sense of security, by just such methods as those that I have adverted to in this debate to-day as prevailing in certain parts of this Union; it is the insidious, destroying, blasting influence of corruption and corruption funds, the improper use of money, that take the life of republics and destroys liberty. This dangerous influence of money and the money power exerts itself in various ways. It was notably made manifest at our last session of Congress when we, as the representatives of the States and great body of the people, passed a funding bill in their interest to reduce their expenses. The corporations, interfering and threatening, came at the doors of Congress and at the doors of the White House, and *there* proved efficacious in defeating it. I tell the Senator from Maine when he talks about the open violence and flagrant violations of law in the South, (which I insist are greatly exaggerated,) they may be dangerous, but not so dangerous to the liberties of this country as the secret and corrupt use of money and the arrogance of overgrown corporate power. The one corrects itself, as the people, the great body of intelligent people of this country, rise and make themselves felt; it is something tangible at which they can strike; but in the other, unfortunately for liberty, the people never discover it until the poison has been instilled and liberty has gone.

[APPENDIX.

Hon. Jeremiah S. Black to Hon. James A. Garfield.

SIR: I have read the speech you sent me. I am astonished and shocked. As the leader of your party, to whom the candidates have specially delegated the conduct of the campaign, you should have met your responsibilities in a very different way. I do not presume to lecture so distinguished a man upon his errors; but if I can prevent you, even to a small extent, from abusing the public credulity, it is my duty to try. Premising only my great anxiety to preserve the fraternal relations existing between us for many years, I follow the Horatian rule, and come at once to the "middle of things."

You trace back the original of present parties to the earliest immigrations at Plymouth and Jamestown, and profess to find in the opposing doctrines then planted, and afterward constantly cherished in Massachusetts and Virginia, the germs of the ideas which now make democracy and abolitionism the deadly foes of each other. The ideas so planted in Massachusetts were, according to your account, the freedom and equality of all races, and the right and duty of every man to exercise his private judgment in politics as well as religion. On the other hand, you set forth as irreconcilably hostile the doctrines of Virginia, "that capital shall own labor; that the negro had no rights of manhood, and that the white man might buy, own, and sell him and his offspring forever." Following these assertions with others, and linking the present with the long past, you employ the devices of your rhetoric to glorify the modern abolitionist and to throw foul scorn, not merely on the southern people, but on the whole democracy of the country.

This looks learned and philosophical, and gives your speech a dignity seemingly above the reach of the ordinary demagogue. Happy is he who knows the causes of things; felicitous is the partisan member of Congress whose stump-speech goes up the river of time to the first fountains of good and evil. But your contrast of historical facts is open to one objection, which I give you in a form as simple as possible, when I say that it is wholly destitute of truth. This, of course, implies no imputation on your good faith. Your high character in the church, as well as the State, forbids the belief that you would be guilty of willful misrepresentation. The men of Massachusetts, so far from planting the right of private judgment, extirpated and utterly extinguished it, by means so cruel that no man of common humanity can think of them even now without disgust and indignation. I am surprised to find you ignorant of this. Did you never hear of the frightful persecutions they carried on systematically against Baptists, Quakers, and Catholics? How they fined, imprisoned, lashed, mutilated, enslaved, and banished everybody that claimed the right of free thought? How they stripped the most virtuous and inoffensive women, and publicly whipped them on their naked backs, only for expressing their conscientious convictions? Have you never, in all your reading, met with the story of Roger Williams? For merely suggesting to

the public authorities of the colony that no person ought to be punished on account of his honest convictions, he was driven into the woods and pursued ever afterward with a ferocity that put his life and that of his friends in constant danger. In fact, the cruelty of their laws against the freedom of conscience, and the unfeeling rigor with which they were executed, made Massachusetts odious throughout the world.

These great crimes of the Pilgrim Fathers ought not to be cast up to their children, for some of their descendants (I hope a good majority) are high-principled and honest men, sincerely attached to the liberal institutions planted in the more southern latitudes of the continent. But if you are right in your assertion that the abolitionists derive their principles from the ideas entertained and planted at Plymouth, that may account for the coarse and brutal tyranny with which your party has, in recent times, trampled upon the rights of free thought and free speech.

Nor are you more accurate in your declaration that the old Yankees planted the doctrine of freedom and equality, or opposed the domination of one race over another. Messrs. Palfrey and Sumner have said something to the effect that slavery never existed in Massachusetts, and you may have been misled by them. But they were either wholly ignorant of the subject, or else spoke with that loose and lavish unveracity which is a common fault among men of their political sect.

The Plymouth colony and the province of Massachusetts Bay were pro-slavery to the backbone. If you doubt this, I refer you to *Moore's "History of Slavery in Massachusetts,"* where the evidence (consisting chiefly of records and documents perfectly authenticated) is produced and collated with a fullness and fairness which cannot be questioned. The Plymouth immigrants planted precisely the doctrine which you ascribe to the Jamestown colonists; that is to say, they held that "the negro had no rights of manhood; that the white man might buy, own, and sell him and his offspring forever." Practically and theoretically they maintained that human slavery in its most malignant form was a perfectly just, proper, and desirable institution, entirely consistent with Christianity, as they understood it, and founded on principles of universal jurisprudence. They insisted upon it as an established and settled rule of the law of nations that when one government or community or political organization made war upon its subjects or the subjects of another and vanquished them, the people of the beaten party had no rights to which the right of the conquerer was not paramount. Whenever it was demonstrated, by actual experiment, that any people were too weak to defend their homes and families against an invader who visited them with fire and sword, they might lawfully be stripped of their property, and they themselves, their wives and children, justly be held as slaves, or sold into perpetual bondage. That was the idea they planted in their own soil, propagated among their contemporaries, and transmitted to the abolition party of the present day. You have preached and practiced it in all your dealings in the South. This absolute domination is what you mean, if you mean anything, when you talk about the "precious results of the war." If the doctrine thus planted by the original settlers in Massachusetts be true, and if the "precious fruits" of it, which you are gathering with so much industry, be legitimate, it is a perfect justification of all the slavery that ever existed in this country. Your great exemplars, from whom you acknowledge that you have derived your ideas of freedom, certainly thought or professed to think so, and they carried it out to its logical consequences. When an African potentate chose to fight with and subdue a weak tribe, inside or out of his dominion, he sold the prisoners whom he did not think proper to kill, and the men of Massachusetts bought them without a question of his title. They kept them and worked them to death, or sold them again as their interest prompted, for they held that the right of domination, resulting from the application of brute force, was good in the hands of all subsequent purchasers, however remote from the original *conquisitor*.

They executed this theory to the fullest extent in their own wars with the Indians. Without cause or provocation, and without notice or warning, they fell upon the Pequods, massacred many of them, and made slaves of the survivors, without distinction of age or sex. About seven hundred, including many women and children, were sent to the West Indies and there sold on public account, the proceeds being put in the colonial treasury. Eight score of these unfortunate people escaped from the butchery by flight, and afterward gave themselves up on the solemn promise of the authorities that they should neither be put to death nor enslaved. The promise was broken with as little remorse as a modern abolitionist would violate his oath to support the Constitution. The "precious results of the war" were not to be lost by an honest observance of their pledged faith, and the victims of this infamous treachery were all of them shipped to the Barbadoes, and sold or "swapped for Blackamoors." This practice of enslaving their captives was uniform, covered all cases, including women and children, as well as fighting men. When death put King Philip beyond their reach, they sent his wife and child with the rest to be sold into slavery. The Indians made bad slaves. They were hard to tame, they escaped into the forest, and had to be hunted down, brought back and branded. They never ceased to be sullen and disobedient. The Africans always, on the contrary, "accepted the situation," were easily domesticated, and bore the yoke without murmuring. For that reason it became a settled rule of public and private economy in Massachusetts to exchange worthless Indians for valuable negroes, cheating their West India customers in every trade. Perhaps it was here that your party got the *germ* of its honesty as well as its humanity. They made war for no other object than to supply themselves with subjects for this fraudulent traffic. In 1643 Emanuel Downing, the foremost lawyer in the colony, and a leader of commanding influence, as well as high connections, made a written argument in favor of a war with the Narragansetts. He did not pretend that any wrong had been done but he had a pious dread that Massachusetts would be held responsible for the false religion of the Narragansetts. "I doubt," says he, "if it be not synne in us, having power in our hands, to suffer them to mayntayne the worship of the evil, which their pow-wows often doe." This tenderness of conscience for the sins of the people is very characteristic of the party which got the "germ of its ideas" from that source. But we go a little further, and you will see with pleasure how exactly you have copied their doctrines. "If," says he, "upon a just war, the Lord should deliver them into our hand, we might easily have *men, women, and children to exchange* for Moors, (negroes,) which will be more gayneful pilladge for us than wee conceive, for I do not see how we can thrive until we *get into a stock of slaves* sufficient to do all our business." This (except the spelling) might come from an abolitionist caucus to-day. You will find Downing's letter in Moore, page 10.

They did get most of their Indians off, and supplied themselves with negroes in their places. The shameless inhumanity with which the blacks were used made slavery in Massachusetts "the sum of all villainy." In the letter of Downing, already referred to, he says: "You know very well wo shall mayntayne twenty Moores cheaper than one English servant." Think of reducing a West India negro in that intensely cold climate to the one-twentieth part of the food and clothing which a white menial was in the habit of getting. They must have been frozen and starved to death in great numbers. When that happened it was but the loss of an *animal*. The harboring of a slave woman was, in 1646, pronounced by the highest authority to be the same injury as the unlawful detention of a *beast*. In 1716, Sewell, the chief justice of the colony, said that negroes were rated with *horses* and *hogs*. Dr. Belknap tells us that afterward, when the stock enlarged and the market became dull, young negroes and mulattoes were sometimes given away like *puppies*. This is the kind of freedom, this the equality of the races, which you learned from the ancient colonists.

But they taught you more than that. Their precept and example established the slavery of white persons as well as Indians and negroes. As their remorseless tyranny spared no age and no sex, so it made no distinction of color. Besides the cargoes of white heretics which were captured and shipped to them by their brethren in England, they took special delight in fastening their yoke on all who were suspected of heterodoxy. One instance is worthy of special attention. Lawrence Southwick and his wife were Quakers, and accused at the same time with many others of attending Quaker meeting, or "ayding with Quakers" and "absenting themselves from the public ordinances." The Southwicks had previously suffered so much in their persons and estates from this kind of persecution that they could no longer work or pay more fines, and, therefore, the general court, by solemn resolution, ordered them to be banished on pain of death. Banishment, you will not fail to notice, was in itself equivalent to a lingering death, if the parties were poor and feeble; for it meant merely driving them into the wilderness to starve with hunger and cold. Southwick and his wife went out and died very soon. But this is not all. This unfortunate pair had two children—a boy and girl—(Daniel and Provided,) who, having healthy constitutions, would bring a good price in the slave market. The children were taken from the parents and ordered to be sold in the West Indies. It happened, however, that there was not a shipmaster in any port of the colony who would consent to become the agent of their transportation and sale. The authorities being thus balked in their views of the main chance, were fain to be satisfied in another way; they ordered the girl to be whipped; she was lashed accordingly, in company with several other Quaker ladies, and then committed to prison, to be further proceeded against. History loses sight of her there. No record shows whether they killed her or not.

This is one case out of a great many. It is very interesting and instructive when taken in connection with your speech, for it shows the "germ of the idea" which your party acted on when it kidnapped and imprisoned men and women by the thousands for believing in American liberty as guaranteed by the Constitution. The Quakers and Baptists had no printed organ in that day through which their private judgment could be expressed, else you would no doubt have cases directly in point to justify your forcible suppression of two hundred and fifty newspapers.

Enmity to the right of private judgment comes down to the party of Plymouth ideas by consistent and regular succession. *It is woven like a dirty stripe into the whole warp and woof of their history.* As soon as they got possession of the Federal Government under John Adams they began to use it as an engine for the suppression of free thought. Their alien law gave the President power to banish or imprison, without trial, any foreigner whose opinions might be obnoxious to his supporters. Their sedition law put every democratic speaker and writer under the heel of the Administration. Their standing army was used, as it now is, to crush out their political opponents. If you come into Eastern Pennsylvania, and particularly into the good county of Berks, you will learn that the people there still think with indignation of that old reign of terror when Federal dragoons kidnapped, insulted, and beat their fathers, chopped down their "liberty poles," broke to pieces the press of the Reading Eagle, and whipped its venerated editor in the market-house. The same spirit broke out again in the burning of nunneries and churches under Maria Monk, and under John Brown the whole country swarmed with spies and kidnappers. When you abandoned the harlot and rallied to the standard of the thief, you changed your leader without changing your principles.

The slave code planted in Massachusetts was the earliest in America and the most cruel in all its provisions. It was pertinaciously adhered to for generations, and never repented of, or formally repealed. It was gradually abandoned, not because it was wrong, but solely because it was found, after long experiment, to be unprofitable. The plan of keeping twenty negroes as cheaply as one white servant did not work well, for in that climate a negro thus used would infallibly die before his labor paid what he cost. They sold their stock whenever they could, but emancipation was forbidden by law, unless the owner gave security to maintain the slave, and prevent him from becoming a public charge. To evade this law, those who had old or infirm negroes encouraged them to bring suit for their freedom, and then by sham demurrers, or other collusive arrangements, got judgments against themselves that the negroes were free and always had been. Females likely to increase the stock, were advertised to be sold "for that fault alone." Young ones, because they were not worth raising, were given away like puppies of a superabundant litter. In this way domestic slavery by degrees got loose in practice, simply because it would not pay—but the principle on which one man may own another whom he subdues by superior strength or cunning was never abandoned, repudiated, or denied. That principle was cherished, preserved, and transmitted to you, their imitative and loving disciples, and you have applied it wherever you could as tyrannically as they did.

You say that "war without an idea is simply brutality." I submit to your judgment, as a Christian man, whether war is redeemed of its brutality by such ideas as you and your political associates entertain of its purposes, objects, and consequences. In all your acts and measures, and by all your speeches and discussions, you express the idea that the logic of blows proves everything you choose to assert; that a successful invasion of one people by another has the effect of destroying all natural right to, and all the legal guarantees for the life, liberty, and property of the people so invaded and conquered; that after a trial by battle the victor may enter up and execute what judgment he pleases against his adversary; that the crime which a weak community are guilty of when they attempt to defend their lives, their property, and their families against invaders who come upon them to kill, destroy, and subjugate them is so unpardonable that the whole body of the offenders, taken collectively, and all individuals who partake even passively of the sin, may justly be devoted to death or such other punishment, by wholesale or retail, as the strong party may see proper to inflict; that the conqueror, after the war is over, may insist that the helpless and unarmed people whom he has prostrated shall assist him by not merely *accepting*, but "adopting" (I use your own word) the measures intended to degrade and rob them, and thus make himself master of their souls as well as their bodies. All *rights* of men are resolved by this theory into the *mights* of men.

I aver that this doctrine, in all its length and breadth, is false and pernicious. It is the foundation on which all slavery rests, and the excuses for all forms of tyranny. It has no support in any sound rule of public law, and has never been acknowledged by wise or virtuous governments in any age since the advent of Christ. You can find no authority for it, except in the examples of men whose names are given over to universal execration. Mohammed asserted it when he forced his religion upon the subjugated East, when churches were violently converted into mosques, and the emblem of Christianity was trampled under foot to be replaced by the badge of the impostor. On the same principle Poland was partitioned, and Ireland plundered a dozen times. The king of Dahomey acted upon it when he sold his captives, and the people of Massachusetts indorsed it when they took them in exchange for captives of their own. You and your confreres adopted it as a part of your political creed when, after the southern people were thoroughly subdued, you denied them all the rights of freemen, tore up their society, abrogated all laws which could protect them in person or property, broke their local governments to pieces, and put them under the domination of notorious thieves, whom you forced them to accept as their absolute masters.

These results of the war are no doubt very precious. The right to traffic in the flesh of Indians and negroes was precious to the Yankees and the king of Dahomey. That was the fruit of their wars. But was it in either case legitimate? Your great reverence for the founders of your political school in Massachusetts, to say nothing of your respect for the authority of the African princes, or your faith in the Koran, will probably impel you to stand up in favor of the "ideas" which you have learned from them. But I think I can maintain the Christian laws of liberty in opposition to all your Mussulman notions; for God is great, and Mohammed is *not* His prophet.

It would be very unjust to deny that a great many men, from the earliest period of our history, were sincerely opposed to African slavery, from motives of religion,

benevolence, and humanity. This sentiment was strong in the South as well as the North; and by none was it expressed with more fervor than by Jefferson himself, the great apostle of democracy. But this concession can hardly be made to the political abolitionists. As an almost universal rule, the leaders of that sect were ribald infidels, and their conventicles teemed with the most shocking blasphemy. They were by their own avowals the most cruel barbarians of any age. Servile insurrection and a general butchery of the southern people was a part of their programme from the beginning. The leaders to whom they gave their highest admiration were the men whose feet were the swiftest in running to shed innocent blood. Seward won their affections in early manhood by proposing measures from which civil war would be sure to come, and in which he promised that negroes should be incited to "rise in blackest insurrection." They applauded John Brown to the echo for a series of the basest murders on record. They did not conceal their hostility to the Federal and State governments, nor deny their enmity to all laws which protected the liberties of white men. The Constitution stood in their way, and they cursed it bitterly; the Bible was quoted against them, and they reviled God Almighty himself. I know that the mind of man, like his body, is fearfully and wonderfully made; I understand all the difficulty of analyzing human passions, and I admit that we should not judge harshly of motives; but how these heartless oppressors of their own race could have any care for the freedom of the negro passes my comprehension. Unless you can explain it otherwise, the judgment of history must inevitably be against the sincerity of their anti-slavery professions. In the present aspect of the case, it seems impossible to believe that love of the negro was not assumed as a mere excuse for enslaving the white race, just as their ancestors put on the pretense of piety to gratify their appetite for the property and blood of better people than themselves. You must positively reconsider this subject before you undertake again to present the abolitionists to the world in the respectable character of fanatics. I think you will find that the crew of the Mayflower brought over and planted no "germ of an idea" which has flourished with more vigor than their canting hypocrisy.

Here let me say again, that the vices and wickedness of the Plymouth colonists are not to be visited on the heads of their children according to the flesh. Among them, in every part of the country, are great statesmen, brave soldiers, true servants of the Church, and virtuous, patriotic democrats, who are no more responsible for the crimes of their ancestors than a peaceable Scotchman is for the raids and robberies which in past generations were committed by his clan upon the English border. But you acknowledge that you get your political ideas from them—you boast that your party has no doctrines of public law, and no notions of public duty which were not planted at Plymouth. Therefore, it is not only proper, but necessary, to show what these doctrines and ideas were.

I pass now to a later period. You say that there were two radically different theories about the nature of our Government: "The North, believing and holding that we were a nation, the South, insisting that we were only a confederation of sovereign States." It is not true that any such theoretical conflict ever existed between the sections. That the articles of confederation first, and the Constitution afterward, united the States together for certain purposes therein enumerated, and thus made us a nation among nations, was never denied that I know of by any party. But this national character was given to the General Government by sovereign States who confederated together for that purpose. They bestowed certain powers on the new political corporation then created, and called it the United States of America, and they expressly reserved to themselves all the sovereign rights not granted in the charter. Democratic statesmen had no theory about it. They saw their duty written down in the fundamental law, they swore to perform it, and they kept their oaths. They executed the powers of the General Government in their whole constitutional vigor, for that, as Mr. Jefferson said, was "the sheet anchor of our peace at home and our safety abroad;" and they carefully guarded the rights of the States as the only security we could have for a just administration of our domestic affairs. This was universally assented to as right and true. No counter theory was set up. Difference of construction there might be, but all admitted that when the line of power was accurately drawn between the Federal Government and State sovereignty, the rights on one side were as sacred as those on the other. But within two or three last years past the low demagogues of your party have got to putting in their platforms an assertion that this is a nation and not a confederation. What do they mean? What do you mean when you indorse and reproduce it? Do you deny that the States were sovereign before they united? Do you affirm that their sovereignty wholly merged in the Federal Government when they assented to the Constitution? Is the tenth amendment a mere delusion? Do you mean to assert that the States have not now and never had any rights at all, except what are conceded to them at the mercy of the "nation?" No doubt this new article was inserted in the creed of the abolitionists because they supposed it would give a sort of plausibility to their violent intervention in the internal affairs of the States; but this is so false, so shallow, and so destitute of all respectable authority that it imposes upon nobody.

As a part of this conflict of theories, and resulting from it, you describe the South as "insisting that each State had a right, at its own discretion, to break the Union, and constantly threaten secession, where the full rights of slavery were not acknowledged." In fact and in truth, secession, like slavery, was first *planted* in New England. There it grew and flourished, and spread its branches far over the land, long before it was thought of in the South, and long before the full rights of slavery were called in question by anybody! The anti-democrats of that region, in former as well as in latter times, totally misunderstood the purposes for which this Government was made.

They regarded it as a mere commercial machine, by which they could make much "gayneful pilladge," if allowed to run it in their own way. When they were disappointed in this by certain perfectly just and constitutional regulations of their trade which the common defense and general welfare made necessary, they immediately fell to plotting the dismemberment of the Union. Before 1807 they organized a conspiracy with the British authorities in Canada for the erection of New England into a separate republic under British protection. (See Carey's, Olive Branch, and the Henry correspondence.) Not long afterward, Josiah Quincy, whose fidelity to the party that elected him was never doubted, formally announced in Congress the intention of his State to leave the Union, "peaceably if she could, forcibly if she must." Their hatred of the Union deepened, and their determination to break it up grew fiercer, as the resolution of the democrats to maintain the independence of the country became stronger. When the war of 1812 began they were virtually out of the Union, and remained out during the whole of that desperate struggle, not only refusing all assistance to carry it on, but helping the enemy in every possible way. It was while England had her tightest grasp on the throat of the nation that the Hartford convention was called to dismember it; and this, Mr. Jefferson says, they would have accomplished but for the battle of New Orleans and the peace of Ghent. John Quincy Adams, in 1839, and Abraham Lincoln, in 1847, made elaborate arguments in favor of the *legal right* of a State to go out. The late abolitionists did not attempt to conceal their rancorous hostility to the Union. "No Union with slaveholders," was one of their watchwords, and down to the opening of the war its destruction was the avowed object of their machination.

There is one conclusive proof of your enmity to the Union, and that is your unwavering opposition to the Constitution which held the States together. You know as well as I do how absurd it is to suppose that any man or party can support the Union and at the same time trample on the Constitution; and you certainly are not ignorant that you and your predecessors, from the earliest times, have been anti-constitutional in all your proclivities. Contemptuous disregard of constitutional obligations is not now the mere germ of a doctrine; it is a part of your settled creed. Before the war and since, you have trodden under foot every provision contained in the great charter of our liberties. I do not speak at random. I challenge you to designate a single constitutional right of the States or individuals which you have not at some time or in some way deliberately violated.

This contempt for the Constitution, this practical denial that an oath to support it is sacred, implies a disregard of all laws, human and divine, and when adopted it left nothing to guide you except the propensities, evil or good, of your natural hearts. Many of you (and notably yourself) contracted no individual guilt, because you were too proud for petty larceny, too benevolent for large-handed robbery, and too full of kindness to break wantonly into the tabernacle of human life. But generally the moral principles of the abolitionists (if they ever had any) became so wholly perverted that they saw nothing wrong in the worst offenses that could be committed against their political opponents. In their eyes theft and murder not only lost their felonious character, but became meritorious, if the victims lived south of Mason and Dixon's line. When John Brown stole horses in the peace of God and the State of Missouri he was taking his lawful booty; when he sneaked into a quiet Virginia village on a Sunday night and assassinated defenseless citizens he was a hero, and when he died a felon's death on the scaffold, to which he was justly condemned, he became a martyr.

You persist in misunderstanding the ante-bellum attitude of the northern democracy. We stood steadfastly by the Union against all attempts of the New England party to break it up by secession. We sustained the Constitution against the ferocious assaults of the abolitionists; we labored earnestly to save republican institutions from the destruction with which they were threatened by you; and as long as the southern people acted with us we gratefully accepted their aid in the good work.

Your averment that the democratic party desired the aggrandizement of slavery and yielded their consciences on that subject to the South is grossly unjust, if you mean to charge them with anything more than willingness to protect the Southern as well as the Northern and Middle States in the exercise of their constitutional rights. We had disposed of slavery in our jurisdiction according to our sense of sound policy and justice. But we had made an express compact with the other States to leave the entire control of their domestic affairs to themselves. We kept our covenant simply because it would have been gross dishonesty to break it. The abolitionists took a different view, and refused to keep faith. They swore as solemnly as we did to observe the terms of the bargain, but according to their code it was a sin not to violate it. The fact is true that we did not think it right to cut the throats or shoot or strangle the men or women of the South for believing in negro slavery, but that is no justification of your assertion that we yielded our consciences to them.

Again: You charge us (the northern democracy) with having given bad advice to the southern people. This consisted, you say, in assuring them that if they seceded we would take their part against any attempt to force them back again into the Union. This is a gross error, and you will see it when I recall your attention to the facts. In all our exhortations to the southern men against secession we were met by the expression of their fear that the abolitionists intended, in any event, to invade and slaughter them. Some reason for this apprehension was given by the fierce threats of your leading men, and especially by your almost universal admiration of Brown for his raid into Virginia. Certainly democrats (and very good men too) did then declare that a lawless expedition intended for purposes of mere pillage could not and should not be started in the North without such opposition as would effectually stop it. But this was before secession, and it was intended to prevent that movement, not to encourage it.

You cannot, with any show of justice, deny that devotion to the Union was one of the strongest feelings in the heart of the northern democracy. We had always deprecated a separation from the Southern States with so much earnestness that one of the opprobrious epithets you bestowed on us was that of "Union savers." This was not a mere sentiment of admiration or gratitude to the southern men who had led us through the perils of the Revolution, settled our institutions, and given our country its high place in the estimation of the world. We felt all this, but we felt much more. The preservation of the Union was to us an absolute necessity. It was indispensable to the security of our lives, our personal liberty, and our plainest rights of property. How true this was at all times, and especially in 1860, you will see if you reflect a moment on our situation at that time.

The abolitionists were coming into power. I need not say by what combination of imposture and accident they got it. All the Northern States, as well as the Federal Government, fell into their hands. No doubt their dislike of southern people was very great; but northern democrats were objects of their special malignity. Long before that time, and ever since, this sentiment has been expressed in words and acts too plain to be misunderstood. You show how strong it is in your own heart when you tell southern men (and you do tell them so in this very speech) that you honor them a thousand times more than you do the democrats of the North. Remember, in addition to this, that the leading abolitionists acknowledged no law which might stand in the way of their interests or their passions. Against anybody else the Constitution of the country would have been a protection. But they disregarded its limitations, and had no scruples about swearing to support it with a predetermination to violate it. We had been well warned by all the men best entitled to our confidence—particularly and eloquently warned by Mr. Clay and Mr. Webster—that if ever the abolitionists got a hold upon the organized physical force of the country they would govern without law, scoff at the authority of the courts, and throw down all the defenses of civil liberty.

But if the South had not seceded we might have made a successful defense of our Constitution, though the powers of the Government were in the hands of its enemies. With the aid of the southern people, if they had been true to their duty, we could have organized an opposition so formidable in its moral and political power that you would scarcely have dared to assault us. No wonder that we were "Union savers;" for to us the Union meant personal liberty, free thought, and independent press, *habeas corpus*, trial by jury, the impartial administration of justice—all those great legal institutions which our forefathers had shed so much blood to build up.

The South deserted us at the crisis of our fate, and left us in our weakness to the mercy of the most unprincipled tyrants that ever betrayed a public trust. Secession was not merely madness and folly, it was something much worse. We could not but feel that we were deeply wronged. There was no remedy for the dire calamities with which we were threatened, except in bringing the seceding States back to their places in the Union. Our convictions of legal duty, our exasperated sense of injury, and a proper care for our best interests all impelled us to join the new Administration in the use of such forces as might be found necessary to execute the laws in every part of the country.

But the abolitionists wanted a war for the destruction of the Union, for the overthrow of the Constitution, for the subversion of free government, and for the subjugation of the whole country to that "higher law" which imposes no restraint upon the rapacity and malice of the ruling power. To such a war the national conscience was opposed. The soul of every respectable officer in the Army and Navy revolted at it, and every virtuous man in private life felt it to be an unspeakable outrage. To those who doubted before, the disaster of Bull Run made it plain that the war could not be successfully carried on unless it was put upon principles consistent with the usages of Christendom and the safety of our institutions. Therefore it was that on the 22d of July, 1861, Congress, with almost perfect unanimity, passed a resolution through both Houses, declaring in the most explicit words that the war should be conducted to preserve the Constitution and not to

revolutionize it. I give you here the words of the resolution itself from the Congressional Globe, page 223:

"*Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in arms against the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feeling of passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the *supremacy* of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease."

Confiding in this assurance, democrats from every Northern State rushed to the front by the hundred thousands; the border States of the South gave in their formal adhesion to the Government, and our great military leaders drew their swords with alacrity in support of the free institutions to which they had shown their fidelity so often before.

With what base perfidy this solemn pledge was broken I need not tell you, for this speech shows that you know it well. You expressly declare that so far from sustaining the Government you revolutionized it. Instead of a war for the Union, you claim that it put the States out of the Union and you had a right to keep them out as long as you pleased, or admit them to their places on any terms, however degrading, which you chose to dictate. Instead of restoring the supremacy of the Constitution, all your politicians held, and so far as I know from their public declarations still hold, that the victory of the Federal forces abolished the Constitution not only in the South, but in the North, and therefore they were not bound to observe its limitations, either in their legislative, judicial, or executive measures. Instead of bringing back the States with their rights unimpaired, according to your promise, you crippled, enslaved, subjugated, and disfranchised them. Instead of using the war power for the just and lawful purposes to which you were pledged, you converted it into a black republican job to put the rights of all the people permanently under the feet of an unprincipled party.

I submit this part of the case to your consideration. I ask you to say whether you can find in the whole history of the human race another instance of similar perfidy on a scale so large. The baseness of the Massachusetts authority in selling the surrendered Pequods into slavery after a solemn promise to the contrary, was but the "germ of an idea," on which you acted in the fullness of its growth. Their act was in its nature and character nearly as bad as it could be; but only eight score of helpless people suffered by it; the victims of your treachery are counted by millions.

The offenses which you are now engaged in committing upon the public Treasury are the natural sequence of your crimes against popular liberty. Universal experience proves that power usurped will always be dishonestly used. Seeing that the abolitionists were led by men whom no oath could hold to the Constitution, and whom no pledge could bind to an observance of its principles, we had no right to expect a decent regard for justice in their administration of the national finances. I do not mean that the masses of your party were, or are now, destitute of common integrity. But that was overruled by the political doctrines of their leaders. Having once set aside the established law of the land, they had no standard by which they could measure the moral conduct of themselves or of others, and they became incapable of seeing the difference between right and wrong in public affairs. The "higher law" threw the reins loose on the neck of all evil passions. It not only abrogated the Constitution but the decalogue as well, and the eighth commandment was nullified with the rest.

You have consequently made ours the corruptest government on this side of Constantinople. Perhaps you will say this is a mere general assertion. But I am ready to maintain the truth of it against all opposers. You may take the rottenest monarchy in Europe, go over its history for a hundred years, and produce the worst act you can find of fraudulent spoliation upon its people; and if I do not show something worse committed here under the auspices of the party now in power, I will give up the case.

I am speaking of the Government—of the officials who rule us for their pleasure and plunder us for their personal profit—and it is no answer to quote Mr. Lord's speech before the Senate on the trial of Belknap. His eulogy was on the virtue and intelligence of the *people*, and he argued from that the duty of their servants to behave with integrity. He certainly did not mean to whitewash the Administration. If he had meant to do so he could not have succeeded, for there was not wash enough in his bucket to go over the twenty-thousandth part of the job.

While you were hunting for certificates of character among the speeches of the impeachment managers, why did you overlook that of Mr. HOAR? He said in effect (for I cite him from memory) that the one production in which our country excels all others in the world is the corruption of its Government. There was the testimony of a candid witness belonging to your own party, who knew whereof he affirmed, and spoke directly to the point.

But it is useless to cite the evidence of individuals upon great public facts that are felt and seen and known of all men. Nothing was ever more notorious than the general disregard of all sound principles by this administration. No people on earth are now suffering so much from extravagant taxation, and nowhere does so small a portion of the taxes go to legitimate public purposes, or so much to the rulers themselves and the rings they choose to favor. Industry is crushed as it never was before. Labor no longer works for itself since all and more than all of its surplus profits are exacted and consumed by the hangers-on of the Government. Now, although we call ourselves freemen, we are to all intents and purposes slaves, so long as you continue to make us hand over to you the earnings of our labor; for the essence of slavery consists in compelling one man, or class of men, to work for another without equivalent. We are determined to relieve ourselves from this intolerable bondage as far as we can legally and peaceably, and if you do not help us you must at least cease to mock us by pretending to be an anti-slavery man upon principle.

You tell us that the republican party "will punish its own rascals." The newspaper reports of your speech said that this was greeted with laughter from the republican side of the House. Certainly it sounds like the broadest of jokes. If you meant it in earnest, please to say what you found this claim of impartial justice upon. You will hardly prove it by showing that Bristow and Wilson succeeded, with much tribulation, in convicting certain manufacturers of crooked whisky, and thereby got themselves turned out of office. It is vain to deny that there is and has been a general *system* of dishonesty prevading all ranks of the civil service, which, so far from being punished, is protected, encouraged, and rewarded by the highest authorities. You have set your faces like flint against all investigations tending to expose rascality. Proof of that, if proof were wanting, would be found in your own denunciation of the present Congress for pushing its inquiries into those regions where venality and corruption might otherwise have dwelt in safety.

In all your southern measures you have shown a positive abhorrence of honest government. You forced into all places of power men whose characters were notoriously bad, and maintained them while they perpetrated the most shameless robberies. You resisted every effort of the oppressed people to throw them off, and when these efforts were successful in some of the States, you mourned the fall of the felons with sincere lamentations. Just look at the crew of godless wretches by whom Louisiana had been almost desolated! In the face of a constitutional interdict your Administration at Washington repeatedly interfered to shield them from justice, and to uphold them in the possession of power to which they had no manner of legal claim. At this moment they are preying upon the people of the State under the protection of Federal bayonets. Is that what you call punishing your own rascals?

You may answer that the white people of Louisiana, being conquered, are rightfully enslaved, according to the principles planted at Plymouth, and therefore it is not for the like of them to invoke the protection of law and justice. I will therefore call your attention to another case to which the Dahomeian rule does not apply, and in which the failure of the republican party to punish its own rascals has been equally signal; I mean the frauds of the Union Pacific Railroad Company and the Credit Mobilier.

You will pardon me, I am sure, for referring to this affair. You are the last man upon whom I would make a personal point, and I could not do it here if I would try; for the conviction I have often expressed remains unchanged, and your integrity was not stained by such connection as you had with that business. But we both know that it was the most gigantic fraud that the history of modern times discloses. The magnitude of the iniquity almost exceeds belief. The entire amount of the booty already taken from the public and stowed away into the pockets of the perpetrators cannot be less than one hundred million of dollars, and every six months they make a new demand, which is honored at the Treasury by an additional payment. I am told that a late Attorney-General counts *one hundred and eighty millions* as the sum which the United States will lose in solid cash directly taken out of the Treasury. I am not sure that this calculation is accurate, but it cannot be very far wrong, and it is not equal to one-half of the whole steal, for it does not include the value of the road itself, nor the land grants, nor the proceeds of the bonds to which the lien of the United States was postponed, nor the equipment bond. As this swindle was the largest, so it was one of the most inexcusably base. It was perpetrated at a time when the nation was swamped with debt, when the people were loaded with taxes, and when the most rigid economy was imperatively required. All circumstances, as well as the direct evidence, shows that it was no sudden act of thoughtless imprudence, but was willfully, deliberately, and corruptly prearranged and determined. There is nothing to mitigate it; you cannot defend it even by waving the bloody shirt.

How did the republican party "punish its own rascals" in this case? Not a hair on the head of any rascal was touched. On the contrary they were promoted, honored, and advanced; the most guilty of them are now, as they were before, the very darlings of the party. Even that is not the worst of it. These swindlers are periodically swelling the colossal proportions of their crime by taking out of the Treasury additional millions which they claim as the "precious results" of their original fraud. They have no better title to them than the wolf has to the mutton he slaughters by moonlight. The legal remedy against these exactions is so plain that ignorance alone could hardly miss it. But your officials have found out the way not to do it. They permit the Government to lie down and be robbed semi-annually by a corporation which Tilden would long ago have disarmed of its power, and whose criminal abettors he would have swept into the penitentiary by scores.

I repeat that I do not blame you as an active accomplice of this wickedness. But you ought to have come out from the evil and corrupt fellowship as soon as you saw how evil and corrupt it was. You owed it to yourself, your Church, and your country to break off at once from political associations capable of such indefensible conduct. But your acceptance of the doctrines planted at Plymouth by the Yankees blinded your judgment, and made your conscience inaccessible to the principles planted in Jerusalem by the "people first called Christians" at Antioch.

You would have us believe that Hayes, if elected, will reform abuses and give us a pure administration. Your statement and that of other gentlemen equally reliable make it certain that Mr. Hayes bears an irreproachable character in all his private relations. I do not doubt his possession of that negative honesty which it is a disgrace to want. I accord him those tame household virtues which entitle him to the respect of his neighbors and the confidence of his family; but he can no more stem the torrent of republican corruption than he can swim against the rapids of Niagara. His whole history shows that he would not even make an effort to do so. He has been most happily called "a man of tried subserviency."

A reformer in these times must be made of stern material. He must have no connections with and be under no obligation to the authors of the abuses which need reform. Above all things, he must not have consented expressly or impliedly to the commission of the public wrongs which his duties as a reformer would require him to punish. When he comes to oppose wickedness in high places the consciousness that he himself is *in parie delicto* will make a strong man as nerveless as infancy.

* * * * * * *

Speaking of reconstruction, and seeing your broad accusations of treason, I am tempted to ask if you are sure that you yourself and your associates did not commit that crime.

In March, 1867, the then existing Government of the Union was supreme all over the country, and every State had a separate government of its own for the administration of its domestic concerns. The Government was entitled then, if it ever was, to the universal obedience of all citizens, and you, its officers, had taken a special oath of fidelity to it. Nevertheless you made a deliberate arrangement not only to withdraw your support from it but to overthrow it totally in ten of the States, and this you did *by military force*. In all the South you *levied war* against the nation and against the defenseless States, destroyed the free government of both, and substituted in their place an untempered and absolute despotism.

Now suppose you had been indicted for this, how could you have escaped the condemnation of the law? I know your excuses and I can understand your claims to mercy; but what legal defense could you have made consistent with your own argument and the decision of the court in the Milligan case?

I cannot describe to you how unpleasant is the sensation produced by your profession of a desire for peace. Why do you not give us peace if you are willing we shall have it? You need but to cease hostilities and the general tranquillity will be restored. You refuse to do that because peace would endanger your party ascendency. To maintain your plunderers in power you have uniformly resorted to the bayonet—you have made civil war the chronic condition of the country; wherever you could you have displaced liberty, fraternity, and equality, and given nothing instead but infantry, artillery, and cavalry. You are at this moment openly engaged in preparing your battalions for armed intervention in the struggle of the people with the carpet-baggers.

What makes this worse is your closing declaration that you will take no step backward. There is to be no repentance, no change of policy, and consequently no peaceful or honest government. "Onward," you say, is the word. Onward—to what? To more war, more plunder, more oppression, more universal bankruptcy, heavier taxes, and still worse frauds on the public Treasury.

J. S. BLACK.]

Mr. HALE obtained the floor.

Mr. BURNSIDE. Mr. President——

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Maine yield to the Senator from Rhode Island?

Mr. BURNSIDE. I shall detain the Senate but a moment; I do not wish to make a speech.

Mr. HALE. I yield to the Senator from Rhode Island.

Mr. BURNSIDE. Mr. President, I will not attempt to follow the Senator from South Carolina [Mr. BUTLER] in his arguments upon the rights of majorities and minorities; neither will I attempt to

answer him in what he has said with reference to some of the New England States. Those arguments and references will be taken care of by other Senators much better able to take care of them than I am; but I desire to say a few words as to the point at issue between the Senator and myself, and they will be very few.

The Senator said in his remarks the other day:

> The point in the Senate is not so much "a free ballot and a fair count" in the South, in Virginia and elsewhere. When that question does come up, I shall have something to say. The real question here is, Has there been a disgraceful bargain in the Senate by which the offices of the Senate are proposed to be turned over to somebody else?

After a short colloquy between the Senator and myself, he made this remark:

> I have made no such charge; but, Mr. President, if I do not demonstrate it by irrefragable testimony I will resign my seat in this Senate.

If every member on both sides of the Chamber were to assert to-day that the Senator from South Carolina had failed in producing the irrefragable proof, I should say, for one, let him remain in his seat; we do not desire him to give it up.

And now with reference to the proofs that he has presented here let me say——

Mr. BUTLER. The Senator will pardon me——

The PRESIDING OFFICER. Do the Senator from Rhode Island and the Senator from Maine consent to yield to the Senator from South Carolina?

Mr. BURNSIDE. I yield.

Mr. BUTLER. I wish to make but one remark. If, on the other hand, I have succeeded in establishing that fact, permit me to say to my friend that I shall not ask him to give up his committee. [Laughter.]

Mr. BURNSIDE. I am very much obliged to the Senator for that. [Laughter.]

Now, Mr. President, I do not desire to disparage the efforts of the Senator from South Carolina, as he knows; but I can only say that while the statements of the indictment he has presented here have been very skillfully clustered, there is nothing new in them. They have all been presented by some Senator or other in different forms for the last four or five or six weeks; and that is what I complain of. Now the Senator from South Carolina has endeavored to try Senators on this side of the Chamber by the rules of evidence by which criminals are convicted, instead of the courtesy of the Senate; he has unwittingly adopted this method. I am quite sure he meant no harm by it; but he has adopted this method, and all the Senators on that side of the Chamber for weeks have adopted the same method. During my experience in the Senate I can freely say that I have never known a general charge made by one side of the Chamber against the other side of the Chamber of corruption which was followed up from day to day and from week to week, right in the face of the absolute denial of Senators upon their honor that there was any such corruption in existence. Men get up here in an excited manner once in a while and make excited speeches and charge things which the main body of Senators on their side would not be willing to follow up for weeks and weeks, and which a great many Senators might not agree with them in; and violent speeches are made here often; but for one side of the Chamber for weeks to persist in charging corruption on the other side of the Chamber I say is wrong, and as I said the other day it ought to stop. There is no power on this side of the Chamber to stop it; the power rests on the other side. You make these charges and you make them in the face of absolute denials from this side that any such thing exists; and the courtesy of the Senate ought to make you feel that we are telling you the truth and you have no right to make them.

The Senator has said in the course of his remarks that we had asked for no investigation, or rather that the Senator from Virginia had asked for no investigation. He will remember that I made this remark when I was speaking the other day:

> If the Senator from South Carolina or any other Senator on that side will move for the raising of a committee to investigate and put every Senator on this floor upon oath, I will vote for the resolution, and so will every member on this side vote to call every single Senator before a committee and place him under oath.

I said more there than I had a right to say, because I could only speak for myself; but I can say that I believe every Senator here will vote for it, and then it can be ascertained exactly what all Senators on both sides of the Chamber have said to the Senator from Virginia, and that is just exactly what the country ought to have. It ought to have the whole truth in this matter. We cannot ask a committee to investigate ourselves. We will grant you a committee to investigate this whole subject; and now I will wind up by saying that all charges that there is corruption on this side of the Chamber are false.

Mr. HALE. Mr. President, I have had no desire to take part in this debate, nor have I now any preparation for it. The other day I was called for a little into it by allusions made by the Senator from Mississippi [Mr. LAMAR] to an old speech of mine, delivered years ago in the other House, upon the southern governments; and I now rise, impelled by what has just been said by the Senator from South Carolina [Mr. BUTLER] about my own State. The picture that he has seen fit to draw of the civilization of the State of Maine, the recital of individual horrors, and the charge that followed that recital, of a lower form of social life in my own State, is mainly what has called me up.

My colleague [Mr. FRYE] who is absent, as is well known upon this floor, has ample capabilities to take care of himself; it is not for me to reply to what falls every day from gentlemen on the other side in answer to his speech delivered here a week ago, in which he clearly "ruffled all their vesture," and that replication I leave to him.

The Senator from South Carolina is restive and sensitive, as indeed are most of the Senators upon that side of the Chamber, over charges made from this side relating to what? Not the commission of individual offenses in any township or city of the South, which may be punished in the courts as is the fashion of all law-abiding communities, but over charges made seriously and honestly here that the spirit and purpose of this Government of ours is countervailed and overthrown in their States; and it has been the fashion to retort by the raking up from private letters and the columns of the partisan press of the Northern States instances where somebody or other has fallen from virtue in these Northern States, as if that were an answer to the proposition upon which this side of the House puts itself before the country.

The Senator from South Carolina has traveled far and northward to my own State, and finds as he indicates here a condition of things in no degree pleasing to him, an offset, he calls it, to what my colleague referred to the other day as the "barbarism" of his section. I wish that the Senator knew more about the people of the State of Maine that I have the honor in part to represent upon this floor. It is a far-away State. Its people dwell upon a rocky coast or in a near interior not less rough. Its territory is covered with the snows of winter for half of the year. The employments there develop frugality, hardihood, bravery, and manhood, as the State has shown in all its crises. They develop more than that, Mr. President; they develop a power of self-control which results in a determination to seek a refuge from all evils under all the forms of law. The Senator has called upon the "Highest Power" to save him, after his recital from newspapers and private letters of crimes committed in that State, from the "Bible and the school-house of the State of Maine."

Mr. BUTLER. The Senator will pardon me; of course the Senator does not desire to misrepresent me. I said from the Bible and the school-book from which such crimes as those sprang.

Mr. HALE. I believe I did not misstate the Senator; I did not intend to do so. Maine is a State full of school-houses and churches which have made its sober and enduring people. Can the Senator from South Carolina say as much for his State? The school-house is found at every corner, and the hillside is decorated with the church. The system of education is broad and general and all-embracing. Here and there throughout the State, rough as it is, inclement as its climate is, seminaries of learning of a higher kind spring up and prosper. In out-of-the-way corners are found the academies and the colleges where the young men of the State as they grow up are educated. Does the Senator find fault with that?

Is it from the spirit which has brought these things about in the State that he wishes to be delivered? In those colleges are taught, first, patriotism and veneration for the Constitution, and regard for all the laws; after that, the beauties that dwell in our English literature, the classics, the mathematics, and a sober, candid, and sincere oratory mourned in South Carolina as one of the lost arts. Does the Senator from South Carolina object to the life and character that springs from this?

The Senator has seen fit to read here accounts of individual crimes committed in the State of Maine. Does the Senator believe that that could not be done with every State and every people existing under the heavens? The difference between him and me, between his people and mine—and I say it with no desire to array one against the other, and only because I am forced into this debate—the broad, the fundamental difference between his people and mine is that where a crime occurs such as he has read, or such as he has not ventured to read aloud because of its foulness, my people punish those who commit the foul deeds. We have the State prison and the county jail for that purpose, and year by year the operation of the criminal statutes of the State of Maine goes on silently and resistlessly. There has been no great individual wrong committed in my State against the laws of the State that has not been dealt with and avenged by the Nemesis of the written and obeyed law. Can the Senator from South Carolina say as much for his State?

I do not know that the Senator is able precisely to appreciate all the habits and ways and forms of life of a people who are steeped in the conviction and determination to abide by all the laws. I put the record of my own State in that regard against his. We were cleaved from the mother State fifty years ago and sat up for ourselves in the business of governing a State and its people. We have had our fair measure of prosperity since that time, and have been represented here and in the other body by full delegations representing the people of the State.

I will not go over the names of those who have been well known, not only at home but all over the country, who have illustrated the political history of Maine. I only say that at all times and under all emergencies the representatives of the State of Maine, whatever party they may have belonged to, have always represented loyalty, patriotism, and obedience to the laws. They took their inspiration in this from the people who sent them here. Can the Senator from South Carolina say as much for his State? Is it not as well known to him as to me and to all men that if at any time under any emergency there

has been in the bevy an "unruly sister" it has been his own State? Growing up an honored and trusted citizen of South Carolina, has the Senator become unconsciously so impregnated with its spirit that he fails to appreciate the simple, law-abiding virtues of a Northern State like my own?

I do not mean (and I have not had the time to produce the record) to go back and fully contrast the history of the two States. I do not need to compare the men produced by either one with the other. There is plenty of material. I might go back and recall every step that has been taken by the authorities of the Senator's State in defiance of the General Government and of the proposition that this Republic is dedicated to the duty of maintaining the rights of its citizens wherever they may be. I might go back and read the "nullification" resolution, and quote from the debates here and in the Senator's own State in years gone by. I might go back to 1844 and cite that amazing statute of South Carolina in which it is provided that the colored citizen of any State found within the borders of South Carolina shall be arrested and held in durance. I might recite the story of what followed; how an eminent citizen of Massachusetts went to South Carolina for the purpose of testing, in our northern fashion, in the courts whether such a statute could be allowed to hold and be enforced. Everybody knows that story. Law-abiding as was the effort of Massachusetts in appealing to the touchstone in such controversies, the higher courts, it hopelessly failed. Her eminent son was driven from the State and denied the right to maintain his cause in the courts.

I have said that our people are a hardy, frugal, self-denying people; but there has been one thing that has never failed to arouse them, the patriotic impulse. The Senator from South Carolina has reproached my colleague because he did not do his fighting in the field. I take to myself no shame, neither would my colleague if present, that we were of the many thousands and millions of loyal men in the North who did not need to go into the war for the suppression of the rebellion in order to insure its success. The North put not forth half its real strength in that great conflict; and there were duties to be performed in maintaining it as well at home as in the field; and it is no reproach to any man upon this floor or elsewhere that his sphere of duty did not place him face to face with the Senator from South Carolina on the battle-field. I very well remember when the first gun from the Senator's State aroused the loyal heart of the State of Maine, and men stepped into the ranks from every town and village and city; and when their places became vacant they were filled and refilled and thrice filled. The Senator has seen fit to contrast my own State with his, and I ask him here and now whether he believes that his State had a better record than mine in 1861, whether the gun that summoned the loyal men from Maine or the tramp of the men from Maine who went forth to meet and overcome the danger which that gun announced represented the highest sentiment?

But the Senator from South Carolina says that his State has been ill-used since the war. Since the war was over the State of Maine has been represented in Congress by Senators and Representatives with two exceptions members of the republican party. I have been running over the record of the delegation from the State of Maine upon some of the subjects-matter that have every day been coming before Congress; and upon one subject I find an unbroken record, the treatment of the Southern States as illustrated by legislation incorporated into our statutes.

The Senator from South Carolina bewails because, as he says, the attack upon his section never ceases, and he charges that every speech that is made from this side of the Chamber is only new evidence of the hate that is kept up against his section. Does the Senator from South Carolina know of what he talks when he makes that charge? I commend him to the record of my predecessors upon this floor and the delegation from the State of Maine in the other House for the last sixteen years. There was never a proposition for the readmission of one of the rebellious States into the Union that the delegation from the State of Maine did not vote as a unit in its favor. Take the great and at one time absorbing question of amnesty in its diverse forms, and the Senator who now complains that Maine has had nothing but unkindness and revenge for his people will find the record of Maine unbroken. In my own service in the other House I reported and urged the most sweeping amnesty bill that was ever passed by the American Congress. There never has been a time except in one instance when an individual petition for complete amnesty and oblivion of political offenses has been presented in the other Chamber or in this that it has not received the vote of every Senator and Representative from the State of Maine. Let the Senator look at the record. The years since the peace have been mainly years of republican ascendency; and the delegation from the State of Maine was in the forefront of the work of peaceful reconciliation and the amnesty and forgiveness and oblivion of political offenses. Is not the Senator himself an instance of the kindness and justice and magnanimity of the delegation from the State of Maine?

Mr. BUTLER. I am not making any complaint personally. I have been very kindly treated. I am not making the slightest complaint; and I desire to say to the honorable Senator that my remarks were not at all addressed to anything that he had said or done personally or individually, or to any other individual Senator. I have nothing personally to complain of.

Mr. HALE. I know the Senator has not. I regret very much that he saw fit in his speech to make his attack upon my State and to draw the picture that he did of the condition of things in that State.

Mr. BUTLER. Will the Senator permit me again to say that I have made no attack upon Maine? I was simply defending my own State from the attacks of his colleague, which I thought justified all that I said. I did not recite the crimes (that I knew nothing about until I saw them in his own press) with a view of reflecting upon him, but as his colleague had charged that thousands and thousands of crimes and assassinations and wrongs had been perpetrated in my State, which must indicate a low order of civilization, I simply desired to point out that if that was the criterion he himself had something to look to at home. I made no attack upon Maine; I have a very great regard and respect for it; and I desire now to say to the Senator from Maine that I have never complained of anything that he personally has said or done. I was replying to his colleague, and I am very sorry, as I said, that his colleague is not here. I know the Senator's kindly feeling to Senators from the South, I know his liberality, and I am not complaining of him personally.

Mr. HALE. One word as to affidavits read by the Senator upon what is fairly an issue here, the method of conducting elections in the State of Maine. The Senator has read two or three political articles from well-known notorious partisan sheets in the State of Maine, one being the Eastern Argus. I leave it to him whether that is a piece even of political evidence. But he has followed it up by affidavits or summaries of affidavits from different persons in different counties of the State of Maine alleging fraud and bribery touching the election in the State of Maine in 1879. I know something about that election. To begin with, as one instance that the Senator cited shows, the organization of the different towns and the management and control of the elections were almost entirely outside of the hands of the republican party that year; for in the year before and in the spring elections of 1879 what was known as the greenback movement, with which the democratic party of the State of Maine coalesced, swept the State high and dry. I have a vivid recollection of that. I was carried off my own feet in that disastrous election of 1878, and for a time the places here that had known me knew me no more. By that movement, as I have said, the control of the polls throughout the State passed largely out of the hands of the republican party. So, as in the case of the town of Lincoln, which the Senator from South Carolina cited, if there was any misconduct or bad behavior by the authorities at the election it was at the hands of democrats or fusionists, if they controlled the polls, as I think they did, at that time in that town.

I know something more about that election. It was a most important, a most hotly contested election, and it was an election that was not settled at the polls, because it was that year that the fusion government, made up of democrats and greenbackers, boldly and defiantly refused to accept the results of the election, and counted out dozens of members of the Legislature, who had been elected at the polls by the people, and undertook to set up a government of their own—a Legislature and all the executive branches. I commend the Senator from South Carolina to read carefully that chapter of our political history where the endurance and the patience of a people were put to a harder strain perhaps than had ever been witnessed in the United States, and where, after all, the result was a peaceful emergence.

Let me tell the Senator that where these charges of bribery and fraud came to the public ear and were brought out to the public light, they were put into the courts, for that is our fashion, and submitted to the grand juries in order that there might be a fair test as to whether the charges were false or true. I telegraphed a little while ago to the county attorney in one of the counties where such charges were made, and here is the dispatch that I have just received:

APRIL 28, 1881.

All fusion charges of fraud in Washington County were presented by me to the grand jury and fully heard. The jury decided by unanimous vote that testimony was not sufficient to support the charges in any case.

C. B. ROUNDS, *County Attorney.*

This is the way that we deal with such matters in Maine. I do not know who has sent to the Senator from South Carolina his batch of affidavits, but I think that I recognize in them a gathering up by a Boston partisan newspaper, which everybody in Maine knew was prepared for the purpose of diverting attention from the colossal frauds of the Garcelon administration in what all know as the "counting-out" performance.

That whole performance was gone over by a committee of the Legislature of Maine, of which I was a member, in the winter of 1880. I shall not consume any of the time of the Senate by anything more than calling attention to a report made by that committee contained in this volume, (Public Documents of the State of Maine, volume 3, page 43,) in which all the testimony is printed. The report of the majority is found here, and also the report of the minority representing the party of the Senator from South Carolina, a brief report, which on my own motion was printed by the State with the majority report, and I commend the Senator's attention to it:

The undersigned, a minority of the committee of investigation, appointed by virtue of an order of the House, dated February 5, 1880, beg leave to submit the following brief minority report:

Silence on part of the undersigned would be construed as an assent to all the positions and conclusions of the majority report, as well as in the statement of facts.

The undersigned are unwilling and unable to give their assent to all of the arguments and conclusions of such majority report, though they cannot deny that the recital of facts in the report is substantially in accordance with the evidence. Mr. Moody, of the council of Governor Garcelon, was before the committee, but he failed to explain the irregularities which had been proved.

Governor Garcelon also testified at a later period in the investigation that he had no previous knowledge of much which has been shown by the testimony to need explanation.

A letter, courteous in its language, was addressed by the clerk of the committee to each of the other members of Governor Garcelon's council saying that an opportunity would be granted them to appear and testify.

The undersigned regret that the members of the council have not seen fit to appear and explain the irregularities which seem to exist.

The evidence being uncontradicted, the undersigned cannot make a denial of the facts proved by it, and can only withhold their assent to the conclusions arrived at by the majority of the committee.

HENRY INGALLS.
GEORGE F. HILL.

The result, as everybody knows, was the establishing of the true Legislature and the dispossession of the fraudulent one, and a complete peace in the State. The mob to which the Senator alludes was no mob, and not a man's hair was harmed in the affair. The next year, in a close election, if the governor and council, then being republican, had sought to take advantage even of plain legal technicalities, the democratic or fusion candidates would have been counted out. The republican Legislature of Maine ignored all such technicalities and declared General Plaisted, the fusion candidate for governor, elected, and he is to-day administering the government of the State.

I do not think that I need to go further in showing the record of the State of Maine, or in defense of the people of that State, or in setting forth their ways and their life. And besides, that is not the question before the Senate. What the men and women of Maine do or say has nothing to do with what is keeping us here from day to day. It has sometimes seemed to me as if a great many people outside fail to appreciate precisely the conditions under which this deadlock, so called, has been maintained.

The Senator from South Carolina and other Senators upon that side are not sensitive because two or three score of officers of the Senate are menaced. I give them the credit for deeper, wider reasons, stronger motives than that. It is the assault made upon their column by the Senator from Virginia that alarms them; it is because that assault upon their column has taken the form of a popular election in Virginia at which all men voted or might have voted had they so willed. This makes the Senator from South Carolina and other Senators sensitive. The world knows, and Senators must be blind if they do not see that it has come about in these last years in the Southern States that a large portion of the men entitled by the Constitution and the laws to vote do not vote. Nobody disputes that. The figures that are presented from that side of the Chamber as well as this admit that, and yet there have been most important elections, elections of as vital concern to the Southern States as to the Northern States, and the remarkable fact has been developed that while year by year we at the North supposed that we had attained our culminating vote, it has been increased at every presidential election, while in the Southern States it has fallen off largely—in some States from 20 to 40 per cent. This is a startling fact. We have one explanation of this; the Senators on the other side present another; and for more than ten years it has been the fashion for every Senator upon that side when he rises to debate this question to deny *in toto* and by wholesale, as one Senator did the other day, that there had been in his State a single case of the suppression of free ballot.

Why, Mr. President, I have been at times in a state of half stupefaction listening to these denials. I have no time and have had no preparation to go to the record and bring up cases in detail. My colleague did that the other day. But, sir, if the statement that a free ballot has been almost everywhere in the South suppressed by violence and fraud be not true, all the history of congressional investigation for the last ten years is a myth. If it be not true that the suffrage has been taken with rough hands and strangled in State after State, then the volumes of investigation conducted by the brightest and keenest minds in the Senate and the House are a batch of perjuries. If it be not true, the testimony not only of republicans but of old democrats like Mr. James B. Campbell, of South Carolina, is nothing but a tissue of lies. Should I begin that record; should I even exhaust the volumes that have been sent to me since I began speaking, should I read the sworn testimony taken in half a dozen States; should I take up this book at my hand and read the feeling, fervent, moving words of Reverdy Johnson on this subject drawn forth by a display of heartrending facts just as much denied then as has been all testimony of the kind ever since, I should only begin the record. Let me read a little from the argument of the great lawyer to whom I have just referred. He was engaged in defending the perpetrators of these political crimes.

But Mr. Attorney-General—

This is from Reverdy Johnson—

has remarked, and would have you suppose, that my friend—

His associate counsel—

and myself are here to defend, justify, or to palliate the outrages that may have been perpetrated in your State by this association of Ku Klux. He makes a great mistake as to both of us. I have listened with unmixed horror to some of the testimony which has been brought before you. The outrages proved are shocking to humanity; they admit of neither excuse or justification; they violate every obligation which law and nature imposes upon men; they show that the parties engaged were brutes, insensible to the obligations of humanity and religion. The day will come, however, if it has not already arrived, when they will deeply lament it. Even if justice shall not overtake them, there is one tribunal from which there is no escape. It is their own judgment, that tribunal which sits in the breast of every living man—that small, still voice that thrills through the heart, the soul of the mind, and as it speaks gives happiness or torture—the voice of conscience, the voice of God. If it has not already spoken to them, in tones which have startled them to the enormity of their conduct, I trust, in the mercy of Heaven, that that voice will speak before they shall be called above to account for the transactions of this world; that it will so speak as to make them penitent; and that, trusting in the dispensations of Heaven, whose justice is dispensed with mercy, when they shall be brought before the bar of their great Tribunal, so to speak, that incomprehensible Tribunal, there will be found, in the fact of their penitence or in their previous lives, some grounds upon which God may say PARDON.

Mr. BUTLER. May I ask the honorable Senator what year that was?

Mr. HALE. Eighteen hundred and seventy-one.

Mr. BUTLER. I should like to ask him who was governor of the State of South Carolina at that time?

Mr. HALE. There appears to have been very little government there; I do not know who was governor.

Mr. BUTLER. I will state to the honorable Senator that one of his political friends was governor—Governor Scott.

Mr. HALE. Quite likely.

Mr. BUTLER. And the Legislature was entirely republican.

Mr. HALE. But what had that to do with these fearful, enormous crimes which were then denied by the wholesale, just as all such and later charges of violence to the colored man and the ballot are denied now? The great democratic lawyer and statesman, Reverdy Johnson, admitted them and I have given his eloquent protest against them.

Mr. President, I wish I had the time to read the sworn testimony of James B. Campbell, resident in Charleston County, in the Senator's own State, a lawyer of distinction, who had practiced in his profession over forty years, who, as he says in his testimony, had been nothing but a democrat in his politics, and who gives an account of the oppression and frauds at the polling-places in Charleston in 1878, less than three years ago. I have no doubt the Senator from South Carolina knows this record, I have no doubt he has read it, I have no doubt that he knows Mr. Campbell. He cannot believe that there is nothing in such testimony.

I might take the volumes of the investigating committees which are loaded with recitals that shock a common humanity. I might read that pathetic, touching letter from Governor Chamberlain issued from his executive chamber at Columbia, South Carolina, July 22, 1876, appealing to the President of the United States that the strong arm of the General Government should be uplifted to protect republican institutions in the State of South Carolina. I might read the almost despairing answer of the President of the United States who realized, because he had in vain attempted before to see that the laws were executed, how powerless he was before an entire dominant race who were determined that the laws should not be executed. Have not Senators learned that these things have passed into the domain not of controversy but of history.

I have wondered how it is, by what mental process, the Senator from South Carolina, a cultivated man, a thoughtful man, a broad man, a man who tries I have no doubt to be candid, has been able to build up the hardihood that denies *in toto* these charges.

The newspapers, the exponents and representatives of day-by-day sentiment, tell the story. Somebody has handed me, while the Senator was talking, and I have just had time to glance at it and see how pertinent it is, the News and Courier, of Charleston, of Saturday, April 23, 1881, in which is this article:

THE END AND THE MEANS.

Senator HAMPTON, in his speech in the Senate on Thursday, admitted that there had been irregularities and fraud at elections in this State, and announced his unalterable determination to try at the earliest moment to rectify the wrong that had been done.

I may say here that I was interested and moved by the speech made by the Senator from South Carolina, [Mr. HAMPTON.] I clearly discovered in that speech the honest determination of a man by every purpose and every power at his command to correct an existing evil. If Senators on the other side would deal with this question in that manner, we should find, speedily, a different feeling at the North. We do not fail to realize the great difficulties besetting the Southern communities after the war; I have never failed to realize these difficulties. I have spoken myself plainly of the excesses of the carpet-bag governments in their early days, and have sympathized fully with the feelings of men desirous of relief; but the chosen method of relief, the invocation of violence, the determination to put down one-half of the voters by the strong hand, is colossal in its injustice and wickedness compared with the evil sought to be cured. There has never been any reason why the Southern States, admitting if you will faults in their governments after the war, should not have patiently gone through the method of relief by peaceful processes.

But I read further from the News and Courier in its comments on Senator HAMPTON'S speech:

The "irregularities," or whatever else we please to call them were justified and justifiable, just as revolution or rebellion is permissible when there is no other escape from tyrannical government, under which neither life nor property is safe. It is manlier to rest on the right of revolution, whatever form it takes, than on denials which do not carry convictions, and on evasions which deceive nobody worth deceiving.

Senator HAMPTON in his speech at Blackville on July 4, 1878, said frankly that if elections were to be carried by fraud the State would soon cease to be worth saving. What was done in 1876, in 1878, and in 1880 was necessary. Similar work is indispensable no longer, and the people will not put up with it. The democratic masses cannot be whipped or spurred up to the point of taking the chances of Albany penitentiary. It is not right that they should, for there is not the need now that there was before.

Nothing but the unalterable determination of the white people of the State to carry the elections, by hook or by crook, put the democratic party in position to prove, in practice, that, under democratic rule, the taxes would be lowered, that the laws would be justly administered, and that the condition of the whole people would rapidly improve. These are facts, not promises.

That is democratic authority right at the Senator's home. This is frankly dealing with the case. The New Orleans Times delivers itself after this fashion:

It is true that some of the southern Senators, in their speeches during the debate, declared in favor of a fair ballot and a free count, but it cannot be denied that there is a firmly rooted conviction in the minds of a very large portion of the southern people that the democratic party, which contains the wealth and intelligence of the South, ought to rule, whether it has a majority of the votes or not. There is a deep-seated aversion to allowing negroes a voice in public affairs, or to allowing men, not natives, to acquire political prominence through the aid of negro votes.

Now, sir, it is the profound belief of a very large majority of the northern people that the sentiments contained in these newspapers have been made the prevailing sentiment of the South. Senators deny it. They take that form of meeting the question; and that denial involves a denial of the statements of fact upon which this northern belief rests. It is attempted to sweep it all away by the simple declaration that none of these conditions exist, that the facts have not been proved, that the story of the Louisiana parishes is a lie, that the tale of the Shoe-string district in Mississippi is a conjuring of the imagination, that Kemper County has never been understood, that the tissue ballots of South Carolina and the atrocities in Sumter County and other counties exist only in the brains of bad men who have deceived the people.

Why, sir, it is as easy to blot out all the undoubted historic landmarks of the past as to wipe out what is the truth as demonstrated by scores of investigations. Denial does not help this. You may as well take up any piece of accepted historic testimony and deny it; you may as well deny the horrors of the Black Hole of Calcutta or the massacre of Glencoe in the fastnesses of Scotland or the ravage of Bulgaria as to deny that these atrocities in the South have been committed and have been proven. That is no wise way to deal with this question. I speak with unfeigned reluctance upon this subject; I speak, feeling that I, as a young and new Senator, have no right to urge older and graver and wiser Senators to change their methods; but I can assure them in all sincerity, with no desire, with no tendency in my mind to inflame or exasperate, that every time these subjects are presented and brought before the public mind in Congress or elsewhere, the proofs of the southern methods of violence and fraud only leave their case in a worse condition in the northern mind. That mind will not brook that the suffrage shall be longer molested. It may as well be known that the republican party is dedicated to this one single proposition over and above all other things, and that everywhere, all over the Republic, the man who has a right to vote under the laws and the Constitution at a national election shall be permitted, if he will, to exercise that right. This may assume a thousand forms; it will be a thing, it may be, to be fought out and settled and ended by another generation, but there will never be abiding peace in this country until this question is settled and settled right. There will never be the peace that southern Senators, patriotic and enlightened and able, desire for their people until not only does every man have a right to cast his vote and have it counted, but until you have convinced the people of the North that that is the proposition on which you conduct your government. All discussion and protestation will be of no avail; all denial will go for naught until it is as safe and free for a man to vote in South Carolina as it is in Maine, in Louisiana as it is in Massachusetts, in Mississippi as it is in Vermont.

Mr. BUTLER. Mr. President, I really must apologize for delaying the Senate; but inasmuch as the Senator from Maine [Mr. HALE] has quoted Governor Chamberlain and has said that he has no doubt in the early days of the carpet-bag governments in South Carolina and the South generally there was some fraud and wrong, I want to have some quotations read from the utterances of Governor Chamberlain to bring it down later than the time to which he referred. I will therefore ask the Secretary to read from the point where I have marked in pencil so that it may go on record with the statement of Governor Chamberlain's letter.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from South Carolina.

The Secretary read as follows:

THE CONTINGENT FUND STEAL.

During the past six years there has been appropriated and paid for contingent funds the astounding sum of $376,832.74. I venture the opinion that the State would have received equal benefit from one-fifth of that sum, if expended with economy upon proper objects.—*Inaugural address*, 1874.

LEGISLATIVE PLUNDER.

Since 1868 six regular and two special sessions of the General Assembly have been held. The total cost of these sessions has been $2,147,430.97. The average cost of each regular session has been $320,405.16. The lowest cost of any regular session was that of the regular session of 1868–'69, amounting to $169,005.79, and the highest cost was that of the regular session of 1871–'72, amounting to about $617,234.10. Besides these amounts now specified there are outstanding of bills payable, issued on account of legislative expenses during the same period, $192,275.15. These figures render comment superfluous.—*Inaugural address*, 1874.

LONG SESSIONS.

I find the average length of the regular sessions (of the General Assembly) since 1868 has been one hundred and five days. * * * I cannot see at present any reason of a public nature which can require a session of more than thirty days.—*Inaugural address*, 1874.

INCIDENTAL GRABS.

The average expenditure at each regular session, since 1868, for attachés and contingent or incidental expenses, has been about $258,424.65. If these figures do not teach their own lesson, then argument would be idle. Let it be borne in mind also that the amounts now stated represent only the actual payments made. There remains a vast amount of unpaid claims in the form of legislative pay expenses, estimated at not less than $500,000.—*Inaugural address*, 1874.

THE PRINTING RING.

The system (of public printing) which has prevailed for the past three years is utterly incapable of defense or excuse. The looseness of the system in theory is only equaled by its extravagance in practice. * * * The cost of the permanent and current printing from 1868 to the present time was $843,073.59. The cost of advertising the statutes, that is, of printing them in the newspapers for the same period, was $261,496.32, making a total cost to the State of $1,104,569.91. During the past three years the cost to the State of current and permanent printing was $743,933.20, and the cost of printing the laws in newspapers for the same period was $174,696.66, making a total cost to the State of $918,629.86.—*Inaugural address*, 1874.

NOT PAYING AS YOU GO.

The existing deficiencies, running back to 1868, are simply enormous. The deficiencies for the fiscal year ending October 31, 1874, were $472,619.54. The deficiencies for the fiscal year ending October 31, 1873, were $540,328.—*Inaugural address*, 1874.

TRIAL JUSTICES.

Of the practical results of the trial-justice system, as heretofore administered, I hear but one opinion, namely, that it is costly, inefficient, and oppressive.—*Inaugural address*, 1874.

SUFFERING CITIZENS.

No injury can be so great as that which we now witness in our citizens who have worked for the State, or lent their money on credit, and are now waiting and suffering because the State made appropriations when she had no funds with which to redeem her promises.—*Letter to Senate Committee, February* 15, 1875.

COUNTY RASCALITY.

I am confident that there is not one county in this State in which money enough has not been collected by taxation to pay every dollar of legitimate expense in maintaining the government of the country.—*Veto of Edgefield resolution, February* 24, 1875.

THE FLOATING DEBT.

I was persuaded that the State had the right, and that her condition demanded that she should postpone settlement until she could recover from the effects of a long course of extravagance and profligacy in the expenditure of public funds and the contracting of public obligations.—*Veto of Bonanza bill, March* 17, 1875.

THE COVER OF VAST FRAUDS.

That certificates for legislative expenses have been made the cover for vast frauds no man will dispute. They are universally regarded as the last culminating evidence of a prevailing system of corruption which has disgraced our State and offended the nation.—*Veto of Bonanza bill, March* 17, 1875.

BROKEN PLEDGES.

The party has ever been going into campaigns promising retrenchment and reform and never performing it.—*Interview May* 24, 1875.

DISAPPOINTED PLUNDERERS.

The plunderers in the last Legislature were greatly disappointed. For the first time in their official lives they had to go home without having made anything but their salaries and a little minor picking.—*Interview May* 24, 1875.

THE SALE OF VOTES.

A very large number of the members of the South Carolina Legislature come to the capital for the purpose of selling their votes and making all they can out of the office.—*Interview May* 24, 1875.

REFORM ABSOLUTELY NECESSARY.

Reform, if it was not of itself right, has become absolutely necessary, or the State will sink. Matters cannot run for six years to come as they have for the past six years. * * * From the contingent funds alone, in the past six years, there has been taken the astonishing sum of $376,832.74. One-fifth of that sum would have been ample; the rest ought to be put down to stealage.—*Interview May* 24, 1875.

STEALING, PURE AND SIMPLE.

The last six sessions, up to the time I was inaugurated, cost the State, under the head of "legislative expenses," the enormous sum of $2,147,430.97. These figures, I may say, are unparalleled in the history of American legislation. It is stealing, pure and simple.—*Interview May* 24, 1875.

ENORMOUS AND DISGRACEFUL FIGURES.

The average expense of the attachés and contingencies of the South Carolina Legislatnre per session has been $258,424.65, and these enormous and disgraceful figures represent only the actual payments made.—*Interview May* 24, 1875.

THE BIGGEST STEAL OF ALL.

The cost of printing and advertising for six years was $1,104,569.91. * * * And what has the State to show for it? Absolutely nothing! For three years, 1871, 1872, and 1873, printing and advertising cost the State * * * about one thousand dollars a day. And this in a State the entire taxable wealth of which is less than many single counties in the North.—*Interview May* 24, 1875.

A FARCE AND A FRAUD.

The duties of a trial justice here are precisely the same as the duties of justice of the peace in other States. Yet previous governors had appointed and commissioned over two hundred men to the important duties of this office who could not write or read a word of the English language. It was a farce and a fraud; for how can men thus ignorant intelligently try causes, civil and criminal, brought before them?—*Interview May* 24, 1875.

CANDID CONFESSION.

No man will dispute that our State needs reform in nearly every department of the public service.—*Speech in Charleston, November* 4, 1875.

PUBLIC MONEYS WASTED.

Our public moneys are largely wasted, and that is worse even than the burden of taxation.—*Speech in Charleston, November* 4, 1875.

A GLARING EVIL.

Every person who looks to the State for salary or pay is now, and has been for

years past, obliged to accept such part only of what is due him as may be realized from taxes which are due him, with a certainty that he will at best receive only a part. In the case of public institutions the evils are still greater.—*Veto of the supply bill, November* 23, 1875.

A TRAVESTY.

What a travesty it is to see men filling the office of school commissioner, to pass upon the qualifications of school teachers, when they can barely write their own names.—*Speech February* 2, 1876.

BLACK THURSDAY.

The conspiracy (for the election of Moses and Whipper) appears to have been carefully concocted. The color line, the party line, and the line of antagonism, to my astonishment, all were sharply drawn. * * * I look upon their election as a horrible disaster. * * * This calamity is infinitely greater, in my judgment, than any which has yet fallen upon this State, or I might add, upon any part of the South.—*Interview December* 19, 1875.

CIVILIZATION IN PERIL.

The civilization of the Puritan and the Cavalier, of the Roundhead and the Huguenot, is in peril. Courage, determination, union, victory, must be our watchwords. The grim Puritans never quailed under threat or blow. Let their sons now imitate their example.—*Telegram to New England Society of Charleston, December* 22, 1875.

A THRILL OF HORROR.

Their election (*i. e.*, of Whipper and Moses) has sent a thrill of horror throughout the State. It has split the republicans in twain.—*Letter to Senator Morton, June* 13, 1876.

THE DOOM OF RADICALISM.

No party can rule this State that supports Whipper and Moses. * * * There is but one way to save the republican party in South Carolina, and that way is to unload Moses and Whipper, and all who go with them. * * * Neither the Administration at Washington, with all its appliances, civil and military, nor all the denunciations of the world heaped upon me can save the republican party here from overwhelming defeat during this year, unless we can persuade the people of this State that such things as these judicial elections will be undone, and never by possibility be repeated.—*Letter to Senator Morton, June* 13, 1876.

In Mr. Chamberlain's own words, the people read the horrible tale of the extravagance, fraud, and profligacy which have "disgraced our State and offended the nation." Out of the mouth of its chosen chieftain is the party judged. When Governor Chamberlain spoke and wrote the burning phrases that now come back to plague him he was fighting with might and main the roguish crew who now, for the second time, surround and support him. They are the men who "go with Moses and Whipper." They are the conspirators who planned and carried out the horrible work of Black Thursday. They are the band who go to Columbia to sell their votes and who revel in legislative plunder. The party cannot "unload them," for they are "the party," now that Mr. Chamberlain consents to lead them. And upon that party we invoke the doom that Governor Chamberlain foresaw; "the overwhelming defeat during this year" that he predicted.

Mr. BUTLER. I move that the Senate now proceed to the consideration of executive business, and ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired to-day with the Senator from Georgia, [Mr. HILL.]

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. COCKRELL, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE,] whose absence will continue for some days. If he were here, I should vote "yea."

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.] If he were here, I should vote "yea."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. SHERMAN, (when Mr. LAMAR's name was called.) I am paired on this vote with the Senator from Mississippi [Mr. LAMAR] unless my vote should be necessary to make a quorum.

Mr. McDILL, (when his name was called.) I am paired on this question with the Senator from Maryland, [Mr. GORMAN.] If he were here, I should vote "nay."

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] As he is not here I shall not announce the pair again to-day.

The roll-call was concluded.

Mr. RANSOM. I desire to say that my colleague [Mr. VANCE] and the Senator from Nebraska [Mr. VAN WYCK] are paired.

Mr. PLUMB. On this question I am paired with the Senator from Missouri, [Mr. VEST.]

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Bayard,	Coke,	Jackson,	Pendleton,
Beck,	George,	Johnston,	Pugh,
Brown,	Groome,	Jonas,	Ransom,
Call,	Hampton,	Jones of Florida,	Saulsbury.
Camden,	Harris,	Morgan,	

NAYS—20.

Blair,	Dawes,	Hawley,	Mahone,
Burnside,	Edgerton,	Hoar,	Miller,
Cameron of Wis.,	Ferry,	Ingalls,	Mitchell,
Conger,	Hale,	Logan,	Morrill,
Conkling,	Harrison,	McMillan,	Sawyer.

ABSENT—37.

Allison,	Cockrell,	Fair,	Gorman,
Anthony,	Davis of Illinois,	Farley,	Grover,
Butler,	Davis of W. Va.,	Frye,	Hill of Colorado,
Cameron of Pa.,	Edmunds,	Garland,	Hill of Georgia,
Jones of Nevada,	Platt of Conn.,	Sherman,	Voorhees,
Kellogg,	Platt of N. Y.,	Slater,	Walker,
Lamar,	Plumb,	Teller,	Williams.
McDill,	Rollins,	Vance,	
McPherson,	Saunders,	Van Wyck,	
Maxey,	Sewell,	Vest,	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the resolution of the Senator from Massachusetts, [Mr. DAWES.]

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

Mr. MAHONE. Mr. President, I desire to submit a resolution.

The PRESIDING OFFICER. The Senator from Virginia submits a resolution, which will be reported for information.

The Secretary read the resolution, as follows:

Resolved, That the Attorney-General be directed to transmit to the Senate a copy of the answer of Hon. John F. Lewis, United States marshal for the western district of Virginia, to the report of C. C. Lancaster, acting special agent of the Treasury Department.

The PRESIDING OFFICER. What disposition does the Senator from Virginia ask in respect to the resolution?

Mr. MAHONE. I ask that the resolution be adopted.

The PRESIDING OFFICER. Is there objection to considering the resolution at this time? The Chair hears no objection. The question is, Shall the resolution be agreed to.

The resolution was agreed to.

ADJOURNMENT TO MONDAY.

Mr. DAWES. Mr. President, I move that the Senate do now adjourn until twelve o'clock on Monday next.

Mr. FARLEY. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from New York, [Mr. PLATT.] If he were here, I should vote "nay."

Mr. McDILL, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GORMAN.]

The roll-call was concluded.

Mr. ANTHONY. I am paired on political questions with the Senator from Georgia, [Mr. HILL.] Although this is simply a motion to adjourn, I judge from the responses that it has assumed a political aspect, and therefore I do not vote.

Mr. KELLOGG. I vote for the purpose of making a quorum. I vote "yea."

Mr. ROLLINS. I reserved the right to vote if there was no quorum. Is there a quorum?

The PRESIDING OFFICER. The Chair thinks not.

Mr. ROLLINS. I vote "yea."

The result was announced—yeas 22, nays 17; as follows:

YEAS—22.

Blair,	Edgerton,	Ingalls,	Mitchell,
Burnside,	Ferry,	Kellogg,	Morrill,
Cameron of Wis.,	Hale,	Logan,	Rollins,
Conger,	Harrison,	McMillan,	Sawyer.
Conkling,	Hawley,	Mahone,	
Dawes,	Hoar,	Miller,	

NAYS—17.

Bayard,	Coke,	Jackson,	Ransom,
Beck,	George,	Jonas,	Saulsbury.
Brown,	Groome,	Morgan,	
Call,	Hampton,	Pendleton,	
Camden,	Harris,	Pugh,	

ABSENT—37.

Allison,	Frye,	McDill,	Teller,
Anthony,	Garland,	McPherson,	Vance,
Butler,	Gorman,	Maxey,	Van Wyck,
Cameron of Pa.,	Grover,	Platt of Conn.,	Vest,
Cockrell,	Hill of Colorado,	Platt of N. Y.,	Voorhees,
Davis of Illinois,	Hill of Georgia,	Plumb,	Walker,
Davis of W. Va.,	Johnston,	Saunders,	Williams.
Edmunds,	Jones of Florida,	Sewell,	
Fair,	Jones of Nevada,	Sherman,	
Farley,	Lamar,	Slater,	

So the motion was agreed to; and (at four o'clock and two minutes p. m.) the Senate adjourned until Monday next.

MONDAY, *May* 2, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of the last day's session, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the

resolution indefinitely, upon which motion the yeas and nays have been ordered.

Mr. FARLEY. Mr. President, before making the motion which I am about to make, I desire to state that the Senate has now been in session for nearly two months; and the records of the Senate will show that the democratic side of the Chamber have been endeavoring to proceed to the consideration of the business for which we have been called together. If reports are true as to what is on our Secretary's desk, and if we are to know what we see go there daily, there is a very large number of appointments now pending and awaiting consideration. Treaties are before this body for either rejection or ratification. The other side of the Chamber have universally from the commencement of this session retarded the progress of the business for which the Senate has been convened.

I again ask that Senators consider the appeals that are daily being made from different portions of the country. From my own State men of both parties and citizens irrespective of party are appealing to the Senate to consider important matters in which the people of that State are directly interested. Petition after petition, recommendation after recommendation is daily coming from the public press of California asking for the consideration of the Chinese treaties. In one of the papers published a few days ago I observed a statement that I had been the means of retarding the consideration of the Chinese treaties before the Senate. The records of the Senate contradict that statement, and the records are better evidence than——

Mr. DAWES. I call the Senator to order. Whatever the records of the Senate touching any unratified treaty may show, it is a matter upon which the Senator cannot comment in open session.

Mr. FARLEY. I am not, as I understand the rules, violating any of the rules of the Senate. I am not stating what took place in executive session; I am not stating what will take place in executive session.

Mr. DAWES. In order that the Senator may understand to what I alluded, I will state that it was this remark: he said that he had seen in the public prints a statement that he had been the cause of delay in the ratification of the Chinese treaties, and that the records of the Senate would show the contrary. Whatever has been done with an unratified treaty, whether it has been delayed or otherwise, has been done in executive session; and whatever the records of the Senate may show pertaining to any unratified treaty, they are the records of executive session. Whether the Senator has been the cause of the delay in the confirmation of any treaty or not, relates to what the Senate has done in executive session; and what the records of the Senate will show, whether in confirmation or in contradiction of his present assertion, they will show, and show only, what is done in executive session. Therefore any statement of the Senator that he has done or omitted to do anything touching an unratified treaty, or any statement of the Senator of what the records of the Senate will show as to what he has done in that regard, are statements of what must have transpired in executive session and nowhere else.

Mr. FARLEY. Still, sir, I do not conceive that I was outside of the rules of the Senate in making the statement which I did make. I said papers had alleged so and so. I have not referred or attempted to refer to anything that occurred in executive session, I have not intimated in any way what took place in executive session; I have no right to do so.

Mr. DAWES. What does the Senator mean, then, when he says that he has not done anything to delay action upon an unratified treaty?

Mr. FARLEY. The Senator will permit me to get through with my remarks, unless I am out of order.

The VICE-PRESIDENT. The Senator from California will proceed in order.

Mr. DAWES. Does the President of the Senate rule that the Senator from California has a right to comment on what must have transpired in executive session?

Mr. FARLEY. I am not commenting on what transpired in executive session.

The VICE-PRESIDENT. The Chair does not understand that the Senator is commenting on proceedings in executive session.

Mr. FARLEY. It is my misfortune whenever I attempt to say anything, no matter how brief my remarks may be, to be generally interrupted by my distinguished friend the Senator from Massachusetts. I have no right to state what occurred in executive session. I can state what did not occur in executive session, and violate no rule governing the consideration of executive business. I say that this side of the Chamber for nearly two months have endeavored, day after day, to get into executive session to consider the public business which has been referred to the Senate for consideration. A part of that public business is the consideration of treaties. It is a public fact that there are treaties pending before the Senate, and among those most notable are the Chinese treaties.

I have gone further. I have stated on the floor of the Senate and asked that side of the Chamber even to go into executive session and consider those treaties, and then if they desired to keep up this contest for the mere election of a few officers, they could return to their fight and continue it, but that has been refused by the republican side of the Chamber continuously.

I notice in the papers this morning that even my colleague, [Mr. MILLER,] who acts with the republicans on the other side of the Chamber, is appealed to by the people of California to consider these questions. So far as this side of the Chamber is concerned there are no appeals made to us. Why? Because the records and every day's Journal show the fact that we are persistently endeavoring to get into executive session to consider the business for which we have been called together; but it seems that the republican side of the Chamber deem the election of my friend, Mr. Gorham, as Secretary of the Senate of more importance than the consideration of the Chinese treaties or any other business of the Senate. Such the records will show.

I see daily in the newspapers that from eight hundred to a thousand Chinamen are semi-monthly arriving in the city of San Francisco. One ship with nine hundred Chinamen, in quarantine to-day, has brought in the small-pox and the other evils from that country that come with this population. It is lying to-day in the harbor of San Francisco. I do not say what action will be taken upon the Chinese treaties; but our people are protesting against the neglect, the apparent neglect, on the part of the Senate, and for that neglect the republican party is responsible.

I hope that the Senate will consider this matter and proceed to the consideration of executive business without any further delay. The mere election of a Secretary of the Senate is not demanded by any of the necessities of the Senate. We have already a Secretary; we have a full organization. If the election of Mr. Gorham as Secretary of the Senate is of more importance than preventing this influx of a population on the Pacific coast that is destroying the best interests of the State, driving the laboring classes of the people out of it and starving them, then I say continue your efforts in that direction and be responsible for the result. We are not responsible on this side. We have urged the proper course for nearly two months, and yet the solid vote of that side of the Chamber has been against the consideration of this question.

Mr. President, I now move that the Senate proceed to the consideration of executive business.

Mr. DAWES. Will the Senator withdraw the motion for a moment, that I may make a few remarks?

Mr. FARLEY. I dislike to refuse anything of that kind, but I can hardly give way.

Mr. DAWES. The Senator will have an opportunity to renew the motion, of course, when I am through.

Mr. FARLEY. Will you renew it?

Mr. DAWES. I will not renew it. Will you withdraw the motion for a moment?

Mr. FARLEY. Certainly I may renew it.

The VICE-PRESIDENT. Senators will address the Chair.

Mr. DAWES. The Senator of course knows that I cannot renew it; the Senator will not take that as any offensive remark.

Mr. FARLEY. I withdraw the motion.

Mr. DAWES. I was about to say, Mr. President, that whatever may be the ruling of the Chair in reference to the latitude in which other Senators may indulge in discussing in open Senate subjects that the rules require to be considered only in executive session, and whatever may be its ruling as to the propriety of any Senator indulging in remarks about his own course in executive session, I shall endeavor to conform to what has always seemed to me to be the ancient custom of the Senate, and discuss in open session only those subjects which belong to an open session. I will say that whatever anxiety there may be on the part of any Senator to go into executive session for the consideration of executive business of any character, that Senator is not more anxious than I am for the reaching of that end, and whatever appeals he may make to the record of the last two months will disclose that he and those who act with him have been solely responsible for any delay in going into executive session. That Senator will find the records to show that he and those associated with him have resorted to every device known to parliamentary law to prevent the transaction of the business of the Senate——

Mr. FARLEY. Will the Senator allow me to ask him one question?

Mr. DAWES. In one minute. In that business of the Senate is included and inseparably with it is connected all that pertains to the transaction of executive business. Now I will yield to the Senator.

Mr. FARLEY. I simply rose for the purpose of asking the Senator a question, and that is, has not this side of the Chamber proposed time and again to go into executive session for the purpose of considering executive business, and saying to our friends on that side of the Chamber "after considering the important matters for consideration in executive session you can return to open sessions and carry on your contest for the election of these officers?" I ask the Senator if that proposition has not been made by myself three or four different times?

Mr. DAWES. If the Senator and those who act with him will stop making dilatory motions for one hour to-day——

Mr. FARLEY. That is not answering my question.

Mr. DAWES. For one hour to-day, this second day of May in the year of our Lord one thousand eight hundred and eighty-one, at one o'clock this afternoon, he will be gratified, and we can go into executive session and transact the whole business that exists in executive session, without any allusion in open session to business the discussion of the merits of which belongs to executive session.

Mr. HILL, of Georgia. Will the Senator allow me to ask him a question?

Mr. DAWES. In a moment.

The VICE-PRESIDENT. Does the Senator from Massachusetts consent to being interrupted?

Mr. DAWES. The moment I get well on and half finish a sentence, I am interrupted by one or two of my friends.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield the floor.

Mr. DAWES. Sir, it is because the Senator and his associates know that the resort to the motions they make is to prevent the transaction of the business of the Senate and is to prevent arriving at that point which can be arrived at in half an hour, that he makes them. He knows the shortest way to reach anything in executive session just as well as the wisest man in the Senate, and that is himself. He knows and those who act with him know that they can accomplish that which they affect now to consider to be the all-absorbing question, in the shortest possible way known to parliamentary law, if they will resort to it. Whatever is of special interest to the distinguished Senator from California in executive session or anywhere else, might have been long since disposed of. After it was submitted in January he and his party had a commanding majority of ten in this body for two long months, and it was in their power to have finished it up. If any evil has resulted from delay, if anybody is hurt, if anybody's wings have been broken and he is seeking to repair damages, he may lay it at his own door and not at the door of the republican party, who here and now tell you that all that he and his associates have done in the way of postponement to their damage on the Pacific coast or anywhere else in two long months while they had command, can be repaired instantly in half an hour if they will stop dilatory motions. Coming here in the name of a motion to go into executive session——

Mr. FARLEY. Will the Senator allow me to interrupt him?

Mr. DAWES. In a minute.

Mr. FARLEY. I have as a rule invariably yielded to the Senator from Massachusetts.

Mr. DAWES. I beg the Senator's pardon; I do not wish to keep him waiting.

Mr. FARLEY. The Senator has a very happy faculty, however, when he is asked to yield, of continuing to say he is not through with his sentence, and then he goes on to make about twenty or thirty other sentences before he gives way.

Mr. DAWES. Very well; I will yield.

Mr. FARLEY. It will not do for the Senator from Massachusetts to say that the democratic party have had it in their power to act upon this question. I am not at liberty to state what took place in reference to the Chinese treaties in executive session. The Senator from Massachusetts had no right to refer to the action of the Committee on Foreign Relations two months ago upon that question. In addition to that, the Senator from Massachusetts knows very well that for the last few days of the last session, when the democratic party had the power in the Senate, his side of the Chamber refused to go into executive session to consider executive business. So all of this talk in trying to shirk the responsibility from the party to whom it justly belongs will not be satisfactory to the people of my coast.

In addition to that, I say that both parties in the State of California to-day are protesting against the action of the Senate in prolonging the business, and they are protesting against the very men whom you have nominated here for the offices. Both sides of the question are discussed there by the public prints. There is not a republican newspaper of prominence in the State but denounces the action of the Senate and denounces the proposition to elect Mr. Gorham and Mr. Riddleberger officers of this body. The leading republican papers of that State do it—the Sacramento Union, the Argonaut, the Spirit of the Times, all the leading papers, and they are every one republican papers. The leading papers of the State denounce it and say that we should proceed to the consideration of business here, and yet the Senator gets up and thinks that this statement of his will be a sort of amelioration to the people of that State. He is mistaken in the character of the people who live in California.

I demand to-day, at least I ask, that the Senate proceed to the consideration of the treaties for the reasons that I have stated; and I say that the republican party cannot escape the responsibility of the evils that have befallen our people if those evils have been brought about by reason of non-action on the part of your side of the Chamber.

Mr. DAWES. The Senator complained of an impatience on my part for giving him an opportunity to put an interrogatory. The Senate can understand the difference between a willingness to let a Senator put an interrogatory and to let a Senator insist upon making a speech when I am making one.

The Senator says deliberately, and in just as plain terms as he can without violating the rules of the Senate, what is the trouble with him. There has come to be an impatience upon the Pacific coast that he is trying to parry here. There has come to be an outcry on the Pacific coast that there are hundreds and thousands of Chinese coming to that shore under unrestricted treaty stipulations, which must be stopped; and yet the Senator stands here and tells the people of California that rather than have a democratic Secretary of the Senate displaced he will let them come and bring all the evils they please. He knows that so far as any prospective restrictions are concerned, he could stop the influx in an hour if he did not care more for a democratic Secretary of the Senate than he does for all the Chinese on the Pacific coast, for all the outcry against Chinese emigration upon that coast, and for all his desire to ameliorate the condition of his people. Sir, he will have to answer to his people for choosing between a democratic Secretary of the Senate and such treaty stipulations as he desires. He will have to answer that. He will have to answer their question: "Why did you not elect as the Senate desired the Secretary it pleased, and then go to the consideration of those treaty matters which are of such vital interest to us?" He will have to answer, why he chose to cling to a democratic Secretary of the Senate and let all the evils of Chinese immigration roll over his State. That is one question he will have to answer, and the other question he will have to answer is this: "When for two long months you had the power, when there was no question of whether a democratic Secretary of the Senate should continue in power or not, when there was nothing in the way, why did you not secure for us on the Pacific coast that which is dearest to us and that which is of more consequence to us as we understand it than the question of all the officers of the Senate of the United States?" This is the language that will come up to him when he goes back to his constituents. "Do you understand that when you had the power for two long months you did your duty by not raising your voice for action in the Senate of the United States upon that which is of such consequence to us? Do you understand that afterward you got up in the Senate of the United States in open session time and again and told us and the country that you would stand by a democratic Secretary of the Senate till the crack of doom, whatever might be the consequence to us on the Pacific coast; and that you have indulged in dilatory motions and have made half of them yourself, when you have been told by the Senate that if you would forego them one-half hour you could have all the action desired by and most dear to us?" These are questions that the Senator will not answer; and now at this late hour, coming in at the death, coming in at the last chance, he utters this dying malediction upon the Senate itself, when he has had it in his power to have accomplished all long since.

Mr. FARLEY. I asked the honorable Senator from Massachusetts a short time ago to answer a question.

Mr. DAWES. The Senator——

Mr. FARLEY. I am not going to give way for him to answer it now, because if he gets the floor he may probably keep us until day after to-morrow; but I will repeat the question I asked him to answer. The Senator speaks of coming in at this dying hour. I do not know who is going to die—whether that side of the Chamber intends to be clothed in mourning or not.

Mr. DAWES. One would suppose you had a painful consciousness of that truth.

Mr. FARLEY. If I had I should certainly keep it to myself. I do not think I should make it public so that my friends would mourn in advance.

Mr. DAWES. There is nothing so good for the soul as confession.

Mr. FARLEY. The question I asked the honorable Senator was whether I had not time and again—not at the last dying moment but time and again since we have been in session here for the last two months—made the proposition over and over again to go into executive session for the purpose of considering executive business, and among the business to be considered were the Chinese treaties? Time and again I put the question to the Senators whether they would not even do that and then come back and go on with the contest which they were making, if they wished to continue it.

I have a very great regard for my republican friends in California. I have a very large number of republican friends in that State and they are almost universally protesting against the election of the gentleman named by you as Secretary of the Senate. The republican party of California through its press is protesting against the election of Mr. Gorham as Secretary of the Senate, against whom I have nothing to say. Yet that side of the Chamber knowing these protests, as I suppose they do, from their own party in that State, have kept back the business which we should have considered, and for the sole purpose of carrying out the programme which they laid down for themselves, to elect officers of the Senate who were not demanded by the exigencies of the time or by any necessity whatever pertaining to the Senate. Now I think that the republican party on that side of the Chamber have come to their senses, and the dying that my friend from Massachusetts has referred to, over whom the mourning will have to take place, will be on that side of the Chamber, not on this.

Mr. DAWES. I may not quite have done the Senator justice when I said that he had deliberately chosen between his attachment to a democratic Secretary of the Senate and a desire to do for the people of California that which they thought was nearest to their interest. The Senator qualifies it now and says it is not only attachment to a democratic Secretary but it is hatred of a republican candidate also. I accept that, and I tell the Senator that I will help him make clear his statement to-day to the people of California.

Mr. FARLEY. We have heard the same statement from that side of the Chamber for the last two months.

Mr. DAWES. I do not see that that gives the Senator any occasion to interrupt my remark. He has stated that he has another reason besides his desire to keep a democratic Secretary in the Senate, and that is the opposition among republicans and others in California

to the candidate of the republicans. Therefore, I say that he has deliberately chosen and now here in open Senate has avowed what has been behind him since last January, and that is not only a determination that there shall continue a democratic Secretary of the Senate, but also with it hatred of a republican candidate.

Mr. FARLEY. The Senator will allow me one moment. I have not said that there was any ill-feeling or any hatred on my part toward the candidate of the republican party for Secretary of the Senate. I have not said that, and the honorable Senator I hope will put me right on that proposition. I have not said that the object of Senators on this side of the Chamber was to keep a democratic Secretary of the Senate. I have said that we were opposed to the proceedings that the other side had taken to change the officers of the Senate; that was all. I have not mentioned the words "democratic Secretary" at all. I referred to the feeling of the people on the Pacific coast because I get information in reference to that question every day and from the leading newspapers of the republican party of my State.

Mr. DAWES. Now, Mr. President, I did not mean to say that the Senator had any personal hostility to the republican candidate. It was a political hostility; it was a political hatred I spoke of. We are talking here of the political relations of the two sides of this Chamber, and not of any personal animosities. I hope they do not exist. They do not exist on my part, and, so far as I know, they do not exist on the other part. It is a great political conflict that we are engaged in, and the Senator says that two things have operated upon his mind, and I do not intend to let him go from it, nor do I intend to be so unkind as to refuse him what aid I have to make it clear to the people of California why it is since last January they have been crying out for what seemed to them so vital. The period is divided into two parts. In one of them the Senator and his friends had absolute control, but for reasons satisfactory to them not a single Senator touched his harp or piped his lute in behalf of that great plan which is to bring salvation to California—not one of them, not one of them. The next is this session when the Senate determined that it would proceed to the election of a republican officer as Secretary of the Senate. It is suggested to me to put this interrogatory to the Senator: whether in open session the chairman of the Committee on Foreign Relations in the last Congress did not at the personal request of the Senator himself postpone a motion to go into executive session?

Mr. FARLEY. As the question has been asked of me——

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Massachusetts yield to the Senator from California?

Mr. DAWES. Certainly.

Mr. FARLEY. I am entirely ready to answer the question. As to what took place in open session the records of the Senate will show. The Senator says that this side of the Chamber have had since last January to consider the Chinese treaties. It is true that some time in February, I believe, the Committee on Foreign Relations did report the treaties back to the Senate; but from that time until the close of that session opposition from that side of the Chamber was made to going into executive session. I have no recollection—if I did the records will show it——

Mr. DAWES. I did not mean to say——

Mr. FARLEY. One moment; I shall adopt some little of your tactics. I have no recollection of asking the Senator who reported those treaties to postpone moving to go into executive session. I may have done so. If I did in open session the RECORD will show that fact. I am not positive about it; I am not prepared to answer. If I did, however, it was for the purpose of giving myself and the Senators from the Pacific coast and others with whom I consulted an opportunity to examine the treaties more fully than we had then done.

I now say that the Senator from Massachusetts will not be able to escape the judgment of the people of California in reference to this matter. There is a widespread public opinion there that the honorable Senator from Massachusetts and his colleague and other Senators on that side of the Chamber are opposed to interfering with the immigration of Chinese to the Pacific coast. Whether that is true or not, time will develop; but I say that in place of the position that he has assumed for this side of the Chamber, he will not escape it before the people. The people there will not believe that there is a democrat or republican from the Pacific coast but what is in favor of considering this question. The republicans and democrats are united on that coast in opposition to Chinese immigration; but on this side of the mountains unfortunately they do not believe all their allies entertain the same opinion that they do on this important question; and this proceeding of yours for two months past in preventing the consideration of these treaties will have its effect with both parties on that coast. I care not how often the Senator from Massachusetts may say that it is for the purpose of making a democratic Secretary of the Senate that this side of the Chamber has retarded action upon matters pending before the Senate. That will not (in California parlance) take with those people; they will not believe it because the records show differently.

But the Senator has a happy faculty of putting words in the mouth of a Senator that he never uttered. I say that we have endeavored time and again to secure the consideration of this business, and you have prevented it, and I proposed even a compromise, not a bargain and sale, not a purchase, but a compromise, to consider these treaties and then come back into open Senate and go on with your little contest about making two or three officers of the Senate, and you refused that. I appealed to my colleague on one occasion to even come out from among you on that question, knowing the sentiments of that people, and act with us on this side, and get into executive session, and then come back and continue your fight for the officers if you so desire.

Mr. DAWES. The Senator has not answered yet whether he made that request——

Mr. FARLEY. I have made the only answer I could make.

Mr. DAWES. Of the chairman of the committee to postpone making the motion to go into executive session. The Senator says if he did it in open session the records will show it. Whether he did it in open session or privately I do not know. It is known to everybody that the democratic chairman of the Committee on Foreign Relations justified his dilatory course during the last session to those anxious on this side for action on the matter to which the Senator has referred by the statement which I have made. Whether he made it in open session or made it otherwise I do not know.

But what, Mr. President, I want to call the attention of the Senator to is the vain attempt to satisfy the people of California that whatever merit there may be in the Chinese treaties they will be indebted to the democratic party for. Why, Mr. President, who made the treaties? To which party are the people of California indebted for whatever merit there may be in them? To whom are they indebted for the fact that they are not the supreme law of the land to-day? Those two things are quite enough for the Senator from California to occupy his mind about until that day shall come when he and his party prefer action upon those treaties to their adherence to a democratic Secretary of the Senate.

Sir, the Senator gets off by talking about some happy faculty that this poor unfortunate individual has. Why, sir, if he had half the happy faculties which the Senators on the other side have done him the honor to clothe him with, he would be a considerable person. Sir, I have but one faculty at this time, and that is to go straight to the business of this Senate, close to the door of which the Senator from California knows lies first that which he assumes here before the public he is so anxious to attain. He knows that he has spent in trying to induce the Senate to entertain one more dilatory motion time enough to bring him and his party where they cannot escape action upon that matter dear to his people which his side of the Senate have prevented them from reaching since last January. He knows that he spent——

Mr. FARLEY. Will the Senator allow me?

Mr. DAWES. In one moment. Let me repeat my remark, so that the Senator will know what it is. He knows that this happy faculty to which he alludes begins and ends with a dedication to the business of the Senate, to its order of business as the Senate shall have determined it, and he knows that he has spent this morning more time in inducing the Senate to entertain a dilatory motion than all the time necessary to bring him and his reluctant side of the Senate where they would be compelled to say "yea" or "nay" upon a matter which his coast deems vital, but which they cannot have because since last January for some reason or other he and his associates have delayed or prevented action upon it.

Mr. FARLEY. Mr. President, I do not intend to continue this. I am perfectly willing, so far as I am individually concerned, and so far as the democratic party is concerned, to let what the honorable Senator from Massachusetts may put upon the RECORD and what I may say or do be submitted to the people of California and to the people of the entire Pacific coast. I will take my chances on what the Senators from Massachusetts may say, and what I have said or may say, with those people. The Senator has universally avoided the question that I asked him; but the fact remains that I have from the commencement of this extraordinary session endeavored to get into executive session, and that I have even proposed, as I said a moment ago, to compromise with the Senators on that side and asked them to renew their fight after coming out of executive session in regard to their officers. The reasons which I assigned were that these treaties were important to our people and that it was necessary to have them considered. As to the effort to go back to last January, the records of the last session of the Senate will show that for the last two weeks of the session, or nearly that length of time, the republican party resisted going into executive session, and the honorable Senator from Massachusetts himself was one who refused on one occasion all night, from early one day until the following morning, to go into executive session if he was present on the floor of the Senate. At all events that side refused to vote and kept us from going into executive session to consider the executive business, among which were these treaties.

I heard the honorable Senator say that at this time we were endeavoring to shirk the responsibility. Oh, Mr. President, that will not succeed with the people of my State. They know that Senators on this floor, both republicans and democrats, have their views upon the question of Chinese immigration, and they know that my honorable colleague and myself do not differ in sentiment in reference to this important issue which our people are most interested in. They know that fact; and yet my colleague has been tied up, I do not

know by what means. I remember a few months ago whenever any little matter was brought up in the Senate by Judge Thurman or any gentleman who came in from what was supposed to be a consultation, that the word "caucus" was rung from the other side of the Chamber day after day. Now I do not know that any caucus or any consultation or any other binding influence has been brought to bear upon my colleague who I know is in accord with me on this question. I know that he and I are agreed upon the matter at issue. I do not know what influences have prevailed with him and others who agree with us in regard to that matter in keeping this business back and preventing the consideration of it in executive sessions of the Senate.

I have nothing to say about caucus. I believe that a party caucus is right as a rule for members of a party; but it was a word that was upon the tongue of many Senators on that side of the Chamber for the last year—"caucus programme," "caucus arrangement," on this side was the constant complaint. Now, at this session, each State of this Union has been held up to public scorn and contempt by a review of its past acts. By your conduct you have kept the Government of the United States in a turmoil. Each State has been reviewed to show that this great Nation with a big N has many bad parts in it, and you are holding them up before the public to show that this nation is a corrupt nation, corrupt in South Carolina, corrupt in all the Southern States, corrupt in Massachusetts, corrupt in Maine. Such things have been presented here before the people; they are matters of record; they go to the world and will be received as proof that this is a corrupt country. Why? Because these Senators criminate and recriminate upon those questions and hold up to the country at large that this is a nation of corruption, if you please to call it a nation.

Now, Mr. President, for the sake of some other Senators who desire to speak, I shall take my seat, having said all I desire to say on the subject. I will simply add that the position of the Senator from Massachusetts and my own I am perfectly willing to have submitted to the people of my State. My position on the question is well known; and notwithstanding all that the Senator from Massachusetts may say, or all that any Senator, or all the Senators on that side of the Chamber may say, the people of the State that I have the honor of representing in part will not believe that any act of mine has had the effect or has had a tendency toward retarding the consideration of this important subject.

Mr. BECK. Mr. President, I am tempted to say a word only because of the great desire expressed by the Senator from Massachusetts that the happy faculty might be given him to do something which, he seems to think, if he could do, would make him a great man; the happy faculty he so much desires in my judgment would be to enable him to look straight at questions as they really are. He has been charged, *unjustly I know*, with a certain obliquity of mental vision which he has developed painfully to-day in his intense desire to impress upon the people of the country that a motion to proceed to the consideration of executive business *is* a dilatory motion, and that our earnest desire to do what the President has called us together to do is trifling with the public business. Now, if he would only look at the facts as they exist, and as the people of the country see them, and as they will surely recognize them, he will come up to the full measure of what he indicates is all that is lacking to make him, as I hope he will be some of these days, a truly great man.

The amazing spectacle was presented to the American people at the last session of Congress, and is repeated now, of the opposition, the democratic party being one-half the Senate to-day, in the undisputed majority till March 4, standing up to and sustaining in all just measures a republican administration, the last one even, which was obtained as we thought by unfair means, as well as the present one which we admit was fairly elected, doing all that they asked us to do, and all the opposition to the proposed measures necessary for the public interest coming from their own party and political friends, who, while professing friendship, are refusing to give even a decent support to the men or the measures proposed by the administration they have placed in power and charged with public duties.

Look at the facts developed at the opening of this session. When the President sent his Cabinet to a democratic Senate we confirmed it at once. When he sent us the nomination of any officer whose appointment he deemed necessary for the good of the public service we did not hesitate, but confirmed it at once, having as you all know a democratic majority of four or five at that time; never halting, never hesitating when the public good was said to require prompt action. When gentlemen on the other side said they desired to have the committees placed in their own hands in order to transact properly the public business, and filibustered for two weeks under the lead of the distinguished Senator from Pennsylvania [Mr. CAMERON] to obtain them, we said, "All right; take them and go on with the public business." When they obtained them, what then? You said, "No, we will not proceed with the public business, our professions notwithstanding. We have determined not to do so till we change the officers of the Senate"—a thing never done before in an executive session except once under peculiar circumstances—"you must allow us to turn out all the officers we have now and reorganize the Senate with such officials as we shall indicate." For what? The Senator from Pennsylvania with his usual boldness came to the front and told us that far beyond anything connected with these officers was the result sought, namely, to turn over the State of Virginia to a new organization, known as readjusters or repudiators, call them what you will, which had been denounced by the leaders of the last administration as enemies of the honor and integrity of the country. Its distinguished Secretary of the Treasury, now in his seat in the Senate, dismissed or threatened to dismiss peremptorily all men connected with his Department in Virginia if they dared connect themselves with that organization. And yet that had to be done before public business could be considered. The far-reaching effect of that scheme has been developed on this floor to be to turn Virginia over to what are called the readjusters, to elect a supreme court which will decide the Riddleberger bill to be constitutional and send a Senator here accepting those views, which are ruinous to the integrity and prosperity of Virginia, in the place of my honorable friend, [Mr. JOHNSTON.] These things cannot be done with my consent, as I have repeatedly stated on this floor.

Twenty-one good reasons were given the other day by the Senator from South Carolina, [Mr. BUTLER,] at least he thought them good, and I believe the country will think many if not all of them are, all of them showing that the present struggle reached far beyond the officers of the Senate and advising the country why we will not allow you to proceed with that arrangement. We have so stated in every variety of form, and have assumed the responsibility over and over again; but we have always said we will proceed with the public business, and why have we not gone on with it? *I will tell you*—you may think it impudent, but that is not important—I will tell these people in the galleries who are here anxiously listening and wondering at the so-called dead-lock that they might as well go home. You have never dared go into executive session because of the same personal divisions and quarrels among yourselves that embarrassed the last administration and now embarrass this. Important nominations are before you that you never have dared to face. Why not ask the Senator from Minnesota or the Senator from Virginia, who avow that they are responsible for two of your nominations, Riddleberger put forward if not nominated by Mr. MAHONE, and Mr. Johnson named by Mr. MCMILLAN. If you go into executive session and some important nominations that I could name, but will not, come up and either of those gentlemen votes against one of those nominations there will be no more patronage awarded to them from the Administration. If they vote for them then the stalwart, anti-administration republicans who are opposing these important nominations will see to it that none of the men they want to place in power shall ever hold the places you promised to give them, and if you lose either of these Senators your so-called "constitutional majority" is gone; hence you have never dared to face these responsibilities and embarrassments.

Therefore it is that a caucus committee of seven has been appointed—a council of safety, as I have heard it called on this floor—a body of men unknown to the Constitution and laws, dictating to and imposing upon the consciences of members. We have all heard it denounced by your leaders when we were in power and have heard it ding-donged in every variety of expression as anti-republican and dangerous to liberty, when we never used it as you are doing. Now your organ in this city has announced that you are going into executive session, so carefully guarding your action that you will allow no controverted nomination to be considered or voted upon; that the democrats are not to be allowed to take any part in confirming or rejecting nominations when you get there; that you have resolved to decide in secret council who shall be allowed to come before the Senate and who shall not, and we shall be required to sit with our arms folded. Although there are thirty-eight of us, as many as there are of you, (assuming Mr. MAHONE as being one of you,) you will settle these matters among yourselves to the extent that you dare, and determine the extent that you dare not, admitting that all objected to by any great man in the party shall go over, hoping, I suppose, to heal the breach among yourselves between now and the first Monday in December.

Yet we are now told that the country is to be advised and impressed with the fact that the democratic party is acting improperly, though it has sustained this Administration without asking any favors from it. So far as I know no man on the democratic side has asked any favors; not a single democrat has been nominated, and I hope not one will be. The democratic party, constituting one-half of the Senate, has sustained this Administration with a fairness, with an honesty of purpose unexampled, in order to carry on the public business in such manner as your Administration may think it ought to be carried on, more fairly, more honestly, more earnestly than any opposition ever did support any administration before under anything like similar circumstances.

And yet gentlemen on the other side, the professed friends of the Administration, the men who are obtaining for their friends all the offices, the men who have only to go to the Departments and express a wish in order to have it gratified, the men whose friends are holding or are to hold all the high places, dare not, although we invite them every day, proceed to the consideration and confirmation of their own nominations, but allow all the business of the country to go unconsidered and pretend that they cannot do it because of our dilatory motions. They hope to hoodwink the country by the clamor

that we will not allow them to disorganize and reorganize the Senate in order to hold on to some one or more Senators without whose votes they cannot get along and retain their so-called majority.

The people of the country understand all these things, and no amount of sophistry can shut their eyes to them. It seems to me that in spite of the best aid that was ever given to an Administration by an opposition, that Administration is either overwhelmed by superior forces opposing it in the Senate, or because it has not the courage to carry out its own purposes, or because it has not friends on its own side who have confidence in it, that for two months all the business of the country has been delayed. Gentlemen, you are making a most miserable exhibit of weakness or cowardice, call it what you like, if you are in fact friends of the Administration you pretend to support. If in two months it can be so humiliated, in two years nobody will have a decent respect for it.

There is not to-day, I understand, a marshal in the District of Columbia. There are in all the States many vacancies in important offices; there are many important positions where the President honestly believes other men ought to be in power, so that the public business should be faithfully carried on, notably so in the Post-Office Department. All that we have ever asked on this side is that he shall name men who are honest, competent, and faithful, and he shall, so far as we are concerned, have the men he desires, and shall be held responsible for their conduct when they are placed in power. Yet the Senator from Massachusetts cannot see any propriety in our action in regard to any of these things. He sees nothing in all we do but obstacles to going into executive session, and yet he desires above all things that some happy faculty might be given him in order to enable him to see them. I have endeavored to show him in a very plain way that all he has to do is to look straight at the obvious facts and not seek to avoid them, because his caucus has ordered him to shut his eyes; not to seek to devise means and devices whereby he shall becloud his naturally fine intellect by trying to make the people believe that there is any other question behind all this. We would have had no dead-lock, if that is what you like to call it, but for your own troubles; you all know it, and the people in the galleries and in the country may as well understand it. That is all I desire to say.

Mr. DAWES. Mr. President, there is much that I admire in this combination of Senators to prevent the Senate from ruling itself. While combined together for this common purpose of defying the will of the Senate itself, it has nevertheless in its methods resorted to a system which, in some respects, commands my admiration. Each Senator has assigned him his particular part to play. Although combined together, as I say, to prevent the Senate from controlling itself, each Senator has his part to play. The distinguished Senator from Tennessee, now occupying the chair, [Mr. HARRIS,] performs his with a clearness and precision, and with an alertness that never fail to win my admiration. The Senator, with a dilatory motion upon his tongue, will get up and announce to the public his anxiety to proceed at this moment not only to the consideration of the public business but to that particular part of the public business that he wants to perform first whether or no, and rather than have that particular part performed whether or no, although his desire to proceed to the public business, and that particular kind of public business absorbs every other thought, he winds up by moving to postpone the further consideration of all business till the first Monday in December.

The distinguished Senator from Kentucky, [Mr. BECK,] however—whose appearance led me to make this remark—has assigned to him the rôle of telling us that we are trying to do what we dare not do. He has communicated, if there was any foundation for it, more information to our side of the Chamber about what we were doing than any one of us ever dreamed of during the various sessions of this Senate for the last two months. He has announced this morning that an ecumenical council exists here. He has told us over and over again, as his contribution to this fight, that we dare not go into executive session. He has told us that we see a great gulf before us, and every Senator on this side for the first time begins to look to see if he can discover where it is, and startles back at the novel announcement that there is a great gulf before the Senate itself, the constitutional majority of this body, that it dare not approach. This is all news to us. Why, sir, if the Senator was one of the correspondents of newspapers that illumine some portions of this gallery at all times of day, not to say night, he would have been discharged long ago for misleading the readers of the public press, for letting his speculations run away with him. I admire a smart correspondent of a newspaper who can invent something that he can defy the world to contradict. During Mr. Buchanan's administration there was one that occurs to me now who, short of anything else to say, perfectly barren of any real ideas in his head, sat down deliberately at his table and announced that there was an actual physical fight this afternoon in Mr. Buchanan's Cabinet, and one man (naming him) got knocked down. The whole press of the country in a day or two came out telling him he was a liar, there was not a word of truth in it; but he announced in his paper, and I commend it to the Senator from Kentucky, that until Mr. Buchanan came out over his own signature and declared that there had not been any fight in his Cabinet he would never take it back, and he went down into history as the star performer in that profession. He is eclipsed entirely by my distinguished friend from Kentucky. No inventor of the age can hold place with my distinguished friend from Kentucky in his announcement that the Senate itself insists upon determining for itself its own course of proceeding because the Senate sees a great gulf before it that the moment it does proceed it will fall into!

Sir, when I thought there was a time that I could set the Senator right, when I thought there was a time that he was seeking after truth and was really desirous of knowing what was the truth, I told him in all kindness that I would give him an opportunity to demonstrate whether there was any truth in it in five minutes if he would let the Senate proceed to business, and he said he would not do it. He would rather live and die in his delusion than to be convinced of his error by proceeding to public business.

That is all I have to say to all that my distinguished friend from Kentucky has said.

Mr. BECK. One further suggestion, as I am giving you information. After one of the most earnest struggles to prolong this session a couple of weeks longer you will not have a quorum, and I believe you will succeed by the effort you are making in disclosing that fact.

Mr. SAULSBURY. Mr. President, I have taken very little part in the discussion that has taken place on this floor during the present session, and I should say nothing this morning except for the repetition by the Senator from Massachusetts [Mr. DAWES] of what has been repeatedly stated in debate, that the democratic side of this Chamber is responsible for the delay in proceeding to the duty for which we were called together by the late President of the United States. I should perhaps not have taken the trouble to reply to the remarks of the Senator from Massachusetts on that point if he had been the only Senator who had given utterance to such an opinion, because the Senator from Massachusetts has so repeatedly made that assertion upon this floor that, in my judgment, it has ceased to have any effect either in the Senate or in the country. He, however, but repeats and reiterates what has been stated by other Senators, that the delay in proceeding to the consideration of executive business was the result of the action of the democratic Senators in this Chamber.

Now, sir, a complete refutation of all such charges is found upon the records of the Senate. We have more than seventy-five times invited the other side of the Chamber to proceed to the consideration of executive business, and the yeas and nays will disclose the fact that they have persistently, I had almost said obstinately, refused to consider the business for which this session was called. Yet in the face of that record it is repeated again this morning that the fault of the delay attaches to this side of the Chamber.

Let us look at the facts for a moment. We were called here nearly two months ago by the proclamation of the late President to consider such subjects and such matters as might be submitted to us by the incoming Administration. At that time we were in the majority in this Chamber; we had a clear and undisputed majority, and proposed immediately to proceed to organize the committees of the Senate so that the business sent to us by the Executive might be considered. Yet we were resisted; we were delayed by dilatory motions made by the other side for nearly two weeks until they supposed, by the aid of the vote of the Senator from Virginia, [Mr. MAHONE,] they were able to organize the Senate.

The moment it became apparent that the other side of the Chamber by the aid of the Vice-President would appoint the committees of this body, we permitted such organization in order that the public business might not be delayed. If we had deemed it proper, as we might very well have done, to have resisted the organization of the committees by the republicans, we should have been justified before the country, because there was no majority on the other side of the Chamber, and without the intervention of the Vice-President, who is not a member of this body in the proper acceptation of the term, there could have been no organization of the committees of this body by the republican side of the Chamber. But we were not factious, and we voluntarily put ourselves and them in a position where they could avail themselves of the vote of the Vice-President to appoint the committees of this body, and the committees of the Senate to-day are the appointees of the Vice-President, because there were thirty-eight members on this side of the Chamber voting against thirty-eight members on the other side in reference to the committees, and but for the intervention of the Vice-President you would have had no committees. We might have resisted that; we might have resisted meeting the question as to the committees, and prevented the interposition of the Vice-President at all in the appointment; but instead of doing that, in order that the public business might proceed, we voluntarily placed the Senate in such a position that the republican side of the Chamber could take advantage of the vote of the Vice-President and obtain the committees of this body.

We had hoped that when the committees were appointed the republican members of the Senate would proceed to the consideration of executive business; but what was our surprise when, after caucusing on the subject, the republican members of this body came forward with the proposition now pending before the Senate to proceed to the election of officers, accompanied by other resolutions to elect Mr. Riddleberger Sergeant-at-Arms and Mr. Gorham as Secretary of the Senate. I have no doubt that the republican side of the Chamber expected us to antagonize feebly this proposition. Doubtless they

were acting under the impression that we had been so acquiescent in reference to the committees of the body, we would forego our objections, however strong they might be, to the appointment of new officers of this body and allow them to appoint Mr. Riddleberger and Mr. Gorham. I have no doubt they were very much surprised when they found a unity of purpose and a unity of action on the part of the democrats of the Senate in resistance to their programme for the change of the officers of this body. I shall hereafter, if I think it necessary, assign some reasons for our action; but I am now calling attention to what we have done in order that the public business might be proceeded with.

This resolution has led to six weeks' debate. The republican side of the Chamber, in order to justify their alliance with the readjuster party of Virginia, in order to justify the aid and comfort which they are giving to repudiation in this land, have seen proper to lead off in assaults upon the people of the Southern States, and to continue that line of discussion for nearly two months. The Senator from Massachusetts and his colleague opened these assaults upon the Southern States in order to justify their own alliance with the readjusters and with repudiation. They recklessly charge all manner of crimes against the people of the South. They charge them with the repudiation of their honest debts; they charge the people of the South with preventing free and fair elections; they charge them with the commission of crimes and outrages upon the negro population of that country, and they have revamped all the old stories that have been exploded years and years ago, and brought them into this Senate in order to justify their own act in allying themselves with repudiation and readjustment.

Now, Mr. President, I will not follow republican Senators into that field of discussion. For one I am willing that the past shall bury its dead, and that all those allegations of outrage and of wrong which for political purposes, and for political purposes alone, have been repeated in every campaign, shall be hushed into silence. I have none of the instincts of the jackal that preys upon the graves of the dead and exhumes and gnaws the bones that have been buried for years. I will not follow them into that field of debate, nor engage in crimination and recrimination against the States of this Union. The highest duty of patriotism and of statesmanship demands that whatever of animosity and bitterness was engendered by the war should cease. We are but one people; we have a common destiny, and every part of this country is interested, and deeply interested in that which affects other parts of the country; and I say to the Senator from Massachusetts, and to other Senators on the other side of this Chamber, that they cannot traduce the people of the Southern States or inflict injury and distress upon that portion of the country without committing a crime against the whole country. The States of this Union are inseparable in interest and destiny.

> In fortune and in name we're bound
> With firmer links than steel,
> And neither can be safe nor sound
> But in the other's weal.

Why, then, should our republican friends seek by this line of discussion to malign and injure any portion of this land? Do they not know that the injury they inflict must be shared by every other section of the country? I do not hesitate to say that the claims of patriotism forbid it. I do not hesitate to say that wise statesmanship forbids this continual aggressive assault upon the Southern States in order to produce political partisan effect. I shall not follow in such discussion, but I propose to answer very briefly and succinctly the charge which has been preferred against this side of the House that we are responsible for the delay in proceeding to executive business.

The Senator from Massachusetts who has charge of this resolution has persistently kept it before the Senate refusing to go into executive session in order to consider questions which were brought to our attention by the President, and, as I again repeat, the yea-and-nay votes of this Senate disclose the fact that for at least seventy-five times during the last two months that side of the Chamber has refused to consider the executive business sent to us by the President. Why, sir, you have on your table nominations for foreign ministers, for consuls to foreign ports, for judges upon the Supreme Court bench and other judicial positions, for collectors of revenue throughout the country, for governors of Territories, for marshals, for postmasters, for Commissioner of Indian Affairs, and I understand that the gentleman who has been named for Commissioner of Indian Affairs is today actually performing the duties, not as Commissioner, but he accepted by arrangement a clerkship in the office in order that he might enter upon the discharge of the duties of the Commissioner of Indian Affairs, all because the other side of this Chamber refuses to take up the messages of the President and to give them a respectful consideration.

Now, the excuse for not doing this is that we are resisting the resolution to appoint a Secretary and a Sergeant-at-Arms and some other officers. Republican Senators make that the excuse for refusing to go into executive session. In the first place, I reply that there is no necessity for an election of officers, because we already have a Secretary, a competent Secretary; we already have a Sergeant-at-Arms, an executive clerk, and all the officers that they propose to elect; and we have men who, by the judgment of the republican members of the Senate, are fully competent to perform the duties of the positions to which they have been assigned. There is therefore no necessity for proceeding to the election of these officers.

Again I reply that it is contrary to precedent, that there never has been but one instance in the history of the Senate when at an executive session the officers of the Senate were changed. That, I believe, was in 1853, when a change became necessary because of the supposed disqualification of one of the officers, and the Senate went into an election in order to get clear of one officer of the Senate that was supposed to be incompetent from his habits to perform his duties and elected, as I understand, all the old employés except the man whom they did not desire to continue. I do not know whether that is the fact, but such is my information.

Because we object to the election of Mr. Riddleberger and Mr. Gorham it is asserted that we resist the will of the majority. Now, suppose we do, have we not a right under the rules of the Senate? Suppose we were found in resistance to the will of the majority of the Senate, while we keep within the rules of the Senate are we not justified in such resistance? Is there any statute of the land that we violate? Is there any constitutional provision that we violate? Is there any rule of the Senate that we violate by this motion that we make to go into executive session? Certainly, the other side of this Chamber, while they may contend that we resist the will of the majority, will not say that we have done it without keeping strictly within the purview of the rules of this body.

But now, Mr. President, I want to say once for all, I want to say it in the hearing of the other side of this Chamber, that I deny that the republican side of this Chamber has a majority of this body. We are equally divided, and there is no republican majority in this Chamber to-day, and never has been since the session began. How is the Senate composed? The Constitution determines who constitute the Senate. The Constitution provides that the Senate shall be composed of two Senators from each State, chosen by the Legislature thereof. That is the constitutional declaration as to the composition of the Senate; and now, sir, have we not an equal number of democratic Senators with you? How, then, can you affirm that you have "a constitutional majority?" You have no majority; you have but an equal number of votes. It is true that in a certain contingency, in the case of an equal division of the vote—a tie upon legislative questions—the Constitution invests the presiding officer of this body, the Vice-President of the United States, with the power to determine the question by casting his vote; but until that contingency arises, until the tie vote is reached in the Senate, there is no power in the Vice-President to cast any vote, and he has no more power over any question submitted to the Senate than the smallest page upon this floor. Your complaint is, gentlemen, that we on this side will not put you in a position where you may avail yourselves of the casting vote of the Vice-President. You have no right to complain of anything else. You have no numerical majority, but you are complaining that this side of the Chamber will not put you in a position where you can avail yourselves of the vote of the Vice-President. Well, now, sir, should we put ourselves in that position on a question of this character simply to gratify you? We know that your Vice-President would vote your behest; we know that to his vote you are not entitled until the contingency arises when he may vote, and we are perfectly justified in so conducting ourselves that you shall not avail yourselves of the vote of the Vice-President upon this question.

In making such a demand upon us you ask what you would not concede if the Vice-President was a democrat, and you must pardon us for refusing to concede to you an advantage to which you are not entitled.

We did put ourselves in that position in reference to the committees of the body. We did so because the appointment of committees was absolutely necessary in order that the public business might be proceeded with; but it must not be inferred because in a contingency of that kind we placed the Senate in a position where the Vice-President might vote that we are going to do that on other questions where it is not essential to the performance of the public business.

In reference to that vote of the Vice-President in the appointment of committees I entertained the opinion then, and I entertain it still, that the Vice-President had no right to cast that vote and to appoint the committees. I know I differ from other gentlemen on this side of the Chamber, as perhaps I do with gentlemen on the other side; but I hold now and repeat that in everything which pertains to the status of members of this body, the assignment of the duties of members of this body, the Vice-President has no more power than one of the pages upon this floor.

Would it not be monstrous to assert that the Vice-President may determine the status of any member of this body by assigning him without leave of the Senate to duty on a particular committee? The Constitution never contemplated that the Vice-President should cast any vote whatever on a matter affecting the status and services of Senators. I am not unaware that Mr. Fillmore when Vice-President, in reference to an officer of the body, did give a casting vote; but that was in the case of an officer of the Senate not a member of the body, and in that case Mr. Fillmore doubted his right to cast the vote and would not cast it except by direction or consent of the Senate, and that was in the case of a chaplain, a gentleman to come here and say prayers for the Senate in the morning. And yet upon a question

of that character, totally distinct from the appointment of the committees of this body, Vice-President Fillmore refused, and did not exercise the right to give a casting vote until he had submitted the question to the Senate. The question was then not discussed fully, but opinions were expressed that he had a right to vote, and subsequently when no objection was made he cast a vote for chaplain; but it is a very distinct and different question from the appointment of committees of this body. The appointment of the committees of this body determines the status of members of the body; it assigns them to the duty they must perform as members of this body, and I am sure a fair construction of that provision of the Constitution which authorizes the Vice-President in the case of a tie to vote does not extend to a question of that character so vitally affecting the status and services of the members of this body.

But it is not my purpose to argue that question. It must not be inferred, however, because we yielded in that case and permitted the Vice-President, in order that the public business might be proceeded with, to give his casting vote, that in a case of this kind where there is no necessity pressing upon the Senate we are to yield our rights and place the other side of the Chamber in a position where it may avail itself of the casting vote of the Vice-President; we do not intend to do it. We have rights on this floor; we are your equals in numbers and supposed to be your peers in other respects, and we do not intend that you shall have the advantage of the vote of the Vice-President in reference to the appointment of officers of this body objectionable to us.

So the charge that we are resisting the will of the majority is wholly without foundation; it is unjustified in every aspect of the case, and the only complaint the other side can make of us is that we will not place ourselves in a position where they can avail themselves of the vote of the Vice-President to give them advantages to which they are not entitled.

We have heard it repeatedly from various Senators on the other side of the Chamber that we are resisting the Senate, that we are resisting the will of the majority of the Senate, when the facts of the case are that we are your equals in numbers and that we do not resist any constitutional majority whatever, and simply refuse to grant you the advantages of which you desire to avail yourselves by the aid of the Vice-President.

Mr. MORRILL. Will the Senator from Delaware allow me to ask him a question?

Mr. SAULSBURY. Yes, sir.

Mr. MORRILL. When the Senator says they are our equals in number, does he include the Senator from Illinois, [Mr. DAVIS,] now absent, who has voted with us steadily on this question of the officers of the Senate, giving our side, the republican side of the Senate, thirty-nine to thirty-seven on the other side?

Mr. SAULSBURY. The Senator from Vermont never was more mistaken in his life; the Senator from Illinois has never voted for Mr. Riddleberger or for your resolution to proceed with the election.

Mr. MORRILL. On every question except on going into executive session he is with us.

Mr. SAULSBURY. I beg the Senator's pardon; the Senator from Illinois is paired with one of your members on this very question today, as I understand, on going into executive session. He is ready to go into executive session at all times, anxious to go in, and not aiding you in the passage of this resolution.

Mr. MORRILL. The Senator from Delaware cannot have forgotten that the Senator from Illinois made a speech setting forth his platform, that the republicans having obtained the committees it was due to them that they should have the officers.

Mr. SAULSBURY. I remember the speech of the Senator from Illinois, and I remember the votes given by the Senator from Illinois while he was here. I remember the manly stand which he took in the Senate. While he was not a democrat, having been elected by democrats, he proclaimed in open Senate that he felt bound to cast his vote with the democrats because he had received the appointment of Senator from democratic members of the Legislature of Illinois. Sir, that Senator raised himself in the estimation of the country when he proclaimed his purpose to be true to the trust confided in him, and after having done so, he manfully declined to receive an appointment at our hands as chairman of the highest committee of this body.

So, then, I say this charge is wholly without foundation, yet it has been repeated time and again, and we have been held up before the country as resisting the will of the majority of this body. Why, sir, the people of this country are not fools. They understand throughout the length and breadth of this land this whole question as well as we understand it; they know full well that we are but exercising our rights, an equal number of democrats on this side of the Chamber opposing the same number of republicans on the other side of the Chamber.

But, sir, we have not only been charged with resisting the will of the majority, but it has been proclaimed and the charge has been made against the democratic members of the Senate that their action is revolutionary; we have been held up to the country as acting in a revolutionary manner. I believe it remained for the ingenuity of the Senator from Ohio [Mr. SHERMAN] to proclaim that we were revolutionists. I think he was the first Senator on this floor who announced to the country that the democratic members of this body were engaged in a revolutionary proceeding. Since he made that announcement it has been reiterated by others on the other side of the Chamber. Coming from so high an authority as the Senator from Ohio, if the people of this country did not understand the true position of affairs in the Senate, it might carry with it some weight; but the people understand this question just as well as we understand it, and I say to the Senator from Ohio, though he stands high in the country, though he has had long service in the Senate of the United States, though he has been at the head of one of the most important executive offices in the country, though his name has been mentioned in connection with the highest executive office in this land, his charge against the democracy of being revolutionists, of being engaged in revolutionary proceedings, will do himself more harm, infinitely more harm, than it will do this side of the Chamber. The opinions of the Senator are not always correct, however high he may stand in the estimation of his countrymen.

He has had long service in this body, and the records of the Senate will disclose that on important questions the Senator from Ohio has sometimes been mistaken as well as the rest of us. I remember a few years ago, when he was Secretary of the Treasury, when the bill for the remonetizing of silver was before the Senate, that Senator lent his influence in opposition to that bill, gave discouragement to the passage of that bill, and predicted that its passage would have the effect to banish gold from this land; but history tells a different tale. The predictions of the Senator from Ohio have not been realized; the country has prospered, and the gold from foreign lands has flown into our coffers, and did so while he was Secretary of the Treasury, refuting his predictions and proving his judgment even upon a financial measure at fault.

Further back in the history of the Senate, when he was chairman of the Committee on Finance, I remember the anxiety and zeal with which he pressed the redemption of the greenbacks which his party in 1869, I think, promised the country; and his theory for the redemption of greenbacks was not to pay them in gold but to convert them into interest-bearing bonds at either 4 per cent, or 3.65 per cent. interest. That was his mode of financiering. He has the reputation of being a great financier; he is doubtless entitled to it; but then the greatest minds upon some questions may be mistaken, as the Senator from Ohio was on that occasion. His proposition was to convert a non-interest-bearing debt into an interest-paying security. That might have been well for the banks and other holders of the currency of the country; but it would have been sad for the people of this country, already burdened by taxation, to have had their taxes increased by the financial policy of the Senator from Ohio.

The Senator also has a political record as well as a financial record, and that political record is not a guarantee that his assertions now and charges that we are revolutionists and engaged in revolutionary proceedings are correct. The Senator was one of "the visiting statesmen" who went down to New Orleans in 1876. When he came back he indorsed fully the action of that returning board as being fair and legitimate; and yet the people of this country from that day to this have believed and known that no greater fraud was ever committed upon the elective franchise than was committed in Louisiana. The Senator from Ohio came back indorsing the action of that returning board and indorsing the character of the men who composed it. He declared on the floor of the Senate that Madison Wells was the peer and equal of any Senator on this floor; and yet the records of the Senate, a report made by one of the Senators from Massachusetts, declare the fact that Madison Wells made an affidavit charging fraud in one of the parishes in the State of Louisiana when the evidence proved that he was not in the parish at the time of the election and had not been for some time previous nor for some time afterward.

The Senator from Ohio gave his indorsement to the character of Wells and Anderson and the work of the returning board of Louisiana, and this fact shows that his judgment in reference to the action of this side of the Chamber should be taken with the allowance usually awarded to the opinions of fallible men.

I remember, too, in order to justify his approval of the doings of the returning board, that he held up in horror and with pathetic appeals the wrongs that had been done to Eliza Pinkston; and yet the records of the Senate, an investigation made by a committee of the Senate, disclose the fact that she was one of the most disreputable beings that ever lived, and that no reliance could be placed upon any statement which she made; in fact, that her statement in reference to the transaction which was held up before the Senate by the Senator from Ohio in such pathetic terms was a concocted scheme and a story made out of the whole cloth.

So when the Senator from Ohio arraigns this side of the Chamber as being revolutionists his opinions will be discounted because of the errors into which he has fallen in the past.

Why are we revolutionists? Are we violating any law? Are we violating any provision of the Federal Constitution? Are we violating any rule of this body? How, then, could it enter into the mind of the Senator from Ohio or of any other Senator to charge that we were engaged in proceedings of a revolutionary character?

One of the Senators from Massachusetts, [Mr. HOAR,] not to be

outdone by the Senator from Ohio in his charges and allegations against this side of the Chamber, went a step further and charged that we were engaged in treasonable practices, guilty, I suppose, of compassing the overthrow of the Government, for that is what treason means.

I am aware that the Senator from Massachusetts subsequently sought to modify and parry the effect of the charge which he had brought against us, but I believe that he subsequently renewed the charge. Let me ask, what was the duty of the Senator from Massachusetts if we were engaged here in a treasonable attempt to subvert the Government? What was his duty as a Senator and what was his duty as a patriot and as a citizen? He ought to have taken proceedings immediately not only to have us expelled from the Senate because of treasonable practices, but the courts of the country should have been resorted to by the Senator from Massachusetts, and every man of us should have been held to account in the courts of the country for the commission of treason. Sir, what credit can be placed upon the assertions of gentlemen who will come here and, in the face of the country and in the face of the Senate and in the face of the facts that exist, charge the democracy with the commission of revolutionary and treasonable practices? The reckless charge of the Senator from Massachusetts needs no other comment, and his own subsequent reflection and mortification at his indiscretion will be a sufficient punishment for his temerity.

Now, Mr. President, we are justified in all that we have done. I repeat here that we are justified in resisting the passage of this resolution and the cognate questions connected with it. Why do I say so? I have already intimated that it was an unusual proceeding at an executive session; but I shall not place it upon that ground; I shall place it upon other considerations. I say to you, gentlemen, (and I want you to note what I say,) that in my judgment the proceedings which you propose will tend to the reproach of the Senate of the United States. I repeat that the proceedings which you propose will, if consummated, bring reproach upon the Senate of the United States, and we are bound, as members of this body, to preserve it as best we can from such misfortune. Why do I say that?

I am not going to charge that Mr. Riddleberger is not a competent man for the position for which he has been named. I do not say, because I do not know Mr. Riddleberger, that he is not a man of character and reputation. I shall make no such assertion, because I do not know Mr. Riddleberger. He may be eminently fit for the position, fully qualified to discharge its duties, and I therefore shall not take upon myself to denounce Mr. Riddleberger as wanting in qualifications for the position for which he is nominated. That is not the point. Nor shall I charge that he has been brought forward by reason of any bargain, for I know nothing personally of any bargain, and therefore shall not charge a bargain whereby Mr. Riddleberger has been brought before the Senate. That is not the point. Whether a bargain was made or not is not known to me, and unless I knew the fact I would not be justified in charging such a thing. My own opinions on this question it is unnecessary to give, and I shall not trouble the Senate with them; but I now want to call your attention, gentlemen, to another consideration. Whether there has been a bargain or not is not the question. Do the people of this country, or a respectable portion of the people of this country, believe that there has been a bargain? That is the question, because if such an opinion exists in the country, whether well founded or not, the election of Mr. Riddleberger would be accepted by those who thus believe as the consummation of a bargain, which, I repeat, would bring reproach upon this body, whose honor we are all bound to defend and maintain. It cannot be denied that such an opinion is abroad in the land; every Senator who at all reads the papers knows full well that the charge is repeated over and over again in every section of this country, not only in democratic papers but in independent papers, and I have understood—I have not examined sufficiently to assert it of my own knowledge—that in some of the republican papers such charges exist.

Now I say that with such an opinion or belief in the country, whether well founded or not, we as Senators cannot afford to do any act which in the judgment of those who entertain that opinion would bring reproach upon this body. I am not expressing an opinion that there has been any such bargain, but I am calling the attention of Senators to the fact that there is an opinion abroad in the land that such is the fact and that the election of Mr. Riddleberger will confirm that opinion in the minds of those who entertain it, and therefore would bring reproach upon this body. Now we as members of the Senate cannot afford to do any act, and our republican friends on the other side cannot afford to do any act that will degrade this body in the estimation of any respectable portion of the people of this country. Sir, there is not to-day entertained for the legislative branch of this Government the respect to which it ought to be entitled. The charges of corruption and of jobbery that have hung around the two Houses of Congress for years, the Credit Mobilier affair, the jobberies that have hung around this Capitol, as well as the corruptions that are known to have existed in some of the Executive Departments of the Government, have been well calculated to lessen the estimation of the people of this country for the Government under which we live, the law-making department of the Government as well as for the executive department of the Government. What do we read daily? That in one of the Executive Departments of this Government investigations are revealing the frauds that have been practiced upon the public service. Now I ask in all seriousness, can we afford as members of the Senate to do any act that will degrade this body and this Government in the estimation of the people of this country? The election of Mr. Riddleberger will have that effect, and I am only surprised that Senators on the other side have not apprehended this view of the question, have not realized that they will be held responsible for an act which is calculated in itself to bring reproach upon the body of which they are members.

Independent of that, leaving all these questions about bargains out of view, admitting, if you see proper, that there was no express or implied contract, no bargain of any character; admitting, if you see proper so to consider, that the public opinion to which I have referred is but mere suspicion and will fade away in a few days or a few months, still let me say to you, Senators on the other side of this question, that your position is giving aid and comfort to the repudiation of public debts. You have complained, unjustly perhaps, of the southern people that they have repudiated their debts. You have hurled that in their teeth and repeated it time and again, and will listen to no denial; and yet you are to-day seeking an alliance through Mr. Riddleberger and the Senator from Virginia with the readjuster party of Virginia for partisan purposes, and the people of this country will take note of the fact that while you are proclaiming honesty in the transaction of public affairs, while you are insisting upon the payment of all the public debt, you are giving aid and comfort to the readjuster party in Virginia and in other sections of the country by the position you occupy on this question, wholly inconsistent with your professions of fidelity to public obligations. I ask Senators to take notice of what will be the effect of their action. It has been avowed that their object was to strengthen the readjusting party of Virginia.

I am not sufficiently familiar with all the details of the readjustment movement in Virginia to designate it properly, but my understanding of the question is that it is a proposition to scale down and lessen the obligations of the State of Virginia to her public creditors, without their consent. If that is so, it is virtually repudiation; nothing more, nothing less; and yet the republican side of this Chamber, in the position which they have taken, are giving aid and comfort to an enterprise of that kind in the State of Virginia. It is seeking to strengthen a party which proposes to scale down the public debt of the State and to liquidate it without the consent of creditors for a less sum than has been heretofore agreed upon between the creditors and the State.

Gentlemen, you will be held accountable for your position on this question. You may hope to carry Virginia by such a process; you may have bright anticipations of success in some of the Southern States; but you will be disappointed. The people of the Southern States will understand the animus that moves you; they will not soon forget the chains you forged to bind them in the past; they will still cling with undying love to that party which, while a feeble minority in this body and in the other House, stood manfully up and contended for the rights and civil liberties of the people of the Southern States; they will still adhere to that party which, in the hour of their despondency and gloom, reached forth the right hand of fellowship and bade them hope, and they will not ally themselves with that party which, during all those dark days, sought to bind them in irrevocable chains of oppression and tyranny.

Let me say, in conclusion, to my republican friends, you are bringing upon the present Administration an odium from which it will not recover. You have embarrassed it already in the start. There never was an administration that came into power with brighter prospects of successful administration than that of the present Executive. Why, sir, people came from all sections of the country to witness the inauguration of President Garfield; the civil and military displays on the occasion were never equaled; an era of good feeling seemed to prevail; he came into power in the executive office with the kindliest feelings of his political opponents. Even our chosen leader in the last campaign, the competitor of President Garfield, honored his inauguration with his presence, indicative of that kindly feeling which the democracy entertained for a man they believed was properly and duly elected. We had for four years been writhing under the conviction that we had been cheated out of the Presidency, that the man who occupied the White House was there by the commission of the vilest fraud, and we welcomed the man, though he differed with us in politics, that we believed had a proper majority, and the democracy of the country all over this land hailed his advent as a relief from the rule of an Administration that had been imposed upon the country by fraudulent practices.

Two months of his administration have not expired, yet you have embarrassed the President by your course. His messages lie unopened upon your table. You have by your action complicated him to a greater or less degree on the question of repudiation. This Administration, so promising in the beginning, is losing the respect which was entertained for it thirty days ago. Let me tell you that if you connect the Administration with the doctrine of readjustment and repudiation, with the election of Mr. Riddleberger and the bestowal of Federal patronage upon the readjuster party of Virginia, the present Administration will go down as unhonored as its predecessor, and it

or any other Administration ought to go down that allies itself with a faction that seeks by repudiation and readjustment to bring reproach upon the State of Virginia, or any other State of this land. I am not the guardian of President Garfield's administration, but it is an open secret that he has enemies in his own political household. He should be careful how he acts in this matter.

I am not sure that the Administration could now have one-half of its nominations confirmed except by the aid which it expects from the democratic side of this Chamber; but if this thing is to go on, if the power and patronage of the Administration is to be brought to bear to aid your purposes of strengthening the hands of the repudiationists and readjusters of Virginia and of the Southern States, for one I say unhesitatingly the Administration will not be worthy of my support if it suffers itself to be complicated with repudiation in any form or under any name.

Mr. President, I have detained the Senate longer than I intended. I did not know that I should occupy the floor to-day; but when I heard the Senator from Massachusetts reiterate again and again that which had been proclaimed heretofore, that we were resisting the Senate, that we were acting in a manner unbecoming Senators on this side of the Chamber, I felt impelled for one to give my reasons for the vote which I shall give now and at all times in opposition to the resolution before the Senate and the questions connected therewith.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER, (Mr. VOORHEES in the chair.) The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I should like to have the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Florida, [Mr. JONES.] If my colleague were here, he would vote "nay."

Mr. BURNSIDE, (when his name was called.) Upon this question I am paired with the Senator from Alabama, [Mr. MORGAN.] If the Senator from Alabama were here, I should vote "nay."

Mr. COCKRELL, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE.] If he were here, I should vote "yea" and he would vote "nay."

Mr. BECK, (when Mr. HALE's name was called.) I am paired with the Senator from Maine, [Mr. HALE,] who is absent for the day. I shall not announce the pair any more to-day.

Mr. JACKSON, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. HARRISON.]

Mr. SHERMAN, (when Mr. PENDLETON's name was called.) I am paired with my colleague, [Mr. PENDLETON.]

Mr. VANCE, (when his name was called.) I am paired on this and all other questions with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. JONES, of Nevada. I am paired with my colleague, [Mr. FAIR.] If he were here, I should vote "nay."

Mr. KELLOGG. I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. HAMPTON. I desire to announce that my colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. VANCE. I announced my pair with the Senator from Nebraska [Mr. VAN WYCK] through mistake. The Senator from Nebraska was originally paired with the Senator from Oregon, [Mr. GROVER,] and to accommodate me in a recent absence the Senator from Oregon transferred his pair to me. He is now absent himself, and resumes his pair with the Senator from Nebraska. Therefore I vote "yea."

Mr. MITCHELL. I am paired with the Senator from Mississippi, [Mr. LAMAR.]

The result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Bayard,	Farley,	Jonas,	Vest,
Brown,	Gorman,	McPherson,	Voorhees,
Call,	Hampton,	Pugh,	Walker.
Camden,	Harris,	Ransom,	
Coke,	Hill of Georgia,	Saulsbury,	
Davis of W. Va.,	Johnston,	Vance,	

NAYS—22.

Allison,	Edgerton,	McDill,	Plumb,
Blair,	Hawley,	McMillan,	Rollins,
Cameron of Wis.,	Hill of Colorado,	Mahone,	Sawyer,
Conger,	Hoar,	Miller,	Sewell.
Conkling,	Ingalls,	Morrill,	
Dawes,	Logan,	Platt of N. Y.,	

ABSENT—33.

Anthony,	Cameron of Pa.,	Fair,	George,
Beck,	Cockrell,	Ferry,	Groome,
Burnside,	Davis of Illinois,	Frye,	Grover,
Butler,	Edmunds,	Garland,	Hale,
Harrison,	Lamar,	Platt of Conn.,	Van Wyck,
Jackson,	Maxey,	Saunders,	Williams.
Jones of Florida,	Mitchell,	Sherman,	
Jones of Nevada,	Morgan,	Slater,	
Kellogg,	Pendleton,	Teller,	

So the Senate refused to proceed to the consideration of executive business.

Mr. DAWES. The Senate having decided by a decisive majority that they will proceed with the regular order of business and not lay it aside for other business, I hope that no Senator will object to taking a vote now upon the resolution, so that we can proceed to the business of the executive session which I am so anxious to have transacted.

Mr. COCKRELL. Will the Senator tell us what resolution he is so anxious to get a vote on?

Mr. DAWES. The pending resolution, of course. Does the Senator not know that the pending resolution is the order?

Mr. COCKRELL. Has the committee of safety decided that it is to the interest of the country to act on the pending resolution?

Mr. DAWES. The Senate has decided by a decisive majority against every attempt on your side to prevent action on the pending resolution. I regret that the Senator from Missouri has not observed that significant fact.

Mr. COCKRELL. I want to know whether the ecumenical council of the republican caucus have considered this matter. If so, I hope they will announce their decision.

Mr. DAWES. If the Senator delays the business of the session to acquire that information, while it may be a sufficient justification to him, it will not be so deemed by the country. When the whole people of the Pacific coast are in arms calling upon the Senate to clear the way for action upon matters of vital interest, as they understand it, to their side, I do hope that the Senator from Missouri will in private consult those who understand what ecumenical councils are doing and let the business of the Senate go on.

Mr. COCKRELL. I am sure that if we can give that ecumenical council of seven an opportunity of having further counsel they will not insist upon such a thing as they have been insisting upon for a month or two—an impossibility. In order that this ecumenical council, this committee of seven, the committee of safety, may have an opportunity of meeting together and conferring with the brethren, I move that the Senate do now adjourn.

Mr. DAWES. I do hope that the Senate will not adjourn in the present condition of business.

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] moves that the Senate now adjourn. [Putting the question.] The Chair cannot decide as to the result.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. MORGAN.] My colleague [Mr. ANTHONY] is paired with the Senator from Florida, [Mr. JONES.]

The roll-call was concluded.

Mr. SAUNDERS. On the questions that are now before the Senate I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] As he is not here I will announce the pair now and will probably not announce again to-day the fact that I am paired with him on all these questions.

The result was announced—yeas 21, nays 23; as follows:

YEAS—21.

Bayard,	Farley,	Jonas,	Vest,
Brown,	Gorman,	McPherson,	Voorhees,
Call,	Hampton,	Pugh,	Walker.
Camden,	Harris,	Ransom,	
Coke,	Hill of Georgia,	Saulsbury,	
Davis of W. Va.,	Johnston,	Vance,	

NAYS—23.

Allison,	Edgerton,	Logan,	Platt of N. Y.,
Blair,	Hawley,	McDill,	Plumb,
Cameron of Wis.,	Hill of Colorado,	McMillan,	Rollins,
Conger,	Hoar,	Mahone,	Sawyer,
Conkling,	Ingalls,	Miller,	Sewell.
Dawes,	Kellogg,	Morrill,	

ABSENT—32.

Anthony,	Fair,	Harrison,	Pendleton,
Beck,	Ferry,	Jackson,	Platt of Conn.,
Burnside,	Frye,	Jones of Florida,	Saunders,
Butler,	Garland,	Jones of Nevada,	Sherman,
Cameron of Pa.,	George,	Lamar,	Slater,
Cockrell,	Groome,	Maxey,	Teller,
Davis of Illinois,	Grover,	Mitchell,	Van Wyck,
Edmunds,	Hale,	Morgan,	Williams.

So the Senate refused to adjourn.

Mr. HARRIS. The Senator from Massachusetts has consumed so much time in explaining the importance of the pending resolution and justifying or attempting to justify the pertinacity with which he has pressed it, that I am inclined to think we ought to meet earlier than we have been in the habit of meeting. I therefore move that when the Senate adjourns to-day it be to meet at ten o'clock to-morrow morning.

Mr. HOAR. I should like to ask a question of the Senator from Tennessee, if he will permit me.

Mr. HARRIS. With great pleasure.

Mr. HOAR. I desire to ask the Senator if in case the Senate will accept his proposition he will agree to devote the two hours before twelve to disposing of the pending resolution for the election of officers, and then begin at twelve o'clock to-morrow with the executive session? If the Senator will make that agreement for his side, it will be a way in which we can remove all this trouble that we have had, because then nobody can claim that the public business is delayed. We propose to the Senator that we will take two hours extra to dispose of the matter first before the Senate, and then at twelve o'clock go into executive session, if he will agree to it.

Mr. HARRIS. Believing as I do that it is vastly more important that we should act upon the nomination of a supreme judge when the court has from day to day for several days at least had to adjourn because of the want of a quorum, and more important to act upon the various nominations of a number of officers whose offices have remained absolutely vacant for weeks and weeks and the public interest suffering by reason of it, I can never consent to give the precedence to a resolution that proposes to remove three or four officers of this body as to whose qualifications and efficiency no voice has ever been raised from any quarter, against whom there is not a single complaint. Believing it to be more important to dispose of these matters that I have suggested, which can only be disposed of in executive session, I notify the Senator from Massachusetts that immediately upon meeting at ten o'clock to-morrow, if the Senate shall so order, I shall move, if some other Senator does not, that the Senate proceed to the consideration of executive business.

Mr. HOAR. I will propose to the Senator, then, that we meet at a quarter before ten and dispose of the resolutions for the choice of officers and be ready at ten to go with him into executive session. Will the Senator do that?

Mr. HARRIS. If the Senator from Massachusetts will consent to go with me into executive session and act upon that business for which this session of the Senate was convened, the business which all must admit is vastly more important than the disorganization of the Senate in order to reorganize it, I will agree to meet at seven or at any hour he will name, or to stay here all night to-night and proceed with the legitimate business of the session.

Mr. HOAR. Will you then consent to vote on the pending resolution?

Mr. HARRIS. When we have disposed of that business I will hear the Senator upon the question that he proposes, and will decide upon it then.

The PRESIDING OFFICER. The question before the Senate is the motion of the Senator from Tennessee, [Mr. HARRIS,] that when the Senate adjourns to-day it be to meet at ten o'clock to-morrow.

Mr. COCKRELL. I think that is a little too early, and I move to amend so that when the Senate adjourns to-day it be to meet at ten o'clock and thirty minutes a. m. to-morrow.

Mr. DAWES. That is in the interest of dispatch, I suppose? That is to prevent anything dilatory, so that we can get at executive sessions?

Mr. HARRIS. I want the yeas and nays on both motions.

Mr. BROWN. I think that is still a little too early. I move to amend by making it eleven o'clock.

Mr. DAWES. I hope some Senator on that side to whom that duty is assigned will charge us now with dilatory motions so that we cannot proceed to executive business! I do not know which Senator that is.

Mr. HARRIS. I will withdraw my motion if the Senator from Massachusetts will move that the Senate proceed to the consideration of executive business.

Mr. DAWES. If the Senator will withdraw it I will give him my word that I will make that motion which will bring us to an executive session in the quickest possible way.

Mr. HARRIS. Will the Senator move that the Senate do now proceed to the consideration of executive business?

Mr. DAWES. As I said a little while ago, the Senator insists upon having his way, not the way of the Senate. I give the Senator my word that the Senate itself, whose combined wisdom must be almost equal to that of the Senator from Tennessee, will go the shortest and most direct road to business if he will only withdraw his motion.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. HARRIS] moves that when the Senate adjourns to-day it adjourn to meet at ten o'clock to-morrow, on which motion he asks for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] moves to amend the motion so that when the Senate adjourns to-day it will adjourn to meet to-morrow at ten o'clock and thirty minutes a. m., and on that the Senator from Tennessee [Mr. HARRIS] asks for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BROWN] moves to amend the amendment so that when the Senate adjourns to-day it adjourn to meet to-morrow at eleven o'clock.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion of the Senator from Georgia [Mr. BROWN] is first in order, which is, that when the Senate adjourns to-day it adjourn to meet to-morrow at eleven o'clock.

Mr. DAVIS, of West Virginia. Pending that motion I move that the Senate do now adjourn, and on that I ask for the yeas and nays.

Mr. DAWES. Notwithstanding the pending motion?

Mr. HARRIS. I believe that motion is not a debatable motion.

Mr. DAWES. I would not say anything, then.

Mr. HARRIS. I would not either, if I were the Senator.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia, [Mr. DAVIS,] that the Senate adjourn, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) I will announce once for all that I am paired with the Senator from Alabama, [Mr. MORGAN.] My colleague [Mr. ANTHONY] is paired with the Senator from Florida, [Mr. JONES.]

Mr. COCKRELL, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE,] who is necessarily compelled to be at home. If I were not paired I should vote "yea," and he would vote "nay" if he were here.

Mr. COKE, (when Mr. MAXEY'S name was called.) I will announce for the day that my colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call having been concluded, the result was announced—yeas 20, nays 22; as follows:

YEAS—20.

Bayard,	Davis of W. Va.,	Hill of Georgia,	Ransom,
Brown,	Farley,	Johnston,	Saulsbury,
Call,	Gorman,	Jonas,	Vance,
Camden,	Hampton,	McPherson,	Voorhees,
Coke,	Harris,	Pugh,	Walker.

NAYS—22.

Allison,	Edgerton,	Logan,	Platt of N. Y.,
Blair,	Hawley,	McDill,	Rollins,
Cameron of Wis.,	Hill of Colorado,	McMillan,	Sawyer,
Conger,	Hoar,	Mahone,	Sewell.
Conkling,	Ingalls,	Miller,	
Dawes,	Kellogg,	Morrill,	

ABSENT—34.

Anthony,	Ferry,	Jones of Florida,	Saunders,
Beck,	Frye,	Jones of Nevada,	Sherman,
Burnside,	Garland,	Lamar,	Slater,
Butler,	George,	Maxey,	Teller,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cockrell,	Grover,	Morgan,	Vest,
Davis of Illinois,	Hale,	Pendleton,	Williams.
Edmunds,	Harrison,	Platt of Conn.,	
Fair,	Jackson,	Plumb,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Georgia, [Mr. BROWN,] that when the Senate adjourns to-day it adjourn to meet to-morrow at eleven o'clock, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) I am paired for the moment with the junior Senator from Georgia, [Mr. BROWN.]

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia [Mr. CAMDEN] for the remainder of the day.

Mr. VEST, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call was concluded.

Mr. McMILLAN, (after having voted in the negative.) I am paired with the Senator from Virginia [Mr. JOHNSTON] and voted inadvertently. I withdraw my vote.

The result was announced—yeas 16, nays 18; as follows:

YEAS—16.

Bayard,	Gorman,	Jonas,	Saulsbury,
Coke,	Hampton,	McPherson,	Vance,
Davis of W. Va.,	Harris,	Pugh,	Voorhees,
Farley,	Hill of Georgia,	Ransom,	Walker.

NAYS—18.

Allison,	Edgerton,	Kellogg,	Platt of N. Y.,
Blair,	Hawley,	McDill,	Rollins,
Cameron of Wis.,	Hill of Colorado,	Mahone,	Sewell.
Conger,	Hoar,	Miller,	
Conkling,	Ingalls,	Morrill,	

ABSENT—42.

Anthony,	Camden,	Fair,	Grover,
Beck,	Cameron of Pa.,	Ferry,	Hale,
Brown,	Cockrell,	Frye,	Harrison,
Burnside,	Davis of Illinois,	Garland,	Jackson,
Butler,	Dawes,	George,	Johnston,
Call,	Edmunds,	Groome,	Jones of Florida,

Jones of Nevada,	Mitchell,	Saunders,	Van Wyck,
Lamar,	Morgan,	Sawyer,	Vest,
Logan,	Pendleton,	Sherman,	Williams.
McMillan,	Platt of Conn.,	Slater,	
Maxey,	Plumb,	Teller,	

The PRESIDING OFFICER. No quorum has voted. The next business in order will be to call the roll of the Senate to ascertain if there is a quorum present. The Secretary will proceed to call the roll, and Senators will answer to their names, signifying their presence.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dawes,	Johnston,	Pugh,
Bayard,	Edgerton,	Jonas,	Ransom,
Beck,	Farley,	Jones of Nevada,	Rollins,
Blair,	Ferry,	Kellogg,	Saulsbury,
Brown,	Gorman,	Logan,	Saunders,
Burnside,	Hampton,	McDill,	Sawyer,
Call,	Harris,	McMillan,	Sewell,
Cameron of Wis.,	Hawley,	McPherson,	Sherman,
Cockrell,	Hill of Colorado,	Mahone,	Vance,
Coke,	Hill of Georgia,	Miller,	Vest,
Conger,	Hoar,	Morrill,	Voorhees,
Conkling,	Ingalls,	Platt of N. Y.,	Walker.
Davis of W. Va.,	Jackson,	Plumb,	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names there is a quorum present. The question recurs on the motion of the Senator from Georgia, [Mr. BROWN,] that when the Senate adjourns to-day it adjourn to meet at eleven o'clock to-morrow, no quorum having voted when the question was put before. The Secretary will again call the roll.

The Secretary proceeded to call the roll.

Mr. BECK, (when his name was called.) I answered "present" on the roll-call, but I am paired on all questions with the Senator from Maine, [Mr. HALE.]

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired for the day with the Senator from Maryland, [Mr. GROOME.]

Mr. COCKRELL, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE,] as I have been and will be for probably some days to come, until his return. If I could vote I should vote "yea," and if the Senator from Maine were present, he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 20, nays 20; as follows:

YEAS—20.

Bayard,	Farley,	Johnston,	Saulsbury,
Brown,	Gorman,	Jonas,	Vance,
Call,	Hampton,	McPherson,	Vest,
Coke,	Harris,	Pugh,	Voorhees,
Davis of W. Va.,	Hill of Georgia,	Ransom,	Walker.

NAYS—20.

Allison,	Edgerton,	Kellogg,	Morrill,
Blair,	Hawley,	McDill,	Platt of N. Y.,
Conger,	Hill of Colorado,	McMillan,	Plumb,
Conkling,	Hoar,	Mahone,	Rollins,
Dawes,	Ingalls,	Miller,	Sewell.

ABSENT—36.

Anthony,	Edmunds,	Harrison,	Pendleton,
Beck,	Fair,	Jackson,	Platt of Conn.,
Burnside,	Ferry,	Jones of Florida,	Saunders,
Butler,	Frye,	Jones of Nevada,	Sawyer,
Camden,	Garland,	Lamar,	Sherman,
Cameron of Pa.,	George,	Logan,	Slater,
Cameron of Wis.,	Groome,	Maxey,	Teller,
Cockrell,	Grover,	Mitchell,	Van Wyck,
Davis of Illinois,	Hale,	Morgan,	Williams.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Missouri, [Mr. COCKRELL,] that when the Senate adjourns to-day it adjourn to meet at half-past ten o'clock to-morrow, on which motion the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAWES. Is this vote on the original proposition?

The PRESIDING OFFICER. No, the original motion of the Senator from Tennessee [Mr. HARRIS] was that when the Senate adjourns it be to meet to-morrow at ten o'clock. The pending question is the amendment of the Senator from Missouri [Mr. COCKRELL] to fix the time at 10.30 o'clock.

Mr. COCKRELL. I moved the amendment for the benefit of the Senator especially. I did not think he wanted to come here as early as ten.

Mr. DAWES. If the Senator did it for my special benefit I wish he would withdraw it.

The PRESIDING OFFICER. The Secretary will proceed with the roll-call.

The roll-call having been concluded, the result was announced—yeas 19, nays 21; as follows:

YEAS—19.

Bayard,	Farley,	Jonas,	Vance,
Brown,	Gorman,	McPherson,	Vest,
Call,	Hampton,	Pugh,	Voorhees,
Coke,	Hill of Georgia,	Ransom,	Walker.
Davis of W. Va.,	Johnston,	Saulsbury,	

NAYS—21.

Allison,	Hill of Colorado,	McMillan,	Rollins,
Blair,	Hoar,	Mahone,	Sawyer,
Conger,	Ingalls,	Miller,	Sewell.
Dawes,	Kellogg,	Morrill,	
Edgerton,	Logan,	Platt of N. Y.,	
Hawley,	McDill,	Plumb,	

ABSENT—36.

Anthony,	Davis of Illinois,	Hale,	Morgan,
Beck,	Edmunds,	Harris,	Pendleton,
Burnside,	Fair,	Harrison,	Platt of Conn.,
Butler,	Ferry,	Jackson,	Saunders,
Camden,	Frye,	Jones of Florida,	Sherman,
Cameron of Pa.,	Garland,	Jones of Nevada,	Slater,
Cameron of Wis.,	George,	Lamar,	Teller,
Cockrell,	Groome,	Maxey,	Van Wyck,
Conkling,	Grover,	Mitchell,	Williams.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee, [Mr. HARRIS,] that when the Senate adjourns to-day it adjourn to meet to-morrow at ten o'clock, on which the yeas and nays have been ordered.

The question being taken by yeas and nays resulted—yeas 20, nays 20; as follows:

YEAS—20.

Bayard,	Farley,	Johnston,	Saulsbury,
Brown,	Gorman,	Jonas,	Vance,
Call,	Hampton,	McPherson,	Vest,
Coke,	Harris,	Pugh,	Voorhees,
Davis of W. Va.,	Hill of Georgia,	Ransom,	Walker.

NAYS—20.

Allison,	Edgerton,	Kellogg,	Miller,
Blair,	Hawley,	Logan,	Morrill,
Conger,	Hill of Colorado,	McDill,	Platt of N. Y.,
Conkling,	Hoar,	McMillan,	Rollins,
Dawes,	Ingalls,	Mahone,	Sewell.

ABSENT—36.

Anthony,	Edmunds,	Harrison,	Platt of Conn.,
Beck,	Fair,	Jackson,	Plumb,
Burnside,	Ferry,	Jones of Florida,	Saunders,
Butler,	Frye,	Jones of Nevada,	Sawyer,
Camden,	Garland,	Lamar,	Sherman,
Cameron of Pa.,	George,	Maxey,	Slater,
Cameron of Wis.,	Groome,	Mitchell,	Teller,
Cockrell,	Grover,	Morgan,	Van Wyck,
Davis of Illinois,	Hale,	Pendleton,	Williams.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the pending resolution.

Mr. DAWES. Pending that motion, which the Senator has adhered to notwithstanding the repeated decisions of the Senate against him and my appeal to him to withdraw it, feeling that there is very little hope that the Senator will listen to an appeal from the Senate itself, I move that the Senate do now adjourn.

Mr. DAVIS, of West Virginia. I ask the Senator to yield to me for a moment.

Mr. DAWES. Certainly.

Mr. DAVIS, of West Virginia. I should like to take the floor for to-morrow.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for that purpose. The question is on the motion of the Senator from Massachusetts, that the Senate adjourn.

The motion was agreed to; and (at three o'clock and fifteen minutes p. m.) the Senate adjourned.

TUESDAY, *May* 3, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely, upon which motion the yeas and nays have been ordered. The Senator from West Virginia [Mr. DAVIS] is entitled to the floor.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. Has the Senator from West Virginia given up the floor?

The VICE-PRESIDENT. Does the Senator from West Virginia yield the floor?

Mr. DAVIS, of West Virginia. I do, for that purpose.

Mr. DAWES. If the Senator from West Virginia yields the floor

he must understand that he does not yield it for that purpose, but he yields it entirely.

The VICE-PRESIDENT. Does the Senator from West Virginia yield the floor?

Mr. DAVIS, of West Virginia. I have no wish to interfere with the business for which we were convened. That being the fact, I will yield the floor willingly, and take the risk of getting it again. It will make very little difference to me whether I talk or not. I thought the Senate had but little to do and therefore I would trouble it to hear me answer some questions which have been propounded by the opposite side of the Chamber in regard to the debt between the Virginias; but if we can go into executive session and transact the business for which we were convened here, I will willingly yield and take the risk of never making the remarks which I desire to make. The Senator from Massachusetts has been very courteous and kind, and I have no wish in any way to reflect upon him or any other Senator in what I have said or may wish to say.

Mr. DAWES. When I moved to adjourn last night the Senator asked me to give way in order that he might take the floor for a speech this morning, which I did, and that left him upon the floor this morning. Of course the Senator, without any violation of propriety, can alter his mind and not make a speech now; but if the Senator took the floor under a claim to make a speech in order to yield it to the Senator from Ohio, it was different from my understanding. If the Senator desires to make his speech this morning upon the assignment of the floor which he had last night nobody ought to object. If he does not desire to make it upon that assignment, but yields the floor to the Senator from Ohio, then the Senator from Ohio makes his motion, and what will come after that will not depend upon the Senator from West Virginia but upon who is recognized by the Chair.

Mr. DAVIS, of West Virginia. It has been usual for the Senator from Ohio to make a motion each morning to proceed to the consideration of executive business. There had been no consultation today between myself and the Senator from Ohio; not one word. The Senator from Ohio not being in his seat yesterday evening when the Senate adjourned, perhaps he was not aware of what occurred; but certainly he or some other Senator upon this side has regularly every morning made an effort to go into executive session, and I to-day am willing to yield for that purpose.

Mr. HOAR. I desire, simply speaking for one, to say to Senators on the other side that although undoubtedly it would give great pleasure to most of the Senate to hear the Senator from West Virginia, yet when a Senator gives notice (especially when that notice is given by an appeal to the courtesy of our side to withdraw a pending motion) that he proposes to occupy the first part of the time of the Senate when they assemble with a speech, some gentleman might possibly absent himself, having business at the Departments, or being ill, or coming late. I do not think that on reflection either the Senator from West Virginia or the Senator from Ohio, both of whom are incapable of any artifice, would think in the present equal division of the Senate that it was quite fair, after such a practical notice given the night before, to withdraw it for a test vote of this kind. I do not mean to impute any such thing to either Senator; but it is possible that the view which I suggest may not have occurred to them, and I am quite sure that when it does occur to them they will agree that justice to themselves requires that the first portion of the time this morning should be occupied by the speech of which the Senator from West Virginia gave notice yesterday.

Mr. PENDLETON. I was not in the Senate at the time of the adjournment yesterday, and was unaware at the time I made the motion to go into executive session this morning that the Senator from West Virginia was entitled to the floor. I have several times asked gentlemen to yield in order that I might make a motion of this kind; but upon the suggestion of the Senator from Massachusetts that possibly a motion at this time might take gentlemen unawares, as I did on a former occasion on a suggestion from him, I withdraw the motion or withdraw the application to make it.

The VICE-PRESIDENT. The Senator from Ohio withdraws the motion, and the Senator from West Virginia has the floor.

Mr. DAVIS, of West Virginia. Mr. President, I shall regret if I am the cause of preventing the Senate, even for the short time that I shall address it, from going into executive session, as was shown by my desire to forego any remarks that I proposed to make when this question first arose this morning; but it appears right and proper that I should proceed, at least for a short time, as it was expected by both sides of the Senate that I should do so.

Mr. President, it has been and is my impression that the debt question between the Virginias or the question of the debt of any State has no proper place here. It is a local question, and belongs to the States respectively and not to Congress. If apology be necessary for my remarks this morning it will be found in the statements of the junior Senator from Virginia, [Mr. MAHONE,] the Senator from Ohio, [Mr. SHERMAN,] the Senator from Massachusetts, [Mr. DAWES,] and the Senator from Connecticut, [Mr. HAWLEY.] Each of these Senators has referred to the debt question between the Virginias in an unfavorable and, as I think, an unfriendly way toward West Virginia, and especially has one of those Senators censured the democratic party of West Virginia for its course. I shall endeavor to present the question in a fair and impartial way, and hope to do so in an honorable and proper way, and in whatever I may say I shall have no intention whatever of reflecting upon Virginia or any of its people. On the contrary, I believe Virginia has done all she could under the circumstances to pay her debt, and will continue to do so unless prevented by unforeseen difficulties arising from political combinations or otherwise.

If while on the floor I shall misstate any fact I shall be obliged to any Senator if he will stop and correct me. It is my intention to present the question as I believe it exists, and I shall not take it as an improper interruption if there be a Senator who wishes to correct or have me correct any statement I may make.

My colleague [Mr. CAMDEN] a few days ago made a very clear and full statement in detail of the debt question between the Virginias as it appears upon the official records. I shall not attempt to repeat it in detail, but I shall refer to some of the principal facts which he cited and some perhaps which were omitted by him because not necessary for the purpose he had in hand at the time he spoke.

The debt question in West Virginia has not been made a political one so far as my knowledge goes. Neither of the political parties there has undertaken to make political capital out of it. On the contrary, it has, so far as I know, by all the political platforms made in that State been treated alike by democrats and republicans. Each party, it is true, has a record to which I may undertake to refer, and I shall give only the official acts without much comment.

I regret very much that republican Senators here should undertake to make statements reflecting unfavorably upon the State which I in part represent, and also upon the democratic party. My impression is that the Senators, or at least some of them, who made the statement that West Virginia had repudiated or that West Virginia had refused to answer any call upon her by the old State, had not examined the facts. They will find, as I believe, when they examine all the facts connected with the case, that they have been wrong; and I know some of those Senators at least, for whom I entertain high regard, would not misstate any fact, much less one relating to a State of this Union. I shall deal to some extent with figures and necessarily will have to refer to memoranda that I have made.

The junior Senator from Connecticut [Mr. HAWLEY] stated in substance that the republican party of West Virginia had put in the constitution of 1863 a clause providing for the prompt payment of the debt between the States, had sent commissioners to Richmond, and that the democrats had done nothing toward settling the debt between Virginia and West Virginia. That in substance was the statement of the junior Senator from Connecticut, which I shall notice hereafter.

The Senator from Ohio, [Mr. SHERMAN,] who I am gratified to say would not misstate a fact knowingly, a gentleman with whom my own relations have always been very friendly and kind, made a statement which I am about to read and which I know he could not have made if he had examined the question fully. The republican Senator from Ohio, the present junior Senator, though certainly senior in service here, said:

> Well, sir, the two States could not agree; they appointed commissioners at one time; but there was a difference as to the mode and manner of the division, whether it should be based upon population or upon property, and finally it fell through until the democratic party came into power in West Virginia, and then the debt was repudiated.

I corrected the Senator at the time, and I shall refer to it again before I close my remarks.

The junior Senator from Virginia [Mr. MAHONE] in two or three sentences in his recent speech referred to the debt question between the Virginias in a political sense, as if it belonged to political parties. The Senator from Massachusetts, [Mr. DAWES,] not now in his seat, more than once has referred to the debt question in an unfavorable light toward West Virginia.

It is true that from various causes little or nothing was done between the States that amounted to anything looking to the adjustment of the debt question until 1870 or 1871. The dates are important, for it will be recollected by all that the State of West Virginia was in republican control, both the governor and Legislature, from its beginning up to the fall of 1870, when in the election of 1870 a democratic governor and a democratic Legislature were chosen.

In February, 1866, Virginia passed a joint resolution appointing commissioners to treat with West Virginia for the reunion of the States and also to consider the debt question. West Virginia responded to that resolution in the following year declining to treat for reunion, but providing for the appointment of commissioners to treat for an adjustment of the debt question. From some cause or other the commissioners of neither of the States visited the capital of the other, and nothing was done.

In December, 1866, Virginia brought an action in the Supreme Court of the United States against West Virginia for the recovery of the counties of Berkeley and Jefferson, which question incidentally brought up the existence of the new State itself. That suit was decided in March, 1871, in favor of West Virginia.

In 1870 Virginia and West Virginia appointed commissioners, but from some cause or other they were prevented from doing anything.

The West Virginia senate journal of March 1870, page 206, shows that Mr. DAVIS, your speaker, introduced a resolution looking to the settlement of the debt between the Virginias, and that resolution after some debate was passed, and by it the governor was authorized to appoint commissioners. Again, early in 1871, a resolution was

passed by the Legislature of West Virginia, as the journal of 1870 will show, on pages 90, 197, 206, 216, and 251. That resolution also was introduced by your speaker, and finally passed. The first resolution was passed by a republican Legislature. The last one named was passed by a democratic Legislature, and the commissioners were appointed by a democratic governor, and the commissioners appointed under that resolution were the first to take action. That was in February, 1871.

Under their appointment the commissioners proceeded to Richmond to endeavor to make a settlement between the two States. They found no one there, as they state in their report, to treat with them. No one in any manner received them officially. They were received, of course, as gentlemen, but not officially, and therefore they had to proceed, as it were, *ex parte*. No one was ready on the part of Virginia to treat with them.

This was as late as 1871, and the report of these commissioners of West Virginia is the last official act of either State on the subject; so that West Virginia did send its commissioners to Richmond for the purpose of treating on the debt question in September, 1871, I think, and since that time nothing has been done officially by either State to my knowledge.

Mr. SHERMAN. What was the date of the appointment of the commissioners?

Mr. DAVIS, of West Virginia. The commissioners were appointed, as I have stated, in February, 1871, upon the motion of myself.

Mr. SHERMAN. That was before the adoption of the new constitution?

Mr. DAVIS, of West Virginia. Yes, the new constitution, of which I will speak directly to my friend, was adopted in the winter of 1872–'73. It was before the adoption of the new constitution, and I will restate that so far as my knowledge of the record goes that act of West Virginia was the last by which either of the States invited the other to a settlement of the debt question. I have stated that there has not been in West Virginia a political cast given to that debt question between the two States.

Mr. KELLOGG. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield?

Mr. DAVIS, of West Virginia. With pleasure.

Mr. KELLOGG. As the Senator passes along, I suggest that he state also whether or not the Legislature of the State of Virginia had in 1870 and several subsequent years consecutively made repeated efforts by invitation to the authorities of the State of West Virginia that they should take some steps looking to a co-operation with Virginia to adjust the vexed question of the relative proportion of the debt that each State should bear, and without success, until in 1870 the governor of Virginia addressing the Legislature in his annual message commented on that fact and deprecated the fact that the authorities of West Virginia would not recognize any invitation of that kind?

Mr. DAVIS, of West Virginia. I am pleased that the Senator has called my attention to the special matter of which he now speaks; I shall probably refer to it before I finish my remarks; but I must now answer the Senator as I understand the facts to be.

Between 1866 and 1871 there were several appointments of commissioners by each of the States. One State sometimes appointed commissioners and the other State appointed arbitrators; one provided for the payment of the necessary expenses of the commissioners and the other did not. There were negotiations going on between the States from 1866 to 1870, but there was no good result; nothing came out of the negotiations. Each State, at all times, as I understand it, had a commission appointed, but from some cause or other neither of the commissioners met the other. It has been asserted and believed by many that it was because of Federal interference with the State of Virginia. From 1866 to 1870 the State of Virginia was in military control, and therefore she said all that time she was not in a condition to treat with West Virginia.

Mr. KELLOGG. Not in December, 1870?

Mr. DAVIS, of West Virginia. I said up to 1870. I will say to the Senator from Louisiana, as I have already stated, that in 1866 Virginia brought an action in the Supreme Court of the United States against West Virginia for the recovery of the counties of Berkeley and Jefferson, and that that suit was as well looking to the question of the existence of the new State as it was to the relation of those particular counties; and while that suit was in existence it was almost impossible for either the old State or the new State to have treated properly, because none could tell what disposition would be made of those two counties.

I have stated two or three times, and I wish to impress it upon the Senate, that so far as I know the question is not a political one in our State; there is no division there, yet during the whole time, from the organization of the State in 1863 up to and including 1870, the State was in republican hands; the Legislature, the governor, and the State officers were republican. If there had been a disposition on the part of the republicans to settle and adjust the debt something might have been done during that entire time. But I would not have referred to the subject in a political sense except for the fact that it has been referred to in a political way two or three times on the opposite side of the Chamber.

My friend the Senator from Ohio a moment ago asked me as regards the constitution of 1872–'73 as we know it, whether the commissioners to whom I referred were appointed before or after that constitution was adopted. It will be recollected by the Senators from Virginia that in March, 1871, Virginia passed what is known as the funding bill. After that time our commissioners went to Richmond for the purpose of trying to adjust the debt, but the funding bill, as I understand it, set aside arbitrarily, as the junior Senator from Virginia said, two-thirds of the debt to the old State and one-third to the new State. While that bill did not refer directly to the repeal of the former negotiations, I think the governor of Virginia said that he considered it had that effect, and he had no right to name commissioners to negotiate with West Virginia. I think it will be found that since the passage of the funding bill in March, 1871, the governors of Virginia uniformly have said that they had no power to answer the call of West Virginia for a settlement of the debt question. I wish to state again, so that it will not be overlooked, that so far as I know and believe the last official act and the last commissioners that were appointed and the last ones who acted were on the part of West Virginia inviting Virginia to meet her.

The constitution of 1863 it is true did provide for a recognition of the debt between the two States, and the provision stood from 1863, when the constitution was adopted, up to 1872. Of course the clause was voted for by the republicans, or the Union men as they were then called, in the State, and I did not differ very widely from them. As I have stated, absolutely nothing was done until the winter of 1871, when the resolutions I have referred to were passed.

It was stated by one or two Senators, and the question of the Senator from Ohio leads to that, that the constitution of 1863 did recognize the debt between the two States, while that of 1872 did not. In that I think Senators are mistaken. It is true that a part of the democrats of the convention that framed the constitution of 1872 voted to retain the old clause. I believe from my present information if I had been in that convention I should have voted with other democrats to retain that clause. I saw no use in striking it out, and especially as they inserted a clause fully as effective and perhaps more effective in the constitution of 1872. I call the attention of the Senator from Ohio to the fact that in the constitution of 1872–'73, as we term it, in article 10, on "taxation and finance," the fourth section provides that—

> No debt shall be contracted by this State, except to meet casual deficits in the revenue, *to redeem a previous liability of the State*, to suppress insurrection, &c.

There was no "*previous liability of the State*" existing except that arising from the relation between the two States; none other was thought of; the State owed no debt; and when it made provision to relieve a "previous liability," of course it referred to the debt question between the two States. It could have referred to no other "liability," because no other existed. Again, the next section provides that—

> The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, &c.

What "State debt?" Of course no other could have existed; there never has been any other, except that arising from the relations existing between the two States as to the old debt of Virginia. It also provides that the Legislature may make provisions for the "interest thereon, the support of free schools," &c. It is unnecessary for me to read the whole section. I think if the Senator from Connecticut, [Mr. HAWLEY,] whom I do not see in his seat, had examined the clause that I have referred to, he would not have stated that in the constitution of 1872 no provision was made for a previous liability of the State. I think the Senator from Massachusetts, [Mr. DAWES,] whom I now see across the way, made a similar statement. One of the Senators asked me personally whether I could show him a clause in the constitution of 1872–'73 that recognized the existence in any way of a debt between the States.

Mr. SHERMAN. I do not wish to interfere in West Virginia matters; but I am advised by a gentleman, indeed I am advised by the Senator's predecessor, that this question was debated in the convention of 1872; that he offered an amendment to the constitution recognizing the liability of West Virginia for a portion of the debt of the State of Virginia; and that it was voted down chiefly by a party vote, the democrats nearly all voting against the amendment and the republicans all but one voting for it. I thought I would mention the fact so as to give the Senator an opportunity to controvert it, if he chooses.

Mr. DAVIS, of West Virginia. I think the Senator from Ohio has stated substantially the fact, and I do not disagree with him upon it. When the former provision of the constitution was offered by Mr. Willey in 1872, it was voted down, as the Senator has stated, but not entirely by democrats nor was it sustained entirely by republicans. It was a divided vote, but the democrats as a rule voted against the provision. However, instead of that provision I call the attention of the Senator from Ohio to the fact that they put in one that was equally and perhaps more effective, for it says the State shall not contract a debt except "to redeem a previous liability of the State," and no other "previous liability" existed except that arising between the two States. Mr. Willey, who was my predecessor, was a member of the constitutional convention, and did make an effort to retain the old clause, and it was voted for by democrats and voted against by republicans, but principally, as I have stated, the democrats voted against it.

It may not be uninteresting to Senators to see the certificate given

by Virginia for the one-third of the debt set aside arbitrarily, as the junior Senator from Virginia says, to West Virginia. I hold one of the certificates in my hand, and I ask that it be inserted in the RECORD if possible in the precise shape and manner in which it is:

Commonwealth of Virginia,

[Seal of State of Virginia.]

Treasurer's Office, Richmond, Virginia, July 1, 1871.

This is to certify that there is due unto ..... *heirs, executors, administrators, or assigns,* ..... *Dollars, being* ONE-THIRD *of bond surrendered under the provisions of An Act approved March 30, 1871, entitled, "An act to provide for the funding and payment of the public debt, (viz, Bond No.* ..... *with interest amounting to* ..... *dollars.) Payment of said* ONE-THIRD *with interest thereon, at the rate of Six per Cent. per Annum, will be provided for in accordance with such settlement as shall hereafter be had, between the States of Virginia and West Virginia, in regard to the public debt of the State of Virginia, existing at the time of its dismemberment, and the State of Virginia holds said bonds so far as unfunded in trust for the holder thereof or his assigns.*

In Testimony whereof, this Certificate has been signed by the Treasurer and countersigned by the Second Auditor as provided by law.

SEAL

..... [Cut.] .....

Second Auditor. *Treas. Commonwealth of Virginia.*

It will be noticed that this certificate calls for a recognition when a settlement takes place between the two States, and not until then.

The West Virginia debt commissioners, after their visit to Richmond in the fall of 1871, reported to the governor and Legislature of West Virginia:

That they found the debt of Virginia, January 1, 1861, to be	$31,778,867 32
That there had been expended for public improvements in the old State about	30,000,000 00
For public improvements in West Virginia about	2,500,000 00

They further reported that nearly all the public buildings for which in part the debt had been created, as well as the improvements, were in the old State. The commissioners also reported, and I believe correctly, that of the territory the counties which Virginia retained comprised 41,352 square miles, and those of West Virginia about 20,000 square miles, or less than one-third of the whole territory. By the census of 1860 the counties Virginia retained contained a population of 1,220,829; the counties of West Virginia 374,000, or less than one-fourth of the population. The net or proper revenue of Virginia in 1860 was $3,936,873.50; of the counties in West Virginia $647,076.90, leaving in Virginia net revenue of $2,289,793.60, so that less than one-sixth of the revenue of the two States at the time of their separation went to West Virginia and five-sixths of the revenue, as well as the great bulk of the improvements, went to the old State.

Let me in this connection present some of the statements prepared by these commissioners which led to the conclusions I have just stated:

STATEMENT A, *showing the amount of the public debt of Virginia on the 1st day of January, 1861, and the amounts thereof held by that State; also the amount thereof incurred for public improvements in West Virginia.*

The debt of Virginia on the 1st of January, 1861, as per the auditor's report to the extra session of the Legislature on the 10th of December preceding, was as follows:

Debt of January 1, 1852	$10,508,845 30
Debt created since that time	23,379,946 33
Total	33,888,791 63

Amount brought forward		$33,888,791 63
Less the amount redeemed on the 31st December, 1860	$337,731 31	
Less the amount in the sinking fund	1,462,993 00	
Less the amount in the literary fund	248,000 00	
Less the amount in the library fund	16,000 00	
Less bonds lost on steamship Arctic	145,000 00	
		2,109,724 31
Net amount of the debt January 1, 1861		31,779,067 32

This debt, as will be seen by Statement B, was mainly incurred for works of public improvement.

Statement F shows that only $2,784,329.29 of it was incurred for improvements in West Virginia. Said improvements are as follows:*

Joint stock turnpikes	$906,196 32
Roads on State account	1,145,619 07
Bridge companies	76,612 50
Navigation companies	207,840 00
Railroads	500,000 00
Lunatic asylum at Weston	125,000 00
	2,961,267 89
Deduct Virginia's pro rata for improvements lying in both States	176,938 60
	2,784,329 29

STATEMENT B, *showing the amount and character of the investments held by the State of Virginia on the 1st of January, 1861, together with those that have since been donated or otherwise changed, as per Governor Walker's message to the Virginia Legislature of March 8, 1870.*

Alexandria, Loudoun and Hampshire Railroad	$50,862 00
Blue Ridge Railroad	1,744,723 00
Chesapeake and Ohio Railroad	2,484,134 00
Norfolk and Petersburgh Railroad	1,341,341 00
Orange and Alexandria Railroad	1,151,207 00
Richmond and Danville Railroad	1,847,585 00
Richmond and Petersburgh Railroad	385,600 00
Richmond and York River Railroad	490,999 00
South Side Railroad	1,883,500 00
Virginia and Kentucky Railroad	103,348 00
Virginia and Tennessee Railroad	3,755,000 00
Marietta and Cincinnati Railroad	202,611 00
James River and Kanawha Canal	10,400,000 00
Other navigation companies	1,192,616 00
Plank-roads, turnpikes, and bridges	4,761,564 00
Chesapeake and Ohio Canal	900,000 00
Selden, Withers & Co	436,000 00
Total	33,131,090 00

* The statement shows a total expenditure in West Virginia of $3,345,929.29, but only the above amount for public improvements.

Amount brought forward		$33,131,090 00
To this amount add, as per Governor Walker's message of March 8, 1870, for amounts "lost, abandoned, or surrendered and released," the following sums, viz:		
Subscription paid to Covington and Ohio Railroad Company	$3,206,461 83	
Subscription paid to Fredericksburgh and Gordonsville Railroad Company	163,299 00	
Subscription paid to City Point Railroad Company	110,000 00	
Subscription paid to Blue Ridge Railroad Company	1,100,000 00	
Subscription paid to Manassas Gap Railroad Company	2,220,000 00	
Subscription paid to Portsmouth and Roanoke Railroad Company	406,650 00	
Subscription paid to Roanoke Valley Railroad Company	307,402 00	
Subscription paid to Winchester and Potomac Railroad Company	270,000 00	
Subscription paid to Alexandria, Hampshire and Loudoun Railroad Company	1,017,248 00	
Subscription paid to navigation and other companies	298,032 05	
Loss by Selden, Withers & Co. and Chesapeake and Ohio Canal Company	580,000 00	
Total*		9,739,092 88
Grand total		42,870,182 88

In the conclusion of their report the commissioners state the account between the two States, showing West Virginia to owe less than a million dollars, thus:

Upon the data thus ascertained and explained, we summarize the account between the two States, as follows:

West Virginia to the State of Virginia, debtor.

For the amounts expended and invested in her territory, as set forth in Statement F	$3,343,929 29

Creditor.

By one-fourth of the estimated value of the public buildings and other assets, as given in Statement G	$968,750 00	
By three-thirteenths of the United States surplus fund, as per same statement	446,032 92	
By three-sevenths of the literary fund, as per same	647,079 92	
By the amount collected in West Virginia after January 1, 1861, as per Statement E	328,706 22	
		2,390,569 06
Balance due Virginia		953,360 23

It will be noticed that nearly all the improvements, nine-tenths of the improvements for which the debt was created, were made within the old State, and that the old State to-day has the benefit of them and has always had.

The Virginia debt in 1861, in round numbers, was	$31,000,000
In 1871	45,000,000
In 1881	30,000,000

The latter sum, of course, is after setting aside the amount said to be due by West Virginia. Now, as I understand, if she follows the advice of the junior Senator from Virginia, and readjusts or eliminates, the amount will be $20,000,000 instead of $30,000,000, as is now reported in round numbers by the old State. Of course in a settlement of the debt question between the States these different amounts would have to be taken into consideration, and of course it is a debatable question which one of the three or four amounts I have named should be taken.

The Virginia funding act of 1871 in its recitals states that the bondholder may prefer to look to West Virginia rather than to the old State for the one-third arbitrarily assigned to West Virginia. This of itself raises the question whether or not the State of West Virginia or the State of Virginia is bound for the new certificate which has been set aside for the one-third thus arbitrarily assigned. The State of Virginia in its funding act set aside one-third or about fifteen million dollars for the State of West Virginia to settle. West Virginia believes, all her people and all the people of the old State believe, that West Virginia owes very much less than one-third or $15,000,000 of that debt. In no statement of Virginia's debt since 1870 has the $15,000,000 set aside by the State of Virginia arbitrarily, as the junior Senator says, to West Virginia appeared; and therefore, when you speak of the Virginia debt, it is exclusive of the $15,000,000 or one-third set aside for West Virginia. It is very plain that West Virginia is not properly liable for any such sum. I have shown by figures, and I think they cannot be disputed, that West Virginia received from the old State less than one-third of the territory, less than one-fourth of the population, less than one-sixth of the taxable property, and that fully nine-tenths of the improvements for which the debt was created were made in the old State and not in the new. If West Virginia received less than one-third of the territory, less than one-fourth of the population, less than one-sixth of the taxable property, and only about one-tenth of the improvements for which the debt was created, can it be justly said that that State in any way owes one-third of this debt? I think nobody who will examine the figures will contend for that.

* We add these amounts simply because we find them given by the governor as addenda to the $33,131,090, and not because we find them in any official record to which we have had access.

Again, Mr. President, can you tax a mountain uninhabited at the same rate you would tax a valley well improved? For instance, the State of West Virginia we all know was the mountainous part of the original Commonwealth, thinly inhabited. The old State was more fortunate, more thickly inhabited, and the money borrowed, for which the debt was created, was expended, as a rule, almost entirely in the old State, at least nine-tenths of it. The old State has possession of or has sold the entire improvements, and the new State never asked or received any benefit whatever from them.

I have stated that both States have made several efforts to secure a settlement or adjustment of the debt question, but thus far they have failed. I have also stated that in 1866 Virginia did bring suit in the United States courts against West Virginia for the counties of Berkeley and Jefferson. If there was an anxiety, as was stated by the junior Senator from Virginia, to settle this debt question between the two States, why is it, how is it that no action has been brought against the State of West Virginia for a settlement? The courts are open and have been open for the last ten years, and no such effort has been made.

Mr. President, in my opinion no individual, no firm, no corporation, no city, town, State, or government can afford to ignore a just and honorable debt. A State cannot do so even with as much propriety as an individual. The law can compel payment by the one; in the case of the other it is a debt more of honor; and I believe it is the duty of every citizen of a State to do his full share to have his State, no matter whether it owes much or little, do its part, its honest part, its just part, its equitable part toward the settlement and payment of any debt it may owe, and so far as my voice goes it will always be in that direction. I cannot account for you, my republican friends, who to-day are giving encouragement to a faction that I believe, and many others believe, means to eliminate at least, if not to repudiate, a part of the debt of Virginia. The junior Senator from Virginia said in his remarks here that he was for eliminating one-third of that debt; yet we find the votes cast here all go in the same direction. No matter what republican Senators may think on other subjects, I do not see how they can indorse that part of the platform of the Senator from Virginia.

As I understand the McCulloch bill, as it is called and known in Virginia, it proposes in substance to take the whole debt, make an average interest of 4 per cent., make the bonds non-taxable, make the coupons receivable for taxes and all other debts due the State. The Riddleberger bill, as I understand it, eliminates one-third of the whole debt or reduces it from $30,000,000 to $20,000,000, taxes the bonds, says the coupons shall not be receivable for taxes or other dues to the State and proposes 3 per cent. interest. The McCulloch bill says "with the consent of the creditors we will do this;" the Riddleberger bill, as I understand it, says "we will do it whether the creditors consent to it or not." I understand that to be the condition of the two bills.

Mr. President, when we come to think of it the debt of the two Virginias, so very large apparently, is not so considerable as one would imagine at first sight. It is less than $20 per capita, while the United States debt to-day per capita is about double that. England and France and many of the nations of Europe owe five times the amount per capita that the State of Virginia does to-day or the Virginias, if you choose to put it in that way. I have a table that I think will throw some light on that question. This table shows that the rate of tax in Virginia is fifty cents on the $100. Now take half a dozen or more of the leading northern cities and you find in New York the taxation is $2.58, Brooklyn $2.71, Philadelphia $2.30, Boston $2.35, Chicago $4.23, and so on, and all this against fifty cents in Virginia.

When you take the debt per capita your city, Mr. President, has a debt per capita, according to Spofford's Almanac, which is standard authority, now of $118 per capita; Brooklyn $75 per capita; Boston $115, and so on, while Virginia has about $20, showing that the debt of the Virginias, as hard as it may be for them to pay, is not so great but that it can be paid.

Let me present this table in detail, for it is very instructive:

Statement showing the population, debt, and rate of taxation in several of the cities of the United States and the State of Virginia for the years 1879 *and* 1880.

Cities.	Population.	Assessed value.	Tax rate.	Debt.	Debt per capita.
New York	1,206,590	$1,094,069 335	$2 58	$142,447,400	$118 05
Brooklyn	566,689	234,836,491	2 71	42,717,500	75 16
Philadelphia	846,984	536,667,834	2 30	72,264,596	85 31
Boston	362,535	613,322,691	1 25	42,030,126	115 93
Chicago	503,304	117,970,035	4 33	13,043,000	25 91
Cincinnati	255,708	169,305,635	2 89	24,403,500	95 43
Jersey City	120,728	59,848,090	1 79	16,725,000	138 53
Concord	13,838	10,132,082	1 54	615,500	44 47
Virginia (State)	1,512,806	319,393,559	50	*30,000,000	19 29

* Estimated.

I have another table, taking the population of several of the States, among them the States of Massachusetts and Tennessee, and sev-

eral foreign countries, and showing what the debt is per capita in each:

Statement of the population and public debt of the States of Virginia, Massachusetts, and Tennessee, the United States, and a few foreign nations.

Name.	Population.	Debt.	Debt per capita.
Virginia	1,512,806	$30,000,000	$19 29
Massachusetts	1,783,012	33,020,464	18 51
Tennessee	1,542,463	26,842,850	17 40
United States	50,152,866	2,120,415,370	42 27
Great Britain and Ireland	31,628,338	3,890,969,680	114 62
France	36,905,788	5,291,860,700	127 23
Spain	16,222,814	2,151,836,200	142 71
Netherlands	3,579,529	410,000,000	101 21
Brazil	10,108,291	407,500,000	36 43
Canada	3,602,321	158,745,581	31 16
Mexico	9,276,079	119,232,270	42 63

I also present a table showing the population, amount of taxable property, assessed value, and rate of State tax in several of the States, including Virginia, and the rate of taxation:

Statement showing the population, amount of taxable property assessed, and the rate of State tax on the same, of the several States.

State.	Population.	Taxable property as assessed.	State tax on $100.
Virginia	1,512,806	$319,393,559	$0 50
Kansas	995,966	160,570,761	55
California	864,686	469,645,058	62½
New York	5,083,810	2,686,139,133	65
Alabama	1,262,794	120,000,000	65
Arkansas	802,564	86,892,541	65
Florida	267,351	29,471,227	70
Oregon	174,767	46,422,817	70
Nevada	62,265	29,564,673	90

This shows that the State tax in Virginia is less than in many of the other States.

Mr. HOAR. Does the Senator speak of taxation for all purposes, or merely the State tax?

Mr. DAVIS, of West Virginia. The State tax. Take your State tax for all purposes and it will be much higher than any sum I have named. The State of Massachusetts I had not in my list, but I think the State tax is very low in that State; but for general purposes the tax in Massachusetts perhaps will be equal to almost any other State. I know the State of Massachusetts raises a large school-fund. I had occasion to examine that not long since.

Mr. President, during the late war, as Senators on both sides of the Chamber know, the States of Virginia and West Virginia were the breakwater between the contending armies; some portions of each of those States were raided over probably a hundred times, and in many parts of them not a house nor a barn nor a stable nor anything else was left. In some portions I doubt whether you would find a horse, cow, or chicken after the war. Is it strange that either of the Virginias should have been in a distressed financial condition after the war? They had lost almost everything they had. It necessarily took some time to change that state of things and get back to a healthy condition. The Northern and the Western States instead of becoming poor, instead of losing their property, had generally increased in wealth during the war. These States were poor; everything they had, their houses, their cows, their horses, and nearly everything the people had, was gone. Therefore there is considerable, and there ought to be considerable apology for the Southern States, particularly the Virginias, if they did not do all that persons would like them to have done toward paying their debts.

While that was the state of affairs in both the Virginias, it must be borne in mind that even the United States with its vast resources from 1873 up to 1879 increased its interest-bearing debt. I have here a statement made up only a short time ago by the Treasury Department, perhaps by my distinguished friend from Ohio, [Mr. SHERMAN,] which shows that the interest-bearing debt actually increased from 1873 up to the present date. The interest-bearing debt of the United States was less in 1873 than it is to-day, and less by eighty-odd millions than it was in 1879. The Senator from Ohio shakes his head, but the statement is here.

Mr. SHERMAN. The Senator is mistaken in the statement that between the present time and 1873 the interest-bearing debt has increased. That is a mistake, as will be seen by a comparison of the tables; but let me say that the interest-bearing debt was increased by the process of resumption by the sale of ninety million bonds which had no connection whatever with the condition of the Treasury. The public debt less the cash on hand has diminished since the time he stated over $200,000,000.

Mr. DAVIS, of West Virginia. If I had not the table in my hand I would not question the Senator's statement; but I will send it to him, and he will see for himself that he is mistaken as to the amount. The debt less the cash in the Treasury has decreased about one hundred million according to this table, a little over one hundred million; but I send this statement to the Senator, and he can look at it himself. He will find there, also, that the outstanding interest-bearing debt has actually increased between these periods. If that be so, can it be strange that Virginia was not able to pay her indebtedness?

Mr. SHERMAN. I call the attention of my friend to the fact that he has a statement here nearly a year old.

Mr. DAVIS, of West Virginia. Eighteen hundred and eighty.

Mr. SHERMAN. July 1, 1880. I was speaking of the present time; since the date of this paper the public debt has been diminished $80,000,000.

Mr. DAVIS, of West Virginia. Then I will correct myself if I said 1881 instead of 1880. I meant to speak of 1880, and I understood the Senator to refer to the same date. Of course in the last year the debt has materially decreased, and the Senator is right if he says two hundred millions is the difference between the debt, less cash in the Treasury, now and in 1873. The figures which I have taken from the official tables, and on which I rely, are these:

Total interest-bearing debt of United States:	
1879	$1,797,643,700 00
1873	1,710,483,950 00
Increase	87,159,750 00
1880	1,723,993,100 00
Outstanding principal:	
1878	2,256,205,892 53
1872	2,253,251,328 78
Increase	2,954,563 75
Total debt less cash in Treasury:	
1873	2,105,462,060 75
1879	1,996,414,905 03
Decrease	109,047,155 72

Mr. SHERMAN. I will state another thing in regard to the $90,000,000 bonds sold. Every dollar of those bonds is represented by gold in the Treasury which is the basis of resumption, so that the aggregate debt was not increased. We had $90,000,000 of gold in the Treasury, and we had $90,000,000 of bonds outstanding, and that gold was part of the resumption fund; but when you deduct the amount of cash on hand from the amount of bonds outstanding, the debt has been constantly diminishing as this statement will show.

Mr. DAVIS, of West Virginia. The Senator will hardly say "constantly," because he will find between 1871 and 1875, probably—I speak from recollection now—the debt did not decrease constantly.

Mr. SHERMAN. There was one year when, I think, there was a deficiency of four or five millions.

Mr. DAVIS, of West Virginia. When the Senator changes his date from 1880 to 1881, I agree with him that the debt, less the cash on hand, has decreased about two hundred million dollars since 1873; but if he confines himself to the time I stated, the decrease is only about one hundred million dollars. That, however, does not change the fact that the interest-bearing debt of the United States increased nearly one hundred million dollars between the years 1873 and 1879, nor that the principal outstanding was increased between those years.

Mr. SHERMAN. I am sure my friend, on a matter respecting the public debt, does not wish to lead any one into error. The statement that he sends me shows that every year since 1866 the debt, less the cash on hand, has diminished. In no single year has it increased. The statement that he sends me shows that, for instance, in 1873 it was $2,105,462,060, and the next year it was $2,104,149,153, the decrease being only a little over a million; but in other years it ranged from sixty to eighty millions, so that there was no year in which the debt did not decrease. The interest-bearing debt or bonds of the United States did increase during the time when bonds were sold for resumption purposes, but now the amount of interest-bearing bonds is largely less than it was at any time previous.

Mr. DAVIS, of West Virginia. I think the Senator is correct in that statement. The difference between the Senator and myself was in the date. I said 1880 and he understood me to refer to 1881. Still, Mr. President, this does not change the fact which I stated, that the interest-bearing debt of the United States increased between 1873 and 1879 eighty-odd million dollars; it is true it was for resumption purposes; but it is the fact nevertheless. Then the outstanding debt increased somewhat, but not much.

I will state just here a fact which the Senator from Ohio well knows, that the law requires a sinking fund perhaps up to $40,000,000 per annum. That was not paid, the law was not complied with during many years; and it was because there were hard times, as we term them. There had not come the change in the finances, and the revenue did not yield a sufficient amount to pay the sinking fund during several years.

There is an impression in the country and perhaps here that Virginia has paid very little or none of her interest. That is a great mistake. I have shown that the interest-bearing debt of the United States Government had increased during that time. Now I have a statement commencing in 1872–73 which shows that Virginia each year of the time named has paid an average of nearly 4½ per cent. on her entire

debt. I repeat it, Virginia, with all her distress and with her enormous debt, if it may be so termed, paid, commencing with 1872-'73, up to last year, an average upon her entire debt, estimated at $30,000,000, of 4.39 per cent. interest. So that a person owning a Virginia bond which cost him fifty cents in the market would have gotten, if he received his full interest, double 6 per cent., and every creditor has received, except on some bonds which are scattering and have not been funded, 4.39 per cent., which is more interest than a Government bond can bring to-day and more interest than a Government bond has brought for some time back and more than it is necessary for the Government to pay. So taking what are known as the 10-40 bonds of Virginia, to-day selling in the market for fifty cents, the holder of that bond gets the whole amount of his interest, which is 3 per cent. on the face value, being all that his bond calls for, and at the rate it is selling it would be equal to 6 per cent. Take again what are known in Virginia as the consols, and of which there are $14,000,000 which bring 6 per cent. interest, and the holders of this $14,000,000 of bonds from 1872-'73 to the present day have got every cent of their interest. Virginia does not owe one dollar of interest on those $14,000,000 of bonds, and the bonds are selling for eighty cents in the market to-day. A person owning what is known as a 10-40 consol of Virginia gets nearly double the interest that he would from a Government bond to-day when you take the price of the two bonds into consideration.

How is it with the peelers? The peelers, I understand, are that part of the debt not yet funded. They are selling to-day at about thirty-eight cents in the dollar. If the holder of that bond got his full interest he would get nearly 12 per cent. on the market value. So you will see that though Virginia bonds are depreciated in the market and Government bonds are high in proportion because all the people are sustaining the credit of the Government at 3½, and glad to get 3½ per cent. interest, and you could probably borrow at 3, there is a party in Virginia who brings in question the justice of the Virginia debt, which throws discredit upon it of course, and that bond, though paying more interest than a Government bond, is selling perhaps at an average of fifty cents on the dollar. Let me present in detail the table to which I have just referred:

Statement of the estimated debt, the annual interest, and rate of interest paid by the State of Virginia from 1872 *to* 1880; *also rate of interest paid on United States and Virginia bonds.*

Date.	Estimated debt.	Interest paid.	Rate of interest.
			Per cent.
1872-'73	$30, 000, 000	$1, 290, 758 79	4. 30
1873-'74	30, 000, 000	1, 691, 191 96	5. 63
1874-'75	30, 000, 000	1, 417, 345 41	4. 72
1875-'76	30, 000, 000	1, 105, 305 88	3. 68
1876-'77	30, 000, 000	1, 062, 110 17	3. 54
1877-'78	30, 000, 000	1, 305, 055 25	4. 35
1878-'79	30, 000, 000	1, 413, 514 14	4. 71
1879-'80	30, 000, 000	1, 253, 092 18	4. 17
Aggregate		10, 538, 373 78	
Average		1, 317, 296 72	4. 39

Virginia 10-40's, $50, 3 per cent.=6 per cent.
Virginia consols, $80, 6 per cent.=7½ per cent.
Virginia peelers, $38, 4.39 per cent.=11.55 per cent.
United States 4's, 1907, $115½, 4 per cent.=3.47 per cent.
United States 4½'s, 1891, $113, 4½ per cent.=3.98 per cent.
United States currency 6's, $132, 6 per cent.=4.54 per cent.

I believe, Mr. President, that if the whole people of Virginia were united and would say as the Government of the United States has said, and as the Senator from Ohio would say and make others say, "We can pay and will pay every dollar that the government of the State owes," Virginia's debt to-day would stand in the market not so good as a United States Government bond, but it certainly would be very much better than it is, and I believe that the cause of the depression there is that a party is trying for political or other purposes to depreciate the debt, trying to eliminate it, as it is said, instead of going to work squarely and fairly and saying, "We can and will pay all that we justly and rightly owe." A million of dollars is not so much of a debt now as it used to be. I see my friend from New York, [Mr. CONKLING.] There are single individuals in his great city who are said to be worth more money twice over than the whole debt of Virginia. There are telegraph companies in this land whose stock capital and debt are three times as great as the entire amount of the Virginia debt. There are a dozen railroad companies whose debt and stock combined are two or three times as much as the entire amount the State of Virginia owes.

Mr. CONKLING. What is the entire debt of Virginia?

Mr. DAVIS, of West Virginia. As reported, $30,000,000 in round numbers, as the debt-payers say, while the readjusters and some others propose to make it about twenty million dollars, as I understand.

Virginia in my opinion can pay a dollar to-day with more ease than she could pay twenty-five cents a few years ago. We hear of at least half a dozen railroads being built in each of the Virginias; we hear of northern capital and capital from abroad going to Virginia for the iron, coal, and other things there; the enterprise of the State is becoming profitable and will be more profitable. Virginia has $107,482,546, according to Spofford's Almanac, a standard authority, invested in railroads, nearly four times as much as her entire debt as recognized. Those railroads earned last year $7,280,830; their working expenses were $4,946,817, leaving $2,234,013 net profit. A large part of these railroads was built out of the money which created the debt that is now in question between the two States, and I commend to my friend, the senior Senator from Virginia, [Mr. JOHNSTON,] when he talks about the debt to reflect that he has to-day railroads in his State nearly two thousand miles in extent, the larger portion of which was built from the money for the receipt of which the debt was created. I do not complain of Virginia in any way. I believe she has done and will do her full duty, and I have great sympathy for her and her whole people. I would not injure her in any manner.

Mr. President, it must be recollected that a United States 6 per cent. bond did not reach par in gold until 1872 or 1873. We know that Government bonds during the war were sold as low as between forty and fifty cents in the foreign markets.

The Senator from Massachusetts, [Mr. DAWES,] who I am glad to see has returned to his seat, said in substance the other day that Virginia had been doing nothing to pay her debt. I have just stated, and that Senator will see it in print, that she has been doing a great deal. Virginia has paid more than 4½ per cent. on her entire debt from 1872 down to the present day, and for a class of her bonds, amounting to nearly $23,000,000, she has paid every dollar of the interest and does not owe a dollar on that account. It is true she is in arrears on interest, perhaps $3,000,000 in all. The Virginia interest is about $1,500,000 in all, and she has paid an average of more than $1,300,000 each year since 1872-'73. So that Virginia has done well considering the state of her affairs, and I submit that with the present prosperity she can and will, I believe, pay her interest in full. It must be borne in mind, too——

Mr. DAWES. Has she been paying West Virginia's share?

Mr. DAVIS, of West Virginia. Does the Senator know what West Virginia's share is?

Mr. DAWES. No. I know West Virginia has a share, and I wanted to know if the Senator spoke with entire confidence that Virginia would pay all her debt including West Virginia's share.

Mr. DAVIS, of West Virginia. I speak with entire confidence when I say that the Virginias and their people, both of them, are honorable and honest, and will pay, if let alone, their full and equitable part of that debt. Our State will, I believe, pay her part, and in my judgment the sooner it is arranged properly the better; and I regret very much to see my friend from Massachusetts, who believes in paying all his honest debts, encouraging, as I think, a party in the old State that does not want to pay them at all.

Mr. DAWES. I cannot see any great difference. The Senator from Virginia on my right [Mr. MAHONE] says that West Virginia ought to pay one-third of the debt, and that old Virginia ought to pay the rest, and the Senator from Virginia on my left, [Mr. JOHNSTON,] when I asked him about that, said he thought West Virginia ought to pay one-third of it and old Virginia the rest. It seemed to me, therefore, that the difference between these two Senators was only this, that the Senator on my right wanted to make provision for paying that part of it, and the Senator on my left wanted to proclaim that it ought to be done.

Mr. DAVIS, of West Virginia. That is substantially what the Senator from Massachusetts said a day or two ago in his speech. I regret that the Senator from Massachusetts——

Mr. DAWES. I said it the other day because so it seemed to me, and so it seems now. I do not see any difference if you take one-third from a given sum which both of them agree was the whole, all told; if one-third is taken off by the Senator on my right and the same third by the Senator on my left, it leaves precisely two-thirds of it for the State of old Virginia to pay, with some little difference between the two Senators about the interest on it during the war. The only difference was a difference in this respect: the party to which the Senator on my left belongs had not done anything toward meeting the obligation on the two-thirds, and the Senator on my right belonged to a party that was struggling to pay that two-thirds. I do not see any other difference.

Mr. DAVIS, of West Virginia. I will allow the Senator from Virginia [Mr. JOHNSTON] to answer that. It is such a strange statement that I think I would like to answer it, but I see the Senator from Virginia wants to do it.

Mr. JOHNSTON. The Senator from Massachusetts surely does not mean what he says when he says that the State of Virginia has done nothing toward paying the interest on that debt.

Mr. HOAR. May I ask the Senator a question? My colleague will pardon me.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Senator from West Virginia yielded to the Senator from Virginia. The Senator from Massachusetts now asks——

Mr. DAVIS, of West Virginia. I know the Senator from Virginia is right.

Mr. HOAR. I wish to ask the Senator from Virginia this question——

Mr. DAVIS, of West Virginia. The Senator will allow me.

Mr. HOAR. I understood I was allowed to ask a question.

Mr. DAVIS, of West Virginia. The senior Senator from Massachu-

setts [Mr. DAWES] had put a question that both of us would like to answer, and I do not know why the junior Senator wants to get in another one.

Mr. HOAR. It is the same question in another form.

The PRESIDING OFFICER. Do the Senator from Virginia and the Senator from West Virginia yield to the junior Senator from Massachusetts?

Mr. HOAR. The question I desired to ask my honorable friend is this:

Mr. DAVIS, of West Virginia. Well, go on.

Mr. HOAR. His party came into power in the State of Virginia about 1869 or 1870. Now, suppose I had held a thousand-dollar bond of the State of Virginia when that democratic party came into power, how much of interest or principal should I have got from that day to this on that bond? That is the question I should like to ask him if he can tell me.

Mr. JOHNSTON. I will take occasion to tell the Senator. I will leave it now to the Senator from West Virginia.

Mr. HOAR. Would I have got a tenth?

Mr. JOHNSTON. Yes, sir.

Mr. HOAR. I am glad to know it.

Mr. JOHNSTON. I will give you the figures. I have no desire to interrupt the honorable Senator from West Virginia, but on the proper occasion I will answer the question in full.

Mr. DAVIS, of West Virginia. Mr. President, the two Senators from Massachusetts have a very peculiar way of coming to one another's relief. The senior Senator got himself into a snarl, I think, in trying to answer a question he did not want to answer; the junior Senator saw it and as quickly as he could got up and asked a question of my friend from Virginia.

Mr. DAWES. The Senator from West Virginia need not be alarmed at being taken out of my hands by my colleague. My colleague put a question on his own responsibility and did it so well that the Senator from West Virginia did not see any other way to answer it but to complain that it was put at all.

Mr. DAVIS, of West Virginia. The junior Senator has slipped out again. I should like to have the junior Senator's attention a little while if he will remain. Neither of the Senators from Massachusetts appears to think that Virginia can do anything that is right, except——

Mr. DAWES. No, Mr. President——

Mr. DAVIS, of West Virginia. Let me go on.

Mr. DAWES. I want to correct the Senator.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Massachusetts?

Mr. DAVIS, of West Virginia. He always beats down anybody that gets up.

Mr. DAWES. No, but when the Senator misrepresents me I know there is so much courtesy beaming on every lineament of his face that he will not refuse. I never did intimate that the State of Virginia could not do anything. I only intimated that she did not.

Mr. DAVIS, of West Virginia. Let us see how that is. The Senator says that the State of Virginia has not done anything, and he is referring to the debt, I take it. I have just stated—and these figures are official and show facts which neither of the Senators can question—that Virginia has paid from 1872 down to the present time an average of nearly 4½ per cent. on every dollar of her indebtedness, and on $23,000,000 of it she has paid the entire interest; and yet the Senator says she does not do anything. That is very strange talk.

Mr. DAWES. Why does not the Senator say how much of her debt she has not provided for at all, and its interest? She may have paid on specified and favored obligations of Virginia enough to make that amount; but there is a certain class of the debt of Virginia that whatever may have been her power—to which I accord everything that the Senator may say—notwithstanding her power it is nevertheless true that she has not done it.

Mr. DAVIS, of West Virginia. As I understand it there is no part of the Virginia debt, which is estimated now at $30,000,000 in round numbers, the bonds representing which have been presented to Virginia, but what has received some interest. It is true there is a preferred part, and why are those bonds preferred? It was simply because Virginia passed a bill stating to all who funded under that act that the coupons on those bonds should be receivable for taxes and all dues due the State. Every bondholder, no matter who he was, who owned the bonds had a right to fund under that act. Some bondholders preferred not to fund, and therefore they have been excluded to some extent; but I understand that every dollar of the indebtedness of Virginia has received some portion of interest.

Mr. KELLOGG. Does the Senator refer to the funding act of March, 1871?

Mr. DAVIS, of West Virginia. That is one of the acts. Then there is the consol act that I have special reference to.

Mr. DAWES. The Senator now admits that Virginia has preferred a certain class of her debt and has provided for a method of paying it, but that those who do not choose to come within that category are excluded. I do not think it is necessary for me to say anything more.

Mr. DAVIS, of West Virginia. Why, Mr. President, I have not said so, nor has Virginia excluded any portion of the bondholders, as I understand. Virginia passed what is known as the funding act, and under that act any and every bondholder had a right to present his bond and get a new bond, which bond was exempt from taxation and the coupons on it receivable for taxes and all other dues due the State. A large portion, perhaps three-fourths——

Mr. DAWES. Let me ask this question: If the bondholder did not do that, did the State pay the bondholder then according to the letter of the bond?

Mr. DAVIS, of West Virginia. Oh, no, of course not.

Mr. DAWES. I thought they did not.

Mr. DAVIS, of West Virginia. Of course not.

Mr. DAWES. Then——

Mr. DAVIS, of West Virginia. Let me finish. It will be seen, as I have stated, that the interest paid, instead of being 6 per cent. on all the bonds, has been 4.39 per cent. Therefore that portion of the creditors who funded and took coupons, which are receivable in taxes and all other dues to the State, and non-taxable, had an advantage over the men who refused to do it or declined to do it. They have only received a part of their interest, on some portion a very small part.

Mr. KELLOGG. I desire to ask the Senator a question. I understand him to allude to the act of March, 1871. Did that act provide that two-thirds of the bonds should be represented by new bonds issued by the State of Virginia and the remaining third by an obligation to be issued, called West Virginia certificates?

Mr. DAVIS, of West Virginia. That I understand to be so.

Mr. KELLOGG. The creditor then had a bond representing two-thirds of his dollar or thousand dollars, with the qualifications and restrictions stated. Then he had a certificate of West Virginia for the other third?

Mr. DAVIS, of West Virginia. A certificate of Virginia, not of West Virginia. West Virginia has no debt and no certificates.

Mr. KELLOGG. It was called a West Virginia certificate. Assuming that West Virginia had one-half of the area of the territory, as stated by the auditor of the State of Virginia, what proportion of that debt up to the present day has your State paid?

Mr. DAVIS, of West Virginia. I will answer. The Senator has misstated the facts, unintentionally, of course. He says West Virginia has one-half the territory——

Mr. KELLOGG. I say according to the report of the auditor of the State of Virginia. He makes a different statement from your authorities, I know.

Mr. DAVIS, of West Virginia. I think the Senator is still mistaken.

Mr. KELLOGG. Let me read:

The first auditor of Virginia, in his report dated September 30, 1866, sets down those items as follows:

The whole number of acres of land in the State prior to its dismemberment was	50,536,039
In the fifty counties claimed by West Virginia, nearly one-half the territory of the State	23,190,815
Total white population of the State in 1860	1,047,547
In West Virginia, rather more than one-third	355,640

West Virginia has rather more than one-third of the population and nearly one-half of the area of territory, he says. I do not know that he is correct; I am reading from his report. I understand, however, that on the contrary your authorities, the authorities of West Virginia, claim that he is altogether incorrect, and that the present State of Virginia contains 41,000 square miles, and West Virginia 20,000. I think there was some dispute as to certain counties which was decided by the Suprem eCourt in 1871 or 1872, by which the line was carried over and a portion of that territory heretofore in dispute was conceded to one State. Now, drawing the line of difference about equally, it is safe to say that West Virginia has more than a third of the area and about the same proportion of population. On that basis the funding act of 1871 gave two-thirds of the bonds held by the creditors of the State in a new bond that the State of Virginia as I understand obligated itself to pay, while it assumed that the other third should be paid, upon the basis of an adjustment afterward to be determined, by the State of West Virginia.

Now, the question that I address the honorable Senator from West Virginia is, has his State paid any portion of that debt? Does it acknowledge itself to be bound for any portion of that debt? As is conceded by the commissioners of both States, by the governors of both States in their messages running over several years, and by the action of their Legislatures, the new State received one-third or nearly one-third, or one-fourth, at any rate, of the benefits that accrued from the acquisition of money into the treasury from the sale of those bonds. Did it pay anything?

Mr. DAVIS, of West Virginia. The Senator has asked a long question, but I will try to answer it. In the first place, he is wrong about the amount of territory and population, and he avoids the question of the taxable property which West Virginia received in the division of the State. West Virginia did receive one-third of the territory, or about one-third. It has less than one-fourth of the population, and as I stated before less than one-sixth of the taxable property.

Now as to where the money was expended that the debt was created for, I believe that the facts are, and it is conceded in both States, that nine-tenths of the improvements for which the debt was created are now and always have been in the old State, and about one-ninth or one-tenth in the new State.

As to West Virginia paying any portion of her debt, that is the question which the Senator puts directly, and which I do not wish to avoid. I am desirous of meeting that squarely and fairly. I answer that West Virginia has paid none, and why? Has she ever refused? I defy any Senator and I invite any Senator here to show that West Virginia has at any time refused to take her fair, just, and equitable proportion of that debt. It cannot be shown by anybody.

Mr. KELLOGG. But, Mr. President——

Mr. DAVIS, of West Virginia. Wait a moment. It cannot be shown by anybody. West Virginia has always responded whenever an invitation came to her; and if the State of Virginia (about which I wish to say nothing disrespectful) and if the bondholders are satisfied to let things rest as they are, as a matter of course, in the nature of things, West Virginia will not make a fuss about it; but the facts are as I have stated, and I will state them again, that West Virginia has responded to every invitation, come from what source it might, to adjust and settle the debt. West Virginia appointed the last commission that was appointed and sent it to Richmond——

Mr. HOAR. Will my friend say if they have responded to any invitation from any holder of a bond to pay interest?

Mr. DAVIS, of West Virginia. I do not know that any holder of a bond has the right to ask her, and in the next place, I do not know that any holder of a bond ever asked her, and I do not believe any ever has.

Mr. KELLOGG. Now I ask the Senator if in November, 1871, the commissioners appointed by West Virginia did not proceed to Richmond, and after ransacking all the archives of the government finally assert for themselves that the State of West Virginia did actually owe a considerable portion of that debt?

Mr. DAVIS, of West Virginia. Yes.

Mr. KELLOGG. Has the Legislature of that State on their report ever provided for the payment of a dollar of that debt?

Mr. DAVIS, of West Virginia. Yes, Mr. President, the State of West Virginia did appoint commissioners and those commissioners were appointed, as I have said before, upon a resolution offered by myself and unanimously, I believe, passed through the Legislature. There was no politics in it whatever. The commissioners did go to Richmond and invite the governor and the State officers of Virginia to meet them for the purpose of an adjustment and settlement, and the response was, "We have no official authority to treat with you."

Mr. KELLOGG. But did not your commissioners make a report to you?

Mr. DAVIS, of West Virginia. Certainly.

Mr. KELLOGG. Did they not say you owed so much?

Mr. DAVIS, of West Virginia. Certainly.

Mr. KELLOGG. Did you ever make provision for what your representatives said you owed?

Mr. DAVIS, of West Virginia. That is a strange question. That is the question the State of West Virginia has always, as I have said, been willing to meet—her just and equitable proportion of the debt.

Mr. KELLOGG. Has she done anything?

Mr. DAVIS, of West Virginia. When we have approached the party with whom alone we can treat, we have been told "I will not accept your suggestions; I do not acknowledge any official authority to come here and look into this and to make any report whatever." The commissioners who went to Richmond were three honorable, just, and high-minded citizens. They examined the matter fairly and squarely; they went as far as they could to the bottom of the question, and reported that West Virginia in round numbers owed about a million of dollars. That commission was composed of two democrats and one republican. One of the democrats was General Jackson of Parkersburgh, who had been many years in the public service and who served in the old State. The second democrat was Mr. Bennett of Weston, who had been auditor of the old State and knew well the accounts, a gentleman competent in every way to view the question. The third member was Mr. Campbell, of the Wheeling Intelligencer, a gentleman whom many of my republican friends here know to be a leading republican of my State, a man of a high order of character and intelligence, a man who has commanded the respect of the whole State. That commission reported unanimously that when they got to Richmond there was no one there to receive them or treat them with official courtesy. I do not mean that they were treated roughly or ungentlemanly, but they were not received officially and they made a report as best they could, it is true an *ex parte* report, because they had to do it; they could do nothing else. That was the last official act between the two States, and that was the act of West Virginia.

Mr. KELLOGG. Has there been any step, I ask the Senator, by West Virginia to meet these obligations?

Mr. DAVIS, of West Virginia. It is not worth while to take any steps. If I claim I owe the Senator $5 and he says "You do not; I will have nothing," it is not likely that I would run after the Senator to find him; but if he was willing to have me approach him and talk the matter over, I would be ready to pay him. I think I am as much of a debt-payer as anybody; I do not make exception of any one; and I believe it is the duty of every State and every individual to pay a just and honorable debt, let it be what it may. What the debt between the two States is I cannot say, because it has not been adjusted; but I believe the State I in part represent is entirely ready and willing and anxious to do her just and full proportion and pay all she owes to any bondholder of Virginia, or any one else; and I believe further that no State or individual can afford to ignore a just liability.

I think that a man who wants to look the world squarely in the face and do his full duty will at all times—whether he is able to pay may be another question—at least answer and say, "I owe and will pay when I can," and I regret very much to see my friends on that side of the Chamber encouraging a spirit that I believe will spread through the South and perhaps into the North, encouraging people to talk about readjusting and eliminating debts. That is not the company my friends there ought to be found in; they ought to be in different company; they ought to be in that company that acknowledges and is willing to pay debts instead of ignoring and eliminating them. I believe the people of the two Virginias can and will pay every dollar they owe if they are let alone and not interfered with by persons who want to ignore or eliminate part of the debt.

Mr. President, the trouble with regard to the debt of Virginia is not unprecedented; and the experience of other States should be an encouragement to those of her people who are for meeting her obligations manfully. Tennessee has just passed through a financial struggle which has resulted in maintaining her honor and financial integrity, and I have no doubt her prosperity. Illinois, Pennsylvania, Maryland, and other States whose financial standing is now above par and whose honor is beyond suspicion, have passed through fiscal struggles and maintained their integrity under circumstances much more unfavorable than Virginia has before her to-day. I am informed and believe that four-fifths of the tax-payers of Virginia are for paying the just and full debt of the State. It is the non-tax-paying people, as a rule, who oppose paying the debt in its entirety and who for political or other reasons and purposes talk about eliminating, readjusting, or repudiating. I believe a large majority of the people of the Virginias are honest and honorable and will pay every dollar of their just debts.

I hope, sir, the two States will meet before a great while and settle on an equitable basis of adjustment between them; and you will find the people inclined to take hold of it properly and pay whatever may be proper and just. I should be glad if my friends on the other side of the Chamber would lend their aid in that direction instead of lending it in a direction that I think tends to make States and people repudiate. I believe that the encouragement which that part of the people of Virginia who call themselves readjusters receive from the republicans of this Senate will spread in the State of Virginia, and it will make men less anxious to pay their honest debts. It has that tendency, and I regret very much to see it. I hope my friends will soon mend their course and let the readjuster part of the question drop.

Mr. HOAR. Mr. President, I wonder if the sense of humor has entirely forsaken our southern brethren. There used to be a good deal of fun down in that part of the country. Those persons who had been down there generally came back with a story, and the editor's drawer of Harper's Magazine, a collection of humorous anecdotes, had a full proportion from that part of the Republic. But it is astonishing and amazing that our friends on the other side of the Senate get up and go through this talk. Why, now, just take this old State of Virginia, mother of Presidents, grandmother of the honorable Senator who has just addressed us, and with various other titles: in 1869, in December, if I am right in my recollection, she was readmitted to the Union, came in in 1870, and a creditor of the old State of Virginia would have held at that time a thousand-dollar bond payable with interest at the rate of 6 per cent., so that in the eleven years which have passed he would have been entitled, saying nothing about compounding interest, to $660 of interest. He had the promise of that worthy grandmother of statesmen and her honor to pay him that sum. She said to him by her funding bill of 1871, passed by a democratic Legislature, "If you will take two-thirds of the principal of that $1,000, throwing off $333, and 4 per cent. interest instead of 6, we will pay you the balance." So according to her offer he would have got $440, with $333 deducted from his principal, or $107, instead of the $660 he was entitled to, and that is all he would have got by her offer. I think she has paid two annual installments of interest, amounting to $120. If he had refused her offer he would have lost $440 up to this time and lost the whole of his debt, principal and interest, so far as anybody knows. But supposing, as she says, she is going to pay him some time, he would have lost up to this time of his $660, saying nothing about compounding interest, if he had taken her offer, all but $107, and if he had not taken it all but $120; and now that State and our friends on the other side turn around and hold up their hands in holy horror at General MAHONE, this awful repudiator, and at the republican party, who when there is not a majority of any party in the Senate consents to voting one of the subordinate offices to some one who believes with General MAHONE about Virginia finance! Well, now, if that is not the most ridiculous and comical position which any set of men ever undertook to maintain gravely in the presence of an intelligent people, I am mistaken.

Do our friends really think that for the sake of sustaining "the solid South" hereafter, the American people have got to forget the multiplication table and the rule of three, and that a Yankee cannot cast interest? No, Mr. President, the proposition of the junior Senator from Virginia does not come up to what the duty of the people

of that State requires; the republicans of the North do not agree with him in his notions as to State finance; but it is a great deal more honorable and comes a good deal nearer to it than the proposition of the Virginia democracy.

Mr. DAVIS, of West Virginia. I wish to ask my friend supposing we admit all that he says—which I do not by any means—supposing it were just as he says it is, the bondholder would have only got $107; I think he is greatly mistaken about it, but suppose it is so, and suppose his friend that he has referred to just now succeeds, how much will he get? One hundred and seven dollars? No; one-third of that will be gone. If the party that he is encouraging now succeeds, admitting all he says to be true, then one-third more goes because it is going to be eliminated, as the junior Senator from Virginia said. The debt is $30,000,000 as it stands to-day in round numbers. He says $20,000,000 is all the State can pay or ought to pay and 3 per cent. interest is all the interest she ought to pay.

Mr. HOAR. But suppose that were true, the State of West Virginia, to which I did not address myself, contents herself with these lofty pretensions of virtue and never has paid anything. While the Senator from West Virginia informs us how often they have invited Virginia to a conference and how often this, that, and the other person has been invited to consider the question, the one essential point of either of these States who between them owe this debt, inviting their creditor to come and get the money they have promised him, is absolutely lacking in either democratic State.

Mr. SHERMAN. Mr. President, I certainly have no desire to mix in this discussion so far as it affects the State of Virginia or West Virginia. I think both of them are delinquent in paying what is properly due to their public creditors; but I desire to present the view taken of this question by the republicans of West Virginia. I hold in my hand a letter from the predecessor of my friend from West Virginia, who was formerly a member of this body and who was very much respected by us all, Hon. Mr. Willey, who by the way was a member of the first and second constitutional conventions of West Virginia. He recalls to my recollection a fact that I had forgotten in the previous debate, that when the question of the admission of West Virginia was under discussion in this body there was some objection made to the organization of West Virginia unless a provision was made for the payment of a portion of the debt of the old State. He says that I made that objection and that he remembers distinctly the conversation that occurred between us in that respect. I will read what he says in regard to that:

> You were a little mistaken, too, in supposing that the commissioners sent to Richmond to adjust the debt failed in consequence of a disagreement with the Virginia authorities. The fact is that Virginia would not receive or recognize the West Virginia commissioners at all; but refused to confer or treat with them on the subject in any respect whatever.
>
> Thus you will perceive that you had no cause to reflect upon yourself for not requiring West Virginia at the time you voted for her admission as a State, to provide for the payment of a part of the debt of Virginia, since that very provision was made in her original organic law.

In my remarks made here a few days ago I stated that that was the defect in the legislation by Congress. Then he says:

> Indeed, I have a pretty distinct recollection that while the application for admission was pending before the United States Senate you suggested to me this very matter; and that when I pointed out to you the clause in the constitution which I have above copied, you expressed your satisfaction and stated that it removed one of the difficulties which had been embarrassing you. And I say to you now, what I have frequently said to the people of West Virginia, that but for that clause in the constitution the State would never have been admitted. I say further that in my opinion no honest party or honest man in West Virginia, or out of it, will deny the obligation of West Virginia to pay an "equitable proportion of the public debt of Virginia."

Mr. Willey, it will be remembered, was a Senator representing Virginia at the time the bill to admit West Virginia was pending, and was afterward elected one of the first Senators to represent the new State. When the bill to admit West Virginia as a State was pending here, it was only passed, as I am reminded by this distinguished gentleman of West Virginia, in consequence of the express stipulation contained in the first constitution of West Virginia that that State would assume a portion of this public debt of old Virginia, to be settled between them. This clause in the constitution which was before the Senate at the time West Virginia was admitted as a State was as follows:

> An equitable proportion of the public debt of the Commonwealth of Virginia prior to the 1st of January, in the year 1861, shall be assumed by this State; and the Legislature shall ascertain the same as soon as may be practicable, and provide for the liquidation thereof by a sinking fund sufficient to pay the accruing interest, and redeem the principal within thirty-four years.

But for this stipulation in the constitution of West Virginia, which was submitted to the Senate at the time of the passage of the bill to admit that State, it never would have been a State in this Union. So Mr. Willey, who was its organ and representative here, says, and my recollection, although very faint and dim, is to the same effect, and the argument was then made in the Senate that this was sufficiently covered by the organic law of the State of West Virginia.

Mr. President, I have been handed two papers containing messages of the republican governors of the State of West Virginia. There was some delay in approaching this question, for reasons stated in these papers, and which I do not think it necessary to go into, but it is certain that in the years 1869, 1870, and 1871 the republican governors did do their utmost, so far as I can see, to bring about some kind of adjustment of this debt.

Mr. DAVIS, of West Virginia. My friend will allow me to say that in 1871 the governor of West Virginia was a democrat. In the fall of 1870 the State changed its political complexion and the governor after that was a democrat.

Mr. SHERMAN. Very well; before the republicans lost their hold in West Virginia they provided for commissioners, and Mr. Willey states that they went to Virginia and there failed to agree; but here is the point I wish to come to: when the power departed from the republicans of West Virginia and it became a democratic State, a new constitution was framed; Mr. Willey was a member of the convention that framed the second constitution of West Virginia. Mr. Willey gives the composition of that convention:

> When the democratic party came into power in the new State it immediately called a convention to amend the constitution. That convention assembled in the winter of 1872. Only twelve of its members were republicans. All the others were democrats. This convention struck out the foregoing provision for the payment of part of the Virginia debt, and refused to incorporate in the new constitution any equivalent provision. Mr. Davis was mistaken. The only clause in the amended (democratic) constitution that can be possibly interpreted to have any reference to such debt is the following.

Which I will read in a moment. It appears that the republican party which framed the first constitution did have a specific guarantee or assumption of a portion of the debt of Virginia, the amount to be settled by future adjustment, that they took steps to bring about an agreement as to the amount, that afterward the power departed from the republicans and the democrats assumed control and the first act of the latter was to call a convention and that convention struck out this old provision upon the faith of which alone West Virginia was admitted as a State and inserted this provision in lieu:

> No debt shall be contracted by this State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war.

This does not contain any admission of liability for any portion of the debt of Virginia, taken in connection with the fact that they struck out the provision that did recognize the liability of West Virginia for a portion of the debt of Virginia, and taken in connection also with the pendency of a resolution then before the body denying that there was any validity, or any force, or any equity in the assumption of this claim. Now I will read what followed that:

> The fact is that this democratic convention of 1872 by a very decisive vote refused to incorporate in the amended constitution any express provision for the payment of any part of the public debt of Virginia. I give you the following extract from the journal of that convention under date of March 20, 1872, and from page 202.

The same book to which my friend referred.

> Mr. Willey moved to amend the report by adding thereto the following additional section:
>
> "An equitable proportion of the public debt of the Commonwealth of Virginia prior to the 1st of January in the year 1861 shall be assumed by this State; and the Legislature shall ascertain the same as soon as may be practicable, and provide for the payment thereof."

Here was a proposal to insert in the second constitution the old clause upon which there was a debate and a division.

> Upon which he demanded the ayes and noes. They were ordered and taken, and the amendment lost—ayes 20, noes 46.
>
> Every republican present and voting voted "ay" except one; all the "nays" except one were democrats.

This is the simple record that I present to the Senate of the United States at the request of some of the leading republicans of West Virginia. It does seem to me to show that the democrats in this matter have failed to observe the very condition on which the State of West Virginia was made a State.

I now, upon the statement of Mr. Willey, confidently assert that but for the fact that some provision was made in the constitution of West Virginia recognizing their liability for a portion of the public debt of the State of Virginia, that bill could not have passed. There was a good deal of controversy over the admission of West Virginia. I have always myself doubted whether it was a politic thing to do; and here it appears from the statement of this distinguished gentleman, the first Senator from that State and a member of this body when the bill passed, that at the very time that State was admitted it was only upon condition that West Virginia should by its organic act, as it had agreed to do, assume a portion of this debt. The democratic party struck out that provision by a party vote, and by a party vote refused to insert an equivalent provision in the new constitution. It seems to me, therefore, that the democratic party in that had shown its tendency to disregard public obligations, and that in this particular, as in many other cases that I might cite, it did show that it did not sufficiently recognize the importance of an observance of the public faith given by State or nation.

I make these official statements without any further comment, simply in justice to the republicans of West Virginia. It seems that I had fallen into one or two errors in my statement, not very material, when I spoke here a month or so ago, for I had no data before me at the time, and I spoke from memory. Mr. Willey corrects these errors and also gives the exact facts, and those facts are very creditable to the republican party of West Virginia; and as he says there is no one of that party so far as he knows in that State—and perhaps he says it also as to the democrats—but feels that it is his obligation, his duty, to assume a portion of the debt of Virginia. I only regret that it has not been done long before this.

Mr. DAVIS, of West Virginia. Mr. President, I will say a word and then give way to my colleague. Mr. Willey, to whom the Senator from Ohio refers, is very high authority; he stands well in our State, as well as any man could possibly stand anywhere, and I should give

credit to anything he would state from his recollection. It is true, as Mr. Willey has said, that there was such a provision in the first constitution of the State, and no doubt his recollection is correct as to what Congress would have done. The Senator from Ohio and all others will do me the justice to say that I have not in my remarks in the least reflected upon any republican in the State. I have stated that it never has been made a political question there; party lines have not been drawn upon it. I believe it would have been better to have inserted the old provision in the new constitution. I so stated in my remarks. If I had been there I think I would have so voted with other democrats, for there were democrats who voted for it.

Mr. SHERMAN. Only one.

Mr. DAVIS, of West Virginia. Several, I beg my friend's pardon; my colleague will show directly there were half a dozen or more.

Mr. President, as to this debt question, as Mr. Willey has said, the State of West Virginia does not nor does she wish to avoid the question; she will be found ready and willing whenever the adjustment is made to take her just and equitable proportion as the original constitution contemplated. But now I want to ask my friend from Ohio who is a good lawyer as well as financier, if he does not believe that the provision in the present constitution covers the ground fully?

Mr. SHERMAN. I feel bound to say——

Mr. DAVIS, of West Virginia. A word before the Senator answers. I do not mean as to acknowledgment, but I mean as to the recognition that she can pay or make provision to pay if anything is found due. I agree with the Senator that it would be better probably, it would certainly have acknowledged more clearly the debt, if the provision had been retained in the second constitution that was in the first; but the appeal I made to the Senator from Ohio was, is it not in his judgment the fact that the present constitution contains provision for the payment of anything that may be found due between the two States?

Mr. SHERMAN. I think not. I think the only thing that looks favorable is the public sentiment of the State of West Virginia. If the people of West Virginia feel the moral obligation of this debt, they will pay it; but there is nothing in their constitution that requires them or that even recognizes the existence of this obligation. The State had then been in existence a number of years, and it says "If there are any debts outstanding we will provide for them;" that is all, but it does not recognize the fact that there was any obligation to assume a debt that existed before the existence of the State when it is taken in connection with the vote on the proposition of Mr. Willey. There is nothing in the constitution of West Virginia now that in a court of law would be regarded as a recognition of a debt pre-existing the formation of the constitution.

Mr. KELLOGG. The first constitution provided that—

> An equitable proportion of the public debt of the Commonwealth of Virginia prior to the 1st day of January, 1861, shall be assumed by this State; and the Legislature shall ascertain the same as soon as may be practicable, and provide for the liquidation thereof by a sinking fund sufficient to pay the accruing interest and redeem the principal within thirty-four years.

That was stricken out by the vote the Senator from Ohio has stated.

Mr. CAMDEN. Mr. President, I will state in answer to the Senator from Ohio that of the twenty votes in favor of inserting the same clause in the constitution of 1872 that was in the constitution of 1863, there were, I think, only seven republicans voting for it and thirteen democrats; there was one republican who voted against it, the others were democrats. So that it was not in any sense a political question, and I repeat it has never been a political question in our State.

Mr. SHERMAN. That agrees exactly I think with the statement of Mr. Willey; one republican voted against his proposition; all the other republicans that were present and voting voted for it.

Mr. CAMDEN. There seem to have been seven other republicans present who voted for it; the thirteen additional votes making up the twenty were democrats.

Mr. SHERMAN. It would show, then, that the republicans were seven to one in favor of an assumption and the democrats were about four or five to one against it.

Mr. CAMDEN. That is true. The Senator will also bear in mind as to the explanation and reason for this action that the report of the commissioners was before that convention. The journal shows that a requisition for six hundred copies had been made. That report ascertained the amount due from West Virginia upon the indebtedness of Virginia to be something less than a million of dollars. The question before the convention was to provide for the payment of the amount, and not for the acknowledgment of the indebtedness. The Senator will find in the constitution of 1872, section 5 of article 10, which was not in the constitution of 1863, the provision that—

> *The power of taxation of the Legislature shall extend to provisions for the payment of the State debt and the interest thereon.*

Section 4 provides that the State of West Virginia shall not incur any debts or issue any bonds for any other purpose except for the purpose among others of "providing for a previous liability of the State."

These two sections of the constitution of 1872, section 5 not being in the constitution of 1863, taken together provided for issuing bonds if necessary to discharge a previous liability of the State, and gave power to the Legislature to levy taxes for the payment of those bonds and the interest upon them. It was therefore the purpose of the convention that framed the constitution of 1872 to provide for the payment of the debt as ascertained by the commissioners, and that was the point, as I understand it, that divided the two parties. One party wanted the old provision acknowledging on the part of West Virginia her liability to pay an equitable portion of the debt; the other wanted to accept the report of the commissioners and provide for the debt as ascertained.

I desire in the same connection to call attention to and to answer the question propounded by the Senators from Louisiana and from Massachusetts in this, that West Virginia had never made any proposition to the creditors of Virginia, or to Virginia herself, to pay any direct portion of this debt.

Mr. HOAR. Does the Senator allude to me as the Senator from Massachusetts?

Mr. CAMDEN. No; to the Senator's colleague, [Mr. DAWES.] I ask my colleague if that question——

Mr. DAWES. That West Virginia had not made any provision?

Mr. CAMDEN. Yes, sir.

Mr. DAWES. No; I did not say so.

Mr. CAMDEN. I beg pardon. I understood the Senator so.

Mr. DAWES. No; the Senator's colleague told me that I had complained of Virginia because she claimed not to be able to pay her debt. I stated distinctly that that was not what I said, but that she expressed no desire to pay it—Virginia, not West Virginia.

Mr. CAMDEN. I beg pardon; it was the Senator from Louisiana.

Now I wish to recapitulate in a few words the condition in which West Virginia was placed by the action of Virginia. In the first place, up to 1866 no action could be taken by either of the States looking to an adjustment of this debt. In 1866 Virginia passed an act withdrawing her consent to the formation of West Virginia, and soon afterward also instituted a suit to recover jurisdiction over the counties of Berkeley and Jefferson. That of necessity interrupted all negotiations between the two States. That suit was not decided until the 6th of March, 1871. In the mean time acts had been passed by the Legislature of each State authorizing commissioners on the part of Virginia first to negotiate for the return of West Virginia to the old State; secondly, for the adjustment of the public debt.

Mr. DAWES. The Senator will allow me to inquire, was not the suit between Virginia and West Virginia about the change of the line between the two States from that which was originally set up in the division by including two counties in West Virginia which before were in old Virginia? I thought that was the subject of it.

Mr. CAMDEN. All the counties of West Virginia were in Virginia before the formation of West Virginia.

Mr. DAWES. But two counties, if I remember aright, that were originally left in old Virginia, were taken into West Virginia by a change of line, and the two States had a lawsuit about that, and there was a long controversy. I unfortunately got into a newspaper correspondence with some of the West Virginia gentlemen about it myself; but that was not upon the legality of the setting up of West Virginia. While I am up I will say that I voted in the House against the setting up of West Virginia. I never believed that it was properly done. I recorded not only my vote but my earnest protest against the proceeding. But the suit to which the Senator alludes had nothing to do with that.

Mr. CAMDEN. I will answer the Senator. The act of the Virginia Legislature withdrawing her consent to the formation of the State of West Virginia was intended to go to the formation of the State itself and the admission of it; and contemplated at that time an action on the part of Virginia to revoke or annul the formation of the State of West Virginia. Afterward, however, she abandoned that ground and brought a suit to recover the jurisdiction of the counties of Jefferson and Berkeley, which she claimed had not been legally admitted into the territory of West Virginia.

Mr. DAWES. On the ground that she had never given her consent?

Mr. CAMDEN. Yes, on the ground that the consent she had given did not extend to those counties, but the counties of Berkeley and Jefferson were admitted to the State of West Virginia after the action of the first convention which formed the State of West Virginia out of the other counties embraced in its territory. However, West Virginia claimed the jurisdiction of those counties, had the jurisdiction of the counties, was exercising it, they were in possession of West Virginia, and until that suit was decided it was impossible for any adjustment to take place between Virginia and West Virginia, because they entered largely into the basis of any settlement that could take place.

I make this point for the purpose of showing that up to the 6th of March, 1871, West Virginia was powerless to make any settlement; neither was Virginia in a condition to make any settlement, because she was under the reconstruction acts of Congress by which her State government was not empowered to make any adjustment of her debts either between her creditors or between that State and West Virginia.

That brings us to the 6th of March, 1871. About that time Virginia appointed commissioners to treat with commissioners from West Virginia. West Virginia promptly met that demand and appointed commissioners to treat with the Virginia commissioners. But about the same time Virginia saw that she could make a better bargain with her creditors than she could possibly gain from any settlement with West Virginia, and within less than thirty days from the decision of the suit she passed the funding bill of the 30th of March,

1871, by which she got rid of one-third of her debt by the consent and even at the solicitation of her creditors. Virginia from that time has been placed in such a position that she cannot afford to make a settlement with West Virginia, she does not desire a settlement with West Virginia, and as long as she feels herself unable to meet promptly the interest and demands upon her for the balance of the debt, after having scaled it one-third by reason of the territory taken from her by West Virginia, she will decline to make any advances or to permit a settlement to be made with West Virginia. Therefore, after the commissioners of West Virginia had ascertained the amount that they conceived West Virginia was equitably entitled to pay upon the debt of Virginia, West Virgina had no place to offer the payment of that money.

The governor of West Virginia in submitting the report of the commissioners to the Legislature of West Virginia, referring to the report, says:

It will demand your serious consideration whether you will now proceed to assume what you may conceive to be the equitable proportion of the public debt of Virginia prior to the 1st of January, 1861, or whether you will, in the light of past events, await further action on the part of Virginia.

At that session of the Legislature the Legislature concluded to await such action as might be taken by the authorities of Virginia upon the subject. The action of the commissioners was reported to the governor of Virginia. Virginia took no notice of it, and has taken no notice of it from that time to this. Now there is no place where West Virginia can seek a settlement except through Virginia, and I am justified and authorized in saying what I have in reference to the disinclination of Virginia to make any settlement with West Virginia by the language of the governor of Virginia. In speaking of the settlement between Virginia and West Virginia, Governor Kemper, in his message of October 5, 1877, to the Legislature of Virginia, says:

Virginia can never become liable for any part of West Virginia's third, except by virtue of a settlement hereafter to be concluded between the two States. Clearly and unquestionably such a settlement is impossible to be had without the co-operation and assent of Virginia. If we ever become liable for any part of the debt thus remitted to West Virginia, then it will be no otherwise than by her own voluntary act that Virginia will incur that liability. Until the coming of the millennial era it may scarcely be supposed that one State will volunteer to assume the burdens of another State.

Mr. KELLOGG. Is that the language of the governor of Virginia?

Mr. CAMDEN. That is the language of the governor of Virginia, Governor Kemper, in his message of October 5, 1877.

Mr. KELLOGG. If the honorable Senator please, the way I read that is that Governor Mathews is the man who, calling on the governor of Virginia, Governor Kemper, says:

Until the coming of the millennial era it may scarcely be supposed that one State will volunteer to assume the burdens of another State.

Mr. CAMDEN. I beg the Senator's pardon; it is Governor Mathews quoting from the message of the governor of Virginia.

Mr. KELLOGG. It is not so marked here. I have the original document.

Mr. DAWES. I suppose it so commended itself to both governors that they both adopted it.

Mr. CAMDEN. I think if you will look at the message of Governor Kemper of the 5th of October, 1877, you will find that the language is used by Governor Kemper in his message, and it is a quotation from that message by Governor Mathews.

I think that the efforts of West Virginia have been consistent and uniform in trying to ascertain and provide for her equitable portion of this debt. That it could not be one-third of the indebtedness of Virginia is evident from the fact that the territory taken by West Virginia, as reported by the commissioners at least, was less than one-third; her population was less than one-fourth; her taxable values were less than one-sixth; and upon the basis assumed by the commissioners of distributing the debt to each State according to the benefits received by each the indebtedness is less than $1,000,000. Therefore Virginia, as is stated by her governor, was not in a position to make any settlement by which she would bring back upon her any portion of that debt, which would evidently be the case if the settlement was made at all. Therefore Virginia could not afford to make a settlement, and West Virginia can make no settlement without the consent of Virginia.

Mr. DAWES. I move that the Senate do now adjourn.

The motion was agreed to; and (at two o'clock and thirty-five minutes p. m.) the Senate adjourned.

WEDNESDAY, *May* 4, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF PAPERS.

On motion of Mr. MCMILLAN, it was

Ordered, That the papers in the case of the assignees of John Link, David Evens, and Thomas Loveless be taken from the files of the Senate and returned to the attorney of said assignees.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely, upon which motion the yeas and nays have been ordered.

Mr. DAWES. I ask that the pending resolution be read.

The VICE-PRESIDENT. The pending resolution will be read.

The Chief Clerk read the following resolution, submitted by Mr. DAWES, March 23, 1881:

Resolved, That the Senate do now proceed to the election of its Secretary, Sergeant-at-Arms and Doorkeeper, Chief Clerk, Principal Executive Clerk, and Chaplain.

Mr. DAWES. Mr. President, that resolution is the only matter pending before the Senate. It is a very simple resolution. It is in accordance with the custom of the Senate from time immemorial, although in the early years of the Senate it was the custom of the Senate to hold its officers longer than latterly. The first Secretary elected by the Senate held that position until his death in 1814, and the second Secretary held his office until 1825. The Senate at that time adopted a standing rule requiring all its officers to be elected at the beginning of each Congress, once in two years. Under that rule, once in two years the officers of the Senate were elected, in the manner indicated by the rule, until the 9th of February, 1849, when, on motion of Mr. Benton, the rule was changed to the present rule, he stating that at the close of a long senatorial life of thirty years he desired to contribute that much to the ease and comfort of the Senate he was about to leave, so that Senators might be relieved at the beginning of each Congress from the importunities of a new set of office-seekers, remarking at the same time that if the rule should be changed to what it is now the Senate could, of course, at any time it desired, change its officers.

Since 1849 the rule has been as it is now; and since that time the Senate has elected officers at regular sessions of Congress, at extra sessions of Congress, and at called executive sessions of this body; so that the resolution pending before the Senate is in exact conformity to the usages of the Senate from the beginning. It was offered to the Senate on the 23d of March, and on the 24th of March it came up under the rules of the Senate for consideration, the rules of the Senate providing for and being supposed hitherto to secure to each member of the Senate and to the Senate itself the right to have the Senate itself pass under those rules upon any measure proper within its rules to be submitted to the body for consideration. It had been supposed up to that time that every Senator in this body who desired to invoke the voice of the Senate upon any matter legitimate for the Senate to consider had secured to him under the rules of the Senate the right not only to invoke that voice but to secure it.

Under that impression, sir, and endeavoring not only to conform to the usages of the Senate but to its rules, I introduced this resolution. I did not ask any Senator to support it to whose judgment it did not commend itself. I asked Senators under the rules to consider it and to pass upon it. It has encountered opposition. That opposition has held the Senate of the United States here for more than six weeks, not for the consideration of the merits of the resolution, all of which were considered and passed out of the field of debate on the first day that it was brought before the Senate. Since that time the opposition to the consideration of this measure has not been directed to its merits. It has been distinctly declared upon this floor by Senators that the Senate of the United States should never pass upon the resolution. Justification for a declaration of that kind has been sought from various sources, mostly drawn from other resolutions in the Senate but not now before it.

This resolution is distinct from, and has no connection whatever with, any other resolution pending in the Senate; but those Senators in this body who have openly declared to it and to the country that there are subjects which, though proper to be submitted to this body, they so differ with the body itself upon that this body shall never be permitted to pass upon them at all, have sought their excuse from other sources rather than in the resolution itself.

I have but to state what has been the opposition that the Senate has encountered under its rules to the proposition whether it has the power to pass upon matters proper and legitimate for it to consider—I have but to state that question to state in other words a question of graver import and importance and scope and consequence to the institutions of this country than any other which has come up for consideration in this Hall.

It matters very little what may be the fate of this resolution of itself. If it should be extinguished here in a half-hour from this time, provided it were extinguished by the methods pointed out by that Constitution which sustains us and the whole fabric of this Government, not a ripple would be discovered, and the Government would move on as if the resolution had never had any existence; but to be extinguished in the fulfillment of an avowed threat from Senators in this body that the body has no power to so control itself, that it shall not be permitted to pass its own judgment, whatever that judgment may be, upon any matter legitimate for it that any Senator in his seat shall invoke, it will be extinguished by a blow that will be felt when it falls and where it falls in this body paralyzing it, chaining it, crippling it, destroying it, and further and beyond, demonstrating to dissatisfaction and to faction and to rebellion a method and an instrumentality and a power beyond any which in

open field and in open warfare would shake the institutions of this country. If it can prevail here, if a Senator in his place can declare to the Senate of the United States, "You shall never pass upon this measure," and if he has the power to carry out that threat, it can be so done at the other end of this Capitol, and at the other end of the avenue, here, elsewhere, everywhere, in a Government whose vital breath and power is the rule of the majority.

The VICE-PRESIDENT. The Senator will suspend in order that the Chair may receive a message from the President of the United States.

[A message in writing was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. DAWES. Of what avail is a message in writing from the President of the United States to this body if any Senator can get up in his place and, with impunity, and with power to enforce his threat, say to the Senate, "You shall never consider that message!" Of what avail that we come together to deliberate, to debate, if there is a power greater than the Senate itself that shall dictate with paper in hand the subjects-matter upon which we shall debate and deliberate?

I was about to say, when that message appeared at the door, that far beyond and outside of anything pertaining to the resolution itself, the resolution had come to be simply an exponent, a personification, if I may use the phrase; around it there had come together the forces of the Republic on the one side, and those forces on the other side that are not willing to submit to the rule of a majority; and it has come to assume such importance that it can never be given over. It can have no other resting place but a settlement and a determination whether this be a government and whether this branch of it be so constituted that it can control itself.

Wittingly or unwittingly, there has devolved upon the republican party anew and in a new form, but not less important, the great question whether the essence, and vitality, and value of republican institutions shall any longer continue in this land. Not willingly, yet I trust not hesitatingly, the republican party assume again the responsibility, and here and now, speaking for myself and so far as I am authorized to speak for any one else, I do declare that I continue this effort, not for anything there may be in the resolution which I offered here in March, but because around it, and with it, and on its fate, hangs the greater, living, vital issue in this country, Shall the Senate of the United States determine for itself what it shall pass upon, or shall Senators in their place have power to say to that Senate, "You never shall pass upon this, or that, or any other measure that I shall specify."

After this announcement from Senators and after the full development of the serious character of this struggle here in this body, and after it has thus been uncovered, and made to be seen by all earnest and careful patriots that this is a serious work that cannot be given over, it is necessary for us to make preparation for a systematic, a fervent, an unflinching address of all our energies and our efforts to its maintenance. In the mean time, the public service is also committed to our care. While this cannot be given over without proving false to these great principles, the public service of the country cannot be permitted also to suffer by being thus involved in this struggle here in the Senate for the maintenance of power. Indeed this struggle itself can best be carried on by girding up the loins of this Republic and strengthening all its parts and putting all its wheels in motion; for we will come to this work with more strength and assurance when everything else also is put in order and efficiency and when no other branch of the public service is permitted to suffer while our thoughts are absorbed in this great work.

We cannot fail to see that without giving it over or relaxing in one iota this great work, we must do other work also, in order that thereby our arms shall be strengthened in doing this which circumstances have made our chief work here in this session. We cannot omit to do our full duty elsewhere because we find ourselves here engaged in this struggle to maintain the authority of the Senate.

Therefore it is, recognizing this necessity and drawing from it the fact that in that way more than in any other our arm will be most strengthened in this work, I propose that the Senate address itself for a short time to other business as well as to this, never losing sight of the fact that unless we do this work, and so do it that the power of the Senate over itself will be vindicated, but coming back to it feeling that we have made ourselves stronger for it by having done that which the necessities of the Government required of us to do. I move that we now proceed to the consideration of executive business.

Mr. BECK. On that motion I call for the yeas and nays.

Mr. PENDLETON. I ask the Senator from Massachusetts to withdraw the motion for a moment, and I will either give place to him to renew it or renew it myself.

Mr. DAWES. The Senator knows that any personal appeal to me under ordinary circumstances would be responded to most heartily. The debate has gone on for six weeks; we have tried to explain, each individual for himself, his position and its justification. It does not seem to me that it would be profitable to continue it now, and with the utmost assurance to my friend that there is——

Mr. BECK. I do not think it proper for the Senator from Ohio to disturb the funeral oration; the business is too solemn. Riddleberger and Gorham are both dead; let them rest in peace.

Mr. DAWES. I trust with the Senator from Kentucky that it is the funeral of the assertion made by him that the Senate itself should never pass upon its own work. I adhere to the motion.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business, on which motion the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.] I do not know how he would vote, and I refrain from voting.

Mr. BURNSIDE, (when his name was called.) I am paired with the Senator from Alabama, [Mr. MORGAN.] If he were here, I should vote "yea."

Mr. FERRY, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.] If he were here, I should vote "yea."

Mr. WALKER, (when Mr. GARLAND'S name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] If my colleague were present, he would vote "yea."

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were present, I should vote "yea."

Mr. JACKSON, (when his name was called.) I am paired with the Senator from Indiana, [Mr. HARRISON.] I suppose he would vote "yea;" but as I am not certain as to how he would vote, I refrain from voting.

Mr. HAWLEY, (when the name of Mr. PLATT, of Connecticut, was called.) My colleague [Mr. PLATT] is paired for the remainder of the session with the Senator from Oregon, [Mr. SLATER.] If my colleague were here, I have no doubt he would vote "yea."

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. BECK. My colleague [Mr. WILLIAMS] is still absent. If he were present, he would vote "yea" on this question.

Mr. COKE. My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. COCKRELL. Some days ago I paired with the Senator from Maine [Mr. FRYE] who is absent. I will ask his colleague [Mr. HALE] how would the Senator from Maine vote if he were present?

Mr. HALE. There is no objection to the Senator from Missouri voting upon this question. My colleague, if here, would vote "yea."

Mr. COCKRELL. I believe under the circumstances, then, I will vote, although I have some distrust of the propriety of the vote because of its being sustained by my good friend from Massachusetts. I will vote "yea" under the circumstances.

Mr. DAWES. The Senator will never be so happy again in the world, or any other world, as he is when he is following me. [Laughter.]

The result was announced—yeas 53, nays 0; as follows:

YEAS—53.

Allison,	Dawes,	Jonas,	Pugh,
Bayard,	Edgerton,	Kellogg,	Ransom,
Beck,	Farley,	Lamar,	Rollins,
Blair,	Gorman,	Logan,	Saulsbury,
Brown,	Groome,	McDill,	Sawyer,
Butler,	Hale,	McMillan,	Sewell,
Call,	Hampton,	McPherson,	Sherman,
Camden,	Harris,	Mahone,	Vance,
Cameron of Wis.,	Hawley,	Miller,	Vest,
Cockrell,	Hill of Colorado,	Mitchell,	Voorhees,
Coke,	Hill of Georgia,	Morrill,	Walker.
Conger,	Hoar,	Pendleton,	
Conkling,	Ingalls,	Platt of N. Y.,	
Davis of W. Va.,	Johnston,	Plumb,	

NAYS—0.

ABSENT—23.

Anthony,	Ferry,	Jackson,	Saunders,
Burnside,	Frye,	Jones of Florida,	Slater,
Cameron of Pa.,	Garland,	Jones of Nevada,	Teller,
Davis of Illinois,	George,	Maxey,	Van Wyck,
Edmunds,	Grover,	Morgan,	Williams.
Fair,	Harrison,	Platt of Conn.,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty-three minutes spent in executive session, the doors were reopened, and (at four o'clock and twenty-three minutes p. m.) the Senate adjourned.

THURSDAY, *May* 5, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE SESSION.

Mr. DAWES. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty-two minutes spent in executive session, the doors were reopened, and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

FRIDAY, *May* 6, 1881.

Prayer by Rev. JOHN CHESTER, D. D., of the city of Washington.
The Journal of yesterday's proceedings was read and approved.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 28th ultimo, the answer of John F. Lewis, United States marshal for the Western District of Virginia, to the report of C. C. Lancaster, acting special agent of the Treasury Department; which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That George H. Boston have leave to withdraw his papers, relating to his claim, now on the files of the Senate.

On motion of Mr. CALL, it was

Ordered, That Jules Baratier be allowed to withdraw the papers in his claim from the files of the Senate.

ORDER OF BUSINESS.

Mr. DAWES. Mr. President, I congratulate the Senate upon that dispatch in the public business which enables them this morning to take up again and consider, and I trust adopt, the resolution which I submitted in March for the consideration of the Senate, and which the Senate itself have determined they will consider, whatever may have been on the part of any Senators a disposition to vote against it. I do not ask, as I said day before yesterday, any Senator to vote for it; but I deem it to be a right which I have under the rules and under the Constitution of the United States to have the Senate vote upon the resolution—just as much a right if I find that a majority of the Senate disapprove of it as I should have if a majority of the Senate approve of it. It is not because I desire that the Senate itself shall agree with me in reference to the propriety of adopting the resolution; it is because I desire the Senate to control itself. When any matter legitimate for the consideration of the Senate is proposed to it for its consideration under those rules of the Senate which the Constitution of the United States has conferred upon the Senate the power to enact, I desire that it shall not be deprived of that right here in the Senate.

Sir, if the Senate will indulge me, I invoke at your hands the protection of the Constitution of the United States in the assertion of my individual right in the Senate to a vote upon a resolution I have offered here within its rules and within its legitimate functions, and which is now the only business before the Senate.

Mr. HARRIS. Mr. President, I had hoped the Senator from Massachusetts had risen for the purpose of making a motion. We have followed the lead of that Senator for the last two or three days with great pleasure and have dispatched a large proportion of the public business for which this session of the Senate was convened. I need not remind that Senator of the fact that there is yet a large proportion of that business unconsidered and undisposed of, in view of which fact I had hoped the honorable Senator from Massachusetts would have made the motion this morning that he has made for two or three mornings heretofore. But inasmuch as the Senator failed to do so, I will make the motion that the Senate do now proceed to the consideration of executive business.

Mr. DAWES. If it were proper for me to follow——

Mr. PENDLETON. I rise to a point of order. I think the motion to go into executive session is not debatable, as I was reminded the other day.

Mr. DAWES. So I understand.

The VICE-PRESIDENT. The motion is not debatable; but the Chair has not heard what is the object of the Senator from Massachusetts in rising.

Mr. DAWES. So I inferred while the Senator from Tennessee was talking.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, [Mr. HARRIS,] that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. DAWES, (when his name was called.) I am not quite certain but that I am paired with the Senator from Virginia on my left, [Mr. JOHNSTON.] I will wait until the roll-call is completed.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were present, I should vote "nay."

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were present, I should vote "yea."

Mr. JACKSON, (when his name was called.) I am paird with the Senator from Indiana, [Mr. HARRISON.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Illinois [Mr. DAVIS] on this question.

Mr. McPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.]

Mr. COKE, (when Mr. MAXEY's name was called.) My colleague [Mr. MAXEY] is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. BURNSIDE, (when Mr. MORGAN's name was called.) I voted inadvertently. I am paired with the Senator from Alabama [Mr. MORGAN] and desire to withdraw my vote. If he were here, I should vote "nay."

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. JACKSON. My pair with the Senator from Indiana [Mr. HARRISON] has been transferred to the Senator from Mississippi, [Mr. GEORGE,] and therefore I vote "yea."

Mr. DAWES. I desire to state, and leave on the record, that I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. SAWYER. I desire to say that I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

The VICE-PRESIDENT. The Chair is informed that no quorum has voted.

Mr. CAMERON, of Pennsylvania. To make a quorum I vote "nay."

The result was announced—yeas 18, nays 21; as follows:

YEAS—18.

Bayard,	Gorman,	Jonas,	Vance,
Beck,	Hampton,	Lamar,	Voorhees,
Brown,	Harris,	Pendleton,	Walker.
Call,	Hill of Georgia,	Pugh,	
Coke,	Jackson,	Ransom,	

NAYS—21.

Anthony,	Edgerton,	Logan,	Platt of N. Y.,
Blair,	Hale,	McDill,	Rollins,
Cameron of Pa.,	Hawley,	Mahone,	Sherman.
Cameron of Wis.,	Hill of Colorado,	Miller,	
Conger,	Hoar,	Mitchell,	
Conkling,	Ingalls,	Morrill,	

ABSENT—37.

Allison,	Farley,	Jones of Nevada,	Sawyer,
Burnside,	Ferry,	Kellogg,	Sewell,
Butler,	Frye,	McMillan,	Slater,
Camden,	Garland,	McPherson,	Teller,
Cockrell,	George,	Maxey,	Van Wyck.
Davis of Illinois,	Groome,	Morgan,	Vest,
Davis of W. Va.,	Grover,	Platt of Conn.,	Williams.
Dawes,	Harrison,	Plumb,	
Edmunds,	Johnston,	Saulsbury,	
Fair,	Jones of Florida,	Saunders,	

So the Senate refused to proceed to the consideration of executive business.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The business before the Senate is the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. PENDLETON. Inasmuch as the Senator from Massachusetts has told us that the business of the executive session was largely dispatched yesterday, and inasmuch as there is no desire to go into executive session to-day, and inasmuch as the committees are crowded with business, as we all know, I move that the Senate do now adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate adjourn. [Putting the question.] The ayes seem to have it.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) Upon this question I am paired with the Senator from South Carolina, [Mr. BUTLER.]

The roll-call was concluded.

Mr. BURNSIDE. I announce once for all to-day that I am paired with the Senator from Alabama, [Mr. MORGAN.]

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bayard,	Farley,	Jackson,	Ransom,
Beck,	Gorman,	Jonas,	Saulsbury,
Brown,	Hampton,	Lamar,	Vance,
Call,	Harris,	Pendleton,	Voorhees,
Coke,	Hill of Georgia,	Pugh,	Walker.

NAYS—21.

Blair,	Hale,	Logan,	Platt of N. Y.,
Cameron of Wis.,	Hawley,	McDill,	Rollins,
Conger,	Hill of Colorado,	Mahone,	Sherman.
Conkling,	Hoar,	Miller,	
Edgerton,	Ingalls,	Mitchell,	
Ferry,	Kellogg,	Morrill,	

ABSENT—35.

Allison,	Camden,	Davis of W. Va.,	Frye,
Anthony,	Cameron of Pa.,	Dawes,	Garland,
Burnside,	Cockrell,	Edmunds,	George,
Butler,	Davis of Illinois,	Fair,	Groome,

Grover,	McMillan,	Plumb,	Teller.
Harrison,	McPherson,	Saunders,	Van Wyck,
Johnston,	Maxey,	Sawyer,	Vest,
Jones of Florida,	Morgan,	Sewell,	Williams.
Jones of Nevada,	Platt of Conn.,	Slater.	

So the Senate refused to adjourn.

Mr. DAWES. The last two motions which have been made are dilatory motions, demonstrating still that there are Senators here who are determined that the Senate shall not control its own action. In view of that disclosure, however much I may regret it myself, and however much I fear those Senators themselves will ultimately regret it, (nevertheless it is a power which it seems Senators are determined to exert in the face of the Constitution and their oaths,) I cannot resist it further to-day, and therefore I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty minutes spent in executive session the doors were reopened, and, on motion of Mr. SHERMAN, (at three o'clock and five minutes p. m.,) the Senate adjourned until Monday next.

MONDAY, *May* 9, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

SENATE REPORTING.

Mr. ANTHONY. I present the memorial of D. F. Murphy, Official Reporter of the Senate, representing that when he entered into the contract for reporting the debates of the Senate so long a special session of the Senate as that now convened was not contemplated, and asking for additional compensation. I move the reference of the memorial to the Committee on Printing.

The motion was agreed to.

POTOMAC RIVER FRONT.

Mr. RANSOM. I submitted some time since a resolution in reference to the Potomac flats, which was not then considered. I hope the Senate will consider it this morning. There can be no objection to the resolution, I think.

By unanimous consent, the following resolution, submitted by Mr. RANSOM on the 15th of March last, was read the second time and considered as in Committee of the Whole:

Resolved, That the Committee on Commerce be, and it is hereby, instructed to inquire into the condition of the Potomac River front of the city of Washington and of the navigability of said river, the effect of bridges across the same upon navigation, floods, and the health of the city, and report at the next session of the Senate what steps, if any, ought in its opinion to be taken in reference thereto; that said committee be authorized to sit during the recess of the Senate, and, if necessary, to employ a stenographer.

Mr. DAWES. I hope if anything can possibly come from such an investigation that the resolution will be adopted without objection.

Mr. RANSOM. I beg leave to offer an amendment that ought to have been embodied in the original resolution; I move to add to the resolution:

And the expenses attending such investigation shall be paid out of the "miscellaneous items" of the contingent fund of the Senate.

The amendment was agreed to.

The resolution was reported to the Senate as amended and the amendment was concurred in.

The resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BANKRUPTCY INVESTIGATION.

Mr. INGALLS. I wish to call attention to the fact that when the Committee on the Judiciary were authorized to sit during the recess to consider the subject of bankruptcy they were empowered to act by sub-committee and employ a stenographer. It is found upon investigation that there is no way by which a stenographer can be paid except by the printed page, and as the work that the committee has to do will not require printing I ask that the order be so modified that the committee may employ an assistant clerk who shall also act as stenographer.

The VICE-PRESIDENT. The Chair hears no objection, and the order is so modified.

TRICHINÆ IN SWINE.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed at the Government Printing Office for the use of the Senate 4,300 copies of the letter of the Secretary of the Treasury transmitting, in response to a resolution of the Senate, copies of all documents touching upon trichinæ in swine.

DEPARTMENT EMPLOYÉS.

Mr. KELLOGG submitted the following resolution; which was read:

Resolved, That the Secretaries of State, Treasury, Interior, War, Navy, and the Postmaster-General be directed to transmit to the Senate the names of all clerks and other employés borne upon their rolls respectively, together with the date of their appointment, the State to which each is charged, the person or persons upon whose recommendation they were appointed, the grade of office held, and the compensation received.

Mr. FERRY. Let that go over.

The VICE PRESIDENT. Objection being made, the resolution goes over.

EXECUTIVE SESSION.

Mr. DAWES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at twelve o'clock and twenty-five minutes p. m.) the Senate adjourned.

TUESDAY, *May* 10, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

TRICHINÆ IN SWINE.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution for printing 4,300 copies of the letter of the Secretary of the Treasury touching upon trichinæ in swine, have instructed me to report the same without amendment, and to recommend its passage. I am also instructed to ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed at the Government Printing Office for the use of the Senate 4,300 copies of the letter of the Secretary of the Treasury transmitting, in response to a resolution of the Senate, copies of all documents touching upon trichinæ in swine.

EXECUTIVE BUSINESS.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries.

OFFICERS OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, being the resolution of the Senator from Massachusetts [Mr. DAWES] providing for the election of certain officers of the Senate, the pending question being on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the resolution indefinitely, on which motion the yeas and nays have been ordered.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were reopened, and (at twelve o'clock and thirty-five minutes p. m.) the Senate adjourned.

WEDNESDAY, *May* 11, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. DAWES. If there is no formal morning business, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. DAWES. I am requested to withdraw the motion for a moment.

The VICE-PRESIDENT. The motion is withdrawn.

DEPARTMENT EMPLOYÉS.

Mr. KELLOGG. I desire to call up the resolution I offered the day before yesterday which is lying on the table, and I should like to have action upon it, if action can be had without any discussion. If, however, it is likely to lead to discussion I have no disposition to press the resolution at this moment.

Mr. MORRILL. There will be some discussion unless the Senator modifies it.

Mr. KELLOGG. I thought I would defer to the Senator from Vermont and perhaps other Senators with respect to suggestions of amendment.

Mr. HOAR. Let it go over.

Mr. KELLOGG. Let it go over, then, until to-morrow; so that Senators can examine it.

Mr. McDILL. I offer the following resolution:

Resolved, That the Official Register of the United States shall hereafter include, in addition to the statistics required by section 510 of the Revised Statutes, information as to the congressional district from which each officer, clerk, employé, &c., in the service of the United States, is appointed, and the original date of such appointment.

Mr. SHERMAN. As that relates to the same matter as the resolution offered by the Senator from Louisiana, [Mr. KELLOGG,] I think it had better go over and be taken up when the other resolution is considered.

The VICE-PRESIDENT. The Chair understands that the resolution relates to the same matter.

Mr. SHERMAN. Let it go over until to-morrow, and we can then take them up together.

The VICE-PRESIDENT. The resolution goes over.

Mr. DAWES. I renew my motion for an executive session.

Mr. BROWN. Will the Senator from Massachusetts indulge me one moment before making that motion?

Mr. DAWES. Yes, sir.

Mr. BROWN. If it be in order, I desire to offer an amendment to the resolution submitted by the Senator from Louisiana, [Mr. KELLOGG,] and I ask that it lie on the table until to-morrow and come up with the resolution to be considered with it.

Mr. DAWES. And printed, I suppose.

Mr. BROWN. And printed with the resolution. After the word "all," in the third line, I move to insert "officers;" so as to read, "officers, clerks, and other employés;" after the word "respectively," in the fourth line, to insert "and the salary paid to each;" and then at the end of the resolution to add "and whether each of said officers, clerks, and employés is white or colored;" so as to make the resolution read:

Resolved, That the Secretaries of State, Treasury, Interior, War, Navy, and the Postmaster-General be directed to transmit to the Senate the names of all officers, clerks, and other employés borne upon their rolls, respectively, and the salary paid to each, together with the date of their appointment, the State to which each is charged, the person or persons upon whose recommendation they were appointed, the grade of office held, and the compensation received, and whether each of said officers, clerks, and employés is white or colored.

I desire that the resolution be printed, as proposed to be amended, by to-morrow morning.

The VICE-PRESIDENT. If there be no objection, the order to print will be made.

M'DONALD'S COMPILATION OF QUESTIONS OF ORDER.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay to the legal representative of W. J. McDonald, deceased, the sum of $300 for "a compilation of questions of order and decisions thereon," prepared by the said W. J. McDonald, deceased; the same to be paid out of the miscellaneous items of the contingent fund of the Senate.

SENATE REPORTING.

Mr. ANTHONY. I beg leave to make a report from the Committee on Printing. The Committee on Printing, to which was referred the memorial of Mr. Murphy, the Official Reporter of the Senate, asking that an allowance be made for reporting the debates of the present special session, have instructed me to report the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay the Official Reporter, out of the miscellaneous items of the contingent fund, for reporting the debates and proceedings of the present special session, the sum of $2,500.

If there be no objection, I ask for the present consideration of this resolution.

By unanimous consent, the resolution was read twice and considered as in Committee of the Whole.

Mr. ANTHONY. The Senate entered into a contract with the Official Reporter for reporting the debates at the same price paid to the Reporters of the House, $25,000 a year, it having been ascertained that the printed debates were about the same in each House. This long special session of the Senate was not contemplated when the contract was made; and although the Reporter has no legal claim upon the Government, he certainly has an equitable claim upon it, and one which I think will commend itself to the Senate. The amount of work for this session at the rate fixed by the Committee on Contingent Expenses for the reporting of testimony taken by committees would amount to about $3,000 thus far; but as a special session of about a fortnight might have been anticipated when the contract was entered into, the committee have reduced the amount to $2,500. I presume there will be no objection to the allowance.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. DAWES. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and ten minutes spent in executive session the doors were reopened, and (at four o'clock and twenty minutes p. m.) the Senate adjourned.

THURSDAY, *May* 12, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DEPARTMENT EMPLOYÉS.

Mr. KELLOGG. I desire to call up the resolution I offered on the 9th instant. I should like very much to have it disposed of this morning. I ask the Chief Clerk to read the resolution together with the amendments that have been submitted.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretaries of State, Treasury, Interior, War, Navy, and the Postmaster-General be directed to transmit to the Senate the names of all clerks and other employés borne upon their rolls, respectively, together with the date of their appointment, the State to which each is charged, the person or persons upon whose recommendation they were appointed, the grade of office held, and the compensation received.

Mr. DAVIS, of West Virginia. I should like to ask the Senator from Louisiana who submitted the resolution, if he does not wish to include the office of the Attorney-General? I believe all the Departments except the Department of Justice are included. Would it not be well to include that, so as to have the list complete?

Mr. KELLOGG. If the Senator from West Virginia will suggest that amendment, I shall have no objection to it.

Mr. DAVIS, of West Virginia. I suggest that the Department of Justice be added, if the resolution is to pass. I should not have moved the resolution, but I suggest that amendment. I ask the Senator, also, whether it is intended to include the Printing Bureau?

Mr. KELLOGG. It is not so intended.

Mr. ALLISON. I only desire to say that the resolution would require a vast amount of information, and I do not believe it is possible to secure that information unless we also accompany the resolution with a proper appropriation for clerks to obtain and compile it. It seems to me it would be unwise to pass the resolution at this session.

Mr. SHERMAN. Mr. President, I have not the law before me; but under existing law there is provision made for an Official Register, which contains the names of all Government employés, the date of their appointment, and all the other information here called for, except one thing; and that publication is made every two years. It is a very expensive document, which is published by order of Congress, in pursuance of law, and is furnished to the different Departments and to Congress in limited numbers. It contains all the information that this resolution calls for, except the names of the persons recommending appointments. To pass the resolution would not only duplicate all this vast labor and precipitate it probably before the time fixed by law for furnishing the Biennial Register, but would cost many thousands of dollars. The cost of printing the Blue Book, as it is called, the Official Register, is very large, because it is all in what printers call tabular form, which is more expensive.

Mr. HAWLEY. Rule and figure work.

Mr. SHERMAN. Rule and figure work. I am not a printer, and therefore I did not know the technical term; but it is a very expensive book, and printed only in limited numbers to supply such demand as is made upon the Departments. To pass this resolution would involve the Government in considerable expense, and there is no appropriation to meet it. It would require the aid of a great many clerks unless you would take merely the old Biennial Register and revise it and print that. My friend [Mr. FERRY] has found the law for me. Here is the law, a permanent law, as old as 1816:

SEC. 198. The head of each Department shall, as soon as practicable after the last day in September in each year in which a new Congress is to assemble, cause to be filed in the Department of the Interior a full and complete list of all officers, agents, clerks, and employés employed in his Department, or in any of the offices or bureaus connected therewith. He shall include in such list all the statistics peculiar to his Department required to enable the Secretary of the Interior to prepare the Biennial Register.

That gives the date of appointment, the compensation, and all the other materials. That work is to be issued next September according to law, and this would only precipitate an imperfect work of the same character. I am opposed to the resolution entirely unless Senators really want to have in print the names of those who recommend the various Department employés. All the most valuable of these officers have held their offices for three, four, or five years, and some of them twenty years, and there are some of them who have been there even for fifty years. The men who recommended them are dead and gone; and yet to turn them out because their influence is not still in active life would be unjust and wrong. It would only give a handle to enable persons seeking office to get out men who are valuable for their long public service. If the names of all who indorsed the papers of the different clerks or employés should be printed it would require about two or three volumes, I should think.

I therefore am opposed to the whole resolution however it may be amended. It is unnecessary. I think the law already provides for all the information which is required. If there is any particular case which the Senator from Louisiana or any other Senator wishes to get at, all he has to do is to write a letter to the proper Department and he will get the information as to who recommended an employé and why he is retained in office.

Mr. BURNSIDE. I move that the Sergeant-at-Arms be instructed to have the galleries and committee-rooms in the rear of the galleries cleared when we go into executive session to-day. I make this motion so that during the executive session the doors can be kept open. I ask unanimous consent that that be done.

Mr. HARRIS. I did not hear the Senator from Rhode Island.

Mr. BURNSIDE. I asked that the Sergeant-at-Arms be instructed to clear the galleries and the committee-rooms in the rear of the galleries prior to the executive session, so that we may have the doors open during the executive session to-day. It is not without precedent; it was done during the Belknap trial, and adds very much to the comfort of Senators in warm weather.

Mr. HARRIS. I shall have no objection to that.

The VICE-PRESIDENT. The Chair hears no objection, and that order will be made. The question is on the amendment of the Senator from West Virginia [Mr. DAVIS] to the resolution of the Senator from Louisiana, [Mr. KELLOGG.]

Mr. BAYARD. I should like to know whether the Senator from Ohio, in discussing the resolution of the Senator from Louisiana, proposed to refer it to the Committee on Printing, for instance. I understood him to comment upon the great cost of executing the work called for by the resolution, and I entirely concur with him in considering it a very grave matter whether the resolution should be executed in its present form, which would be something more than a reduplication of the Blue Book, the Register of the Government. How far it would be swollen by publishing the list of names of persons who make recommendations to office, I cannot now tell. I should suppose that there would be more names of the parties recommending than there would be of the persons recommended, and that you would have a most voluminous document in case you attempted to carry out the resolution here proposed by the Senator from Louisiana.

I suggest that this resolution be referred to the Committee on Printing. It may be a much greater undertaking than is apparent upon its face. There are in the Departments a number of the most valuable of the public officers who have been there for many years, fifteen or twenty years, or longer; and yet this would require that the letters of recommendation of the persons upon whose application they were placed in office should be taken from the files and the names extracted now and published. I merely suggest that, to show the very indefinite nature of the inquiry suggested and the very great expense and difficulty of executing it. I think, therefore, this resolution had better go to the Committee on Printing, so that they may report to the Senate not only the money cost of executing it, but the great inconvenience that would be given in all the Departments by complying with it.

There is, I may say, another resolution on our table, offered by the Senator from Iowa, [Mr. McDILL,] which it seems to me would more easily and regularly reach the proper object, by designating congressional districts from which the appointments were made and making the action future and not applicable to the past; that is, in all future editions of the Official Register these names shall be contained and the places from which the parties were originally appointed shall be stated. I have not the slightest objection, but, on the contrary, I should greatly prefer that the Official Register of the United States should indicate the localities which have been favored or which have been neglected in the matter of the appointments of officers; but I really believe the Senate had better think twice before they hastily order an edition, a re-edition, of the Blue Book with such additions as will at least treble its present volume, because if you publish the names of all the people who recommended every officer, petty and great, for his position, you will find a very long index necessary.

I move that the resolution be referred to the Committee on Printing.

Mr. BROWN. Will the Senator be kind enough to withdraw the motion for a moment?

Mr. BAYARD. Certainly, if there be any occasion to do so.

Mr. HARRIS. The motion is debatable, and the Senator need not ask to have it withdrawn.

The VICE-PRESIDENT. The Senator from Georgia.

Mr. BROWN. I cordially approve of the objects of the resolution. I am inclined to think there is some good reason in what has been said by the Senator from Ohio and also the Senator from Delaware as to the cost of its immediate execution, and I think it probable the object could be better accomplished by adopting the resolution of the Senator from Iowa, [Mr. McDILL,] properly amended, and let this information be given when the Blue Book is again published, which I understand is to be next September.

I should like, therefore, when the resolution of the Senator from Iowa comes up for action, to move the amendment to it that I moved yesterday to the resolution of the Senator from Louisiana, that in addition to the information usually given in the Blue Book there be a statement as to whether each employé, clerk, or officer is white or colored. I think, for reasons which I gave on a former occasion upon this floor, it is proper that that information should go to the country. I stated then that more than one-fourth of the whole number of votes given for the republican party were cast by colored men, if the colored people are solid, as claimed, for the republicans; and usually they are so. There are exceptions, it is true. I stated then that they had received a very small share of patronage; that many of them were becoming educated, men of ability, men of learning, men of intelligence, who are competent to fill positions in some of these Departments, and that very little had been given to them. I think it would be proper in publishing the next Official Register that that information should be added to the information which is usually given; that it should not only state the place or congressional district from which the appointee comes, and I think very properly the persons by whom he is recommended, but also that it should state whether each is white or colored. I can see no objection to the information going to the country, and it seems to me it is but just that the colored people and the whole people of the United States should be enabled on looking at the Register to see how they have fared in this distribution.

Therefore I approve the objects of the resolution most cordially, but I incline to think with the Senator from Delaware that the resolution of the Senator from Iowa, properly amended, would best subserve the object and save expense that might be very heavy in carrying out the resolution of the Senator from Louisiana.

Mr. KELLOGG. I have no special desire that this resolution should be adopted immediately and in its present form. My chief object was to call the attention of the Senate to the subject-matter of the inquiry, not with a view of merely agitating the subject, but if possible to devise some way of securing and bringing to the notice of the Senate information that I think is very important and information that in justice should be made public.

It seems to me that for the Senator from Ohio to say that the same information is contained in the Blue Book as is proposed to be disclosed by this resolution, is entirely a mistake. I may say in passing that the Blue Book is only printed to a limited extent, a limited number being furnished by the Government, sufficient to give each member of Congress and the heads of the different Departments and perhaps the different bureaus of the Government one copy each, it being published by the Secretary of the Interior. No information can be obtained through this authority except by an appeal to it in the hands of the heads of Departments, members of Congress, and other especially favored persons. All the information contained in the Blue Book is or purports to be the name of the person employed, the office in some cases to which he is appointed, the State from which he is said to have been appointed, and where he was born. The time of employment or appointment is not indicated; neither is the district from which the person is appointed indicated. In order to ascertain this meager and uncertain information one must search carefully through many pages of this book, arranged as it is. The very object of the law of 1876 in regard to the largest Department is frustrated, which provides—

> That on and after January 1, 1876, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population.

It is impossible to ascertain by this Blue Book, as it is called, whether this law has been complied with. As a matter of fact, I am informed, and believe, that in most of the Departments it has not been complied with either in letter or in spirit.

Mr. SHERMAN. If my friend will allow me, that law applies to none other than the Treasury Department.

Mr. KELLOGG. I was about to say that this law in terms applies to none other than the Treasury Department; but section 1754 of the Revised Statutes and the similar succeeding sections seem to imply that the same doctrine shall be recognized by other Departments as well as the Treasury Department.

Mr. CONGER. Will the Senator read the section to which he refers?

Mr. KELLOGG. Section 1754 provides that—

> Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

That seems to apply to other Departments as well as the Treasury Department, although the law of 1876 only applies to the Treasury Department. My object is not to set a movement on foot to thrust any one out of the Departments—nothing of that kind. I do not want to see any one removed, especially a good officer; but I want to see appointees charged to the States to which they belong. If it be true that there are scores, to say the least, of males and females employed in the Treasury and other Departments in this city who really reside in Northern States or in the District of Columbia, who never resided in a State south of Mason and Dixon's line in their lives, who are charged to the Southern States, I think that wrong should be righted.

As to the matter of the expense, I addressed a communication to the Secretary of the Treasury some two weeks since. I am informed by other Senators that they also addressed similar communications to the Secretary of the Treasury. One Senator informed me that he sent a communication to the Secretary of the Treasury six weeks or two months since asking for this same information and he tells me that he has received no reply to the present moment. I did receive a reply, and all the information that I asked for, which is the information asked for by this resolution, was contained in his reply to me touching the State of Louisiana, and it covered hardly two pages of ordinary letter paper. Every iota of information was furnished except that suggested by the amendment of the Senator from Georgia as to whether the clerk or employé or attaché of the Department is white or colored. It was exceedingly brief and to the point, and disclosed the fact that there were persons charged to Louisiana who never resided in the State, or if they had ever resided there had no present identification with the State nor had had for years. I am told by other Senators that the same thing exists in the Departments in this city in respect to their States. One Western Senator told me yesterday that the State he represents is entitled to over sixty appointments, and I think some twenty-five or thirty only are credited to that State, and it is a State that furnished as many or more soldiers during the late war in proportion to its population than almost any other State in the Union, and I think he believes that a number are charged to that State who do not belong to the State. Members of Congress are constantly complaining, and with some degree of justice I think, that appointments are charged to certain States and districts that they represent, in different States of the North as well as of the South, that do not belong to their districts or to their States.

Is it improper that these facts should be disclosed? If it be true—I do not say it is—that the chiefs of bureaus who have been in these

Departments for many years have been in the habit of placing favorites in the Departments and charging them to States whose quota is not full, and if the record discloses that there are no papers on file and that there is nothing to show by whose influence those persons were appointed, I think that is a fact which if it be true ought to be brought to the attention of the Senate and of the country.

How is it possible for us to know these facts from the information contained in the Blue Book alone? If the information called for by the resolution should be furnished to the Senate it would not occupy much space. I have referred to the fact that I procured the same information in regard to Louisiana, and that it only covered two sheets of paper. If the same information shall be furnished in regard to all the States and printed in pamphlet form Senators can and will distribute it so that every one who choose would have an opportunity to examine it, and you would ascertain the truth in regard to all these matters. Surely no one need fear the truth who desires to correct an injustice and a wrong. But the Blue Book is a sealed book. Every one knows that it is practically a sealed source of information except to a comparative few; the masses cannot get hold of it. Every Senator knows that he is constantly applied to for information found in the Blue Book meager as that is in comparison with what I think we are entitled to receive and know in regard to appointments in the Departments, and he has constantly to turn to the Blue Book, having but one copy, for information, or else he must loan his book out to individuals here and there, and when the information is sought then it requires considerable research and care to procure it.

Let this be a public document. Let it come in as a letter from each of the Departments and be published in pamphlet form and laid upon our table, and you will soon see whether there is any reason for this information. You will soon see whether there is favoritism in the Departments. Every Senator or member, when his neighbor, his friend, or a constituent in his district or in his State shall receive one of these copies, will get by return mail information as to whether the person charged to his State or to his district is in fact properly charged thereto.

While I am on my feet I want to call attention to another matter. Among other evils that might be remedied, though it does not pertain to this resolution, is this: if I am informed correctly, during the past two or three years of the administration of the departments of this Government, the heads of bureaus charged with delicate and onerous duties, with great responsibilities, such as counting money or accounting for moneys, who heretofore had always, by all rules and precedents, been permitted to designate to the approving power the persons under them charged with such delicate and responsible duties, for which these chiefs of bureaus alone are responsible, having given bond for the faithful performance of those duties, have been compelled to receive into their offices appointees designated by their chiefs, or in some way by some power about their chiefs, not with their concurrence. I am told that it is a fact that to-day some chiefs of bureaus, who until within the past two or three years were allowed to designate their subordinates, to-day, reversing the precedents and rules that have obtained and been recognized since the foundation of the Government, their subordinates are put upon them irrespective of their wish or recommendation.

If there is no foundation for all this it can soon be ascertained, and I shall be glad of it. If there is cause of complaint, a few score pages of printed matter won't bankrupt the Government.

Let the resolution go to the Committee on Printing; let them report as to the probable expense of printing this matter, much of which certainly is not contained in the Blue Book. I do not care particularly about the recommendations; I do not care as to who recommended the employés so much; amend the resolution by striking that out; but I suggest that where there are no papers on file and where there are no recommendations, that fact should be known. When that is known it is easy to ascertain who are behind these appointees and what influence caused them to be appointed, perhaps from one State and charged to a congressional district in another State. This is information that I think it is proper the Senate and the country should have. If I am wrong in regard to these matters—and I speak from information—I shall be glad, as I have said, to know it. If I am right the Senate ought to know it and the country ought to know it.

I repeat, there is no desire so far as I know to push out of office good clerks, but to correct abuses and injustice in the disposition of the patronage of the Departments wherever it may exist.

Mr. MORRILL. Mr. President, I regard this as a question of very minor importance. What is important to the country is that we should have efficient officers and efficient clerks. Take the State Department with Mr. Hunter, or the Post Office Department with Mr. Marr, or with Mr. Smith, men who have been there for more than forty years; is it desirable to go back and inquire who recommended those men? Do we not know that they are valuable officers to the various Departments, that they are fitted to the service, that their services could not be dispensed with without immense loss, and that they are competent for nothing else, and if they were deprived of their salaries they would be subject possibly to the charities of the world?

It strikes me that what this resolution calls for would make a document of immense bulk and of very little value. Do we not know that Senators pass around the Chamber, go to the House of Representatives, and get dozens of men to indorse an application in behalf of somebody for an appointment? Since the law of 1875 was passed for the Treasury Department, of course none of the Northern States have had any appointments made there. As fast as there have been vacancies in consequence of death or resignation, all the appointments for the Treasury Department have been made from the Southern States. But it does seem to me that this is a matter that ought not to engage very much the attention of the Senate of the United States. We ought to be regardful whether the service of each department is performed as it ought to be.

I therefore shall vote for the reference of the resolution to the Committee on Printing, and I hope they will report adversely to it, for I do not see any good that can arise from it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware, that the resolution of the Senator from Louisiana be referred to the Committee on Printing.

The motion was agreed to.

Mr. McDILL. I should like to call up the resolution I offered yesterday morning, and ask that it also be referred to the Committee on Printing.

The VICE-PRESIDENT. The resolution offered yesterday by the Senator from Iowa will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Official Register of the United States shall hereafter include, in addition to the statistics required by section 510 of the Revised Statutes, information as to the congressional district from which each officer, clerk, employé, &c., in the service of the United States, is appointed, and the original date of such appointment.

Mr. BROWN. I desire to offer an amendment to the resolution of the Senator from Iowa, and ask that it also be referred to the committee—to add at the end of the resolution "and whether each of said officers, clerks, and employés is white or colored."

Mr. HOAR. I do not wish to debate this matter, but I should like to make one suggestion, as the Senator from Georgia has introduced that amendment, which, perhaps, may have weight with the committee that consider it, and may possibly have some weight with him.

A gentleman whom I have been in the habit of following on political questions introduced a proposition at the last session of Congress to require the President to appoint a certain number of colored persons as cadets at West Point. I resisted it very earnestly, although it received the support of a majority of my own party, on the ground that it required the President, the appointing power, to be thinking of the differences of race in this country when he ought to forget them.

Now it seems to me, and I suggest it to my distinguished friends from the South if any suggestion of mine can have the least weight in their minds, that what we want to do in this world is no more to think of race-differences in regard to political offices or elections than we do of the differences between blue-eyed men and black-eyed men, or the differences between men with grey beards and men without beards, or any other differences whatever between persons. I submit that is a reasonable suggestion.

It is quite possible that the Senator from Georgia may make a point and a good point on his political antagonists. He may get some information which will enable him to go into some canvass or make a speech here in the Senate by which he will show that the republican party who attack him and his friends for not doing justice to the colored men, do not do justice to the colored men themselves. Be it so; he is going to make a good strong point, and make us feel cheap. But is it worth while, for the sake of getting the advantage in that way instead of some other way, if the fact be true, to incorporate in our legislative proceedings, in our political statistics—I do not mean the social statistics by which we get the nativity and place of birth and race of everybody, which it is very important to have for scientific purposes—but in our political statistics and discussions the question whether the men of Irish birth, or the men of German birth, or the men of Southern birth, or the men of African birth or descent get their precise share of the offices, as compared with other classes of Americans; we are all Americans; we are all equal under the Constitution and the laws; and for one, though perhaps I am sometimes in debating with my political opponents hurried into the very fault or error which I am dealing with, I propose, if I am conscious of it, to resist any attempt to consider these insignificant differences between men in regard to their rights to hold office; and I hope that on reflection the honorable Senator from Georgia will himself see that whether I have myself been a traitor to this principle or not, or whether we all have been on this side of the Chamber, that is the sound principle.

Mr. BROWN. Mr. President, I am very happy to learn that my friend, the Senator from Massachusetts, has reached a point where he is willing in future to say less about race and color than has been said again and again for the last fifteen or twenty years by him and his political associates. It has not been the habit, I believe, of those who agree with him on this floor for a number of years past to ignore entirely the white line and the colored line, especially the colored line. In our constitutional amendments, our civil-rights bills passed by Congress, our reconstruction acts, and the various other legislation,

the colored race has been very carefully taken care of. It has always been held out to them that they got their rights from the Republican party or by its agency, that it was their particular and peculiar friend, and that they ought under all circumstances to stand by and act with that party, and as a mass they have done so; it is not for me to say whether wisely or unwisely. That is for them to judge. But they have now reached a point where, as I have already stated, many of them are intelligent, educated, many of them are men of ability; they think they are entitled to participate under a republican administration in the offices that are to be distributed or disposed of; they think, as I learn from some of their representative men, that they have not been fairly and justly treated in this regard, and as we have had the colored line drawn all along in the legislation of the country for fifteen years past, or at least have had reference to the races in almost all party legislation, it seems to me it would not mar the beauty of the Blue Book in future to have a simple column, as there are already a number of columns on each page, added in which it would be stated whether each officer, clerk, or employé is white or colored. This would show to the country how much the republican party has appreciated the services of the colored race and how much they have rewarded them for these services. Then, I see no harm it could do in any case.

The Senator from Massachusetts said that we do not take any note as to whether a man is a German or an Irishman. We have not, in the legislation for fifteen years past, drawn that distinction, but we have made notes in reference to the African race. Therefore, as the legislation of Congress for so long a time has drawn distinctions in favor of that race, when it did not speak of the Irish race or the German race, or any other except the colored race, I think it is only carrying out the law or policy that has obtained for a long time to let the Blue Book state in each case whether the officer or employé is white or colored. I therefore insist on my amendment to the resolution of the Senator from Iowa, and desire it to go before the Committee on Printing.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa to refer the resolution to the Committee on Printing.

The motion was agreed to.

The VICE-PRESIDENT. The proposed amendment will be referred to the same committee.

PRESIDENTIAL ELECTIONS.

Mr. HOAR. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Privileges and Elections be directed to inquire and report at the next session of Congress what measures are needful to secure the ascertainment and declaration of the result of elections of President and Vice-President of the United States.

Mr. HILL, of Georgia. The Senator says that the committee shall report at the next session. When shall the committee consider that matter? Is it to be done in recess, and if so, how?

Mr. HOAR. I will state to the Senator from Georgia that my idea was that the committee would meet soon, possibly appoint a subcommittee before we adjourn; and it was merely to charge the members with the responsibility of examining the subject that I offered the resolution. I do not suppose that any work can be done by the committee except as individuals until next December; but the object was merely to have the direction given.

Mr. HILL, of Georgia. I suggest to the Senator from Massachusetts in that event there ought to be authority for the sub-committee to sit during the recess.

Mr. HOAR. If the committee on meeting within a few days shall think it worth while to ask for that authority, that can be done then.

Mr. HILL, of Georgia. Very well.

Mr. EDMUNDS. The subject embraced in this resolution has always hitherto in this body been considered either by the Committee on the Judiciary or by a select committee appointed for that purpose, with one exception, I think when Senator Morton was the chairman of the Committee on Privileges and Elections. I think that he reported a bill from that committee. However, the Committee on the Judiciary, I presume I can safely say, has no desire to consider anything that the Senate is willing to relieve it from.

I merely call attention to the circumstance that for the last four years at least the matter has been thought to be of so much importance that a large select committee has been raised from time to time charged with that special and exclusive duty. Perhaps the matter has been so far discussed and reduced to its bearings that such a committee is now unnecessary. I do not make any opposition to the resolution; I only rose to suggest what had been heretofore done.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

Mr. DAWES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours spent in executive session the doors were reopened, and (at five o'clock and fifty-three minutes p. m.) the Senate adjourned.

FRIDAY, *May* 13, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE MANSION.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire into the sanitary condition of the Executive Mansion; that they have leave to sit during the recess, to examine witnesses, and employ a stenographer.

ADJOURNMENT TO MONDAY.

Mr. DAWES. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BURNSIDE. I move that the same order which was made yesterday in reference to the opening of the upper doors in executive session be made from day to day until further ordered.

The VICE-PRESIDENT. The Chair hears no objection, and that order will be made.

Mr. DAWES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-nine minutes spent in executive session the doors were reopened, and (at twelve o'clock and fifty-six minutes p. m.) the Senate adjourned.

MONDAY, *May* 16, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

The VICE-PRESIDENT laid before the Senate a letter of the Attorney-General, transmitting the exhibits of John F. Lewis, United States marshal for the western district of Virginia, which should have accompanied his letter of the 5th instant, in response to Senate resolution of April 28, 1881, and requesting that the original documents be returned to the Department of Justice after they have been printed; which was ordered to lie on the table.

Mr. COCKRELL. I call the attention of the Senator from Virginia [Mr. JOHNSTON] to the communication. I understand that the previous communication has been printed; I think I have seen it on our desks; and it might be well that this paper should be printed also.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

RESIGNATION OF THE NEW YORK SENATORS.

The VICE-PRESIDENT laid before the Senate the following communications; which were read and ordered to lie on the table:

WASHINGTON, D. C., *May* 16, 1881.

SIR: Will you please announce to the Senate that my resignation as Senator of the United States from the State of New York has been forwarded to the governor of that State?

I have the honor to be, with great respect, your obedient servant,

ROSCOE CONKLING.

Hon. CHESTER A. ARTHUR, *Vice-President.*

—

SENATE CHAMBER, WASHINGTON, *May* 16, 1881.

SIR: I have forwarded to the governor of the State of New York my resignation as Senator of the United States for the State of New York. Will you be pleased to announce the fact to the Senate?

With great respect, your obedient servant,

T. C. PLATT.

Hon. CHESTER A. ARTHUR, *Vice-President.*

ISTHMUS SHIP-CANALS.

Mr. BURNSIDE. I am instructed by the Committee on Foreign Relations, to whom was referred the resolution relative to transportation across the isthmus, to report it back without amendment, accompanied by a written report. I ask that the resolution and report be read.

The Chief Clerk read the following resolution, submitted by Mr. MORGAN April 27, 1881:

Resolved, That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition-precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The Committee on Foreign Relations, to whom was referred the resolution on the construction of ship-canals across the Isthmus of Darien, having had the same under consideration, report:

That the subject embraced in the resolution is one of great national importance, and worthy of the most careful consideration. The resolution is as follows:

"*Resolved*, That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition-precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war."

This resolution was unanimously reported from the Committee on Foreign Relations by Hon. William W. Eaton, its chairman, at the last session of the Senate, but was not acted upon for want of time, and was again brought before the Senate, at this session, by the Senator from Alabama, [Mr. MORGAN.]

Certainly the United States cannot remain silent and acquiescing spectators and see any European government or corporation monopolize the control of a great route for the transportation of ships across the Isthmus of Darien. It is an affair of vital importance to those who dwell on the Atlantic and on the Pacific coasts, as well as to the people of our whole country.

President Monroe, a wise and discreet man, announced, in a public message to Congress, in December, 1823, that "the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered subjects for future colonization by any European power." This declaration has since been known as the "Monroe doctrine," and while it does not directly apply to the construction of an interoceanic canal, the principle underlying it, which principle lies at the very foundation of our public welfare and safety, leads us to the announcement of the doctrine contained in this resolution.

This "Monroe doctrine" has received the public and official sanction of subsequent Presidents, as well as of a very large majority of the American people. At different times Great Britain has attempted to secure a foothold on the Isthmus of Darien, which it is now proposed to pierce with a canal, and each time she has been forced to abandon the project, so earnest and firm was the resistance offered by the Government of the United States. Hon. Reverdy Johnson, who was the Attorney-General of President Taylor, thus alludes to one of these attempts to found a British colony on the isthmus in a letter addressed to Hon. John M. Clayton, December 30, 1853. "President Taylor," wrote Mr. Johnson, "had firmly resolved, by all constitutional measures in his power, to prevent such aggression if any should be attempted, considering, as he did, that all the passages through the isthmus should be kept free to enable us to retain our possessions in the Pacific."

By the passage of this resolution we simply serve a notice to the world that, in the opinion of the Senate of the United States, the peace, safety, and general welfare of this Republic require that it should be consulted concerning, and should have a voice in, the management of any canal or other way for the transportation of sea-going vessels across the Isthmus of Darien.

We do not express any doubts as to our rights, or suggest any reference of the subject to an international tribunal, because in this matter we are absolutely in the right. We simply ask nations who may directly or indirectly send their subjects, citizens, or capital to the isthmus that they obtain the consent of the United States, as the power most directly interested, and that the rules and regulations for the government of this interoceanic highway be made acceptable to us, whose interests, in peace as in war, they will so materially affect.

Another reason for the passage of this resolution is, that companies have been and others may be formed for the construction of projected routes, which it is well known can never be successfully operated under their present plans, and in which the money subscribed will be totally lost. Yet many of the subscribers have undoubtedly been led to believe that the United States Government approved—indirectly, if not directly—the scheme in which they have invested. This should not be. No one, at home or abroad, should be beguiled into the investment of accumulated property or of hard earnings by the belief that the Government of the United States approved the project. A declaration by the Senate that the Government would insist that its consent is a necessary condition-precedent to the execution of any such scheme would be a warning to investors not to take any stock in an unauthorized enterprise. The honor of the country will thus be protected against accusations that its name led individuals, in this and other lands, to make investments which were to them total losses.

However we may be divided on political questions, and however we may wrangle on matters of domestic interest, the United States Senate has never failed, when a matter relating to foreign complications came before it involving the general welfare and peace of the country, to stand shoulder to shoulder, and to assert what the public interests demanded.

We therefore recommend the passage of the resolution already published in this report.

Mr. BURNSIDE. I desire to give notice that I shall call the resolution up to-morrow morning, with the report, and I ask the attention of the Senate for its consideration to-morrow.

The VICE-PRESIDENT. The resolution will lie on the table subject to the call of the Senator from Rhode Island.

MINNESOTA STATE DEBT.

Mr. MCMILLAN. Mr. President, in a speech delivered in the Senate on the 11th of April last by the honorable Senator from Missouri who sits farthest from me, [Mr. VEST,] he referred to the State which I have the honor in connection with my colleague to represent here as having repudiated its pecuniary obligations. In order to protect our State against the charge of repudiation of any portion of its debts I stated to the Senate, with the permission of the Senator from Missouri, that that portion of our citizens who were opposed to the payment of the railroad bonds issued as a loan of the credit of the State to certain railroad companies based their opposition to the payment of these bonds upon the ground that the bonds were issued fraudulently and without consideration, and the indebtedness therefore was not a *bona fide* obligation; and when the Senator from Missouri proceeded further to state the facts in reference to the issuing of these bonds I stated to him that the bonds were issued by the executive of the State upon a mandamus issued by the supreme court of the State.

It might appear to one not familiar with all the circumstances that according to this statement those who are opposed to the payment of these bonds charged that the action of the supreme court and the action of the governor of the State was tainted with corruption or fraud. In justice to the judges of the supreme court of the State as then constituted, to the governor of the State and to myself, I desire to say that no charge of corruption, fraud, or wrong-doing in the mandamus proceedings or of the action of the governor in obedience to the writ is charged against the judges or the governor, and if my remarks will bear a construction unfavorable to these gentlemen I regret it. The charges of fraud refer to other steps in the proceedings resulting in issuing these bonds, which I will not now discuss. These gentlemen are eminent and honored citizens of our State; with all of them my relations are cordial and pleasant, and some of them are my personal friends.

Mr. President, I desire further to say that while there is a deep-seated and strong conviction in the minds of many of our citizens that there is no obligation upon the State to pay any portion of these bonds, yet there is not one person, so far as I know, who is not willing and ready to pay to every holder of any of these bonds the full amount paid by him for such bonds as he holds. The refusal to pay the entire amount of the bonds must not be construed into an indifference to the maintenance of the public faith or a want of moral or political integrity. Whether right or wrong those opposed to the payment of these bonds believe that in resisting their payment they are performing a duty. Under such circumstances, whatever you may say of them you cannot call them repudiationists. Remove or overcome this conviction, and in my opinion those who are now opposed to the payment of these bonds will be prompt to insist upon their liquidation. Every other pecuniary obligation incurred before or after these railroad bonds were issued the State has or will promptly meet and discharge. Her bonds, whenever offered, command a premium in the New York market, and since the speech of the Senator from Missouri was delivered 5 per cent. of the municipal bonds of her capital city, in which I have the honor to reside, being offered, were eagerly competed for and commanded a premium of 3 per cent.

Therefore, notwithstanding the existence of this unfortunate railroad bond indebtedness, which I trust will soon be satisfactorily removed, I can assert in this honorable presence, and before the nation, that no State in this Union has a higher appreciation of moral and political integrity than Minnesota, the State of my home.

EXECUTIVE SESSION.

Mr. DAWES. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I supposed the Senator would want to proceed to the consideration of the resolution for the election of officers of the Senate.

Mr. DAWES. I had no idea the Senator would feel like acting on that resolution; it is not in accordance with the disposition which he has manifested since the beginning. I insist upon my motion.

Mr. HILL, of Georgia. The Senator told us some time ago that the Government would be subverted if we did not pass that resolution.

Mr. DAWES. But the Senator would never be convinced until he happened to have an accidental majority.

The VICE-PRESIDENT. The question is not debatable.

Mr. HILL, of Georgia. We will not insist on a vote on the resolution.

The VICE-PRESIDENT. The Chair calls the Senator from Georgia to order.

Mr. DAWES. An accident is an eye-opener to my friend from Georgia.

Mr. HILL, of Georgia. We will be liberal.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and nine minutes spent in executive session the doors were reopened, and (at one o'clock and thirty-three minutes p. m.) the Senate adjourned.

TUESDAY, *May* 17, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. DAVIS, of West Virginia. I desire to ask the Senator from Massachusetts, [Mr. DAWES,] who I see is present, whether he is ready to proceed with his resolution for the election of officers of the Senate.

Mr. DAWES. I say in all frankness to the Senator from West Virginia that whatever the majority of the Senate, the Senate itself, shall decide in regard to that resolution, I shall bow to; and I shall not be found resisting the Senate itself. If the Senator from West Virginia has become, from any accidental occurrences on this side, ready to submit to the will of the majority because he thinks the majority is on his side, I have not a word to say, but shall bow to the will of the majority, whether it be for me or whether it be against me. The Senator from West Virginia is at liberty to make any motion in respect to the resolution which he pleases.

Mr. DAVIS, of West Virginia. I am glad the Senator has expressed

a willingness to proceed, and I hope he will do as he usually has done, make a motion to at once proceed to the business he has been so anxious to dispose of for such a long time.

Mr. DAWES. If the Senator is through——

Mr. DAVIS, of West Virginia. I claim the floor, but I give way to my friend.

Mr. DAWES. I regret exceedingly that the Senator from West Virginia is ambitious to expose the ground upon which he stands. One would suppose that when a Senator of the United States took a position so radically inconsistent with the fundamental principles of the Government, that the majority shall not rule unless the majority will do as he wants, he would not be ambitious to uncover himself to the American people. I would suggest to the Senator that the Scriptures speak of men in not a commendable light who make bare themselves to the gaze of an indignant public, exposing themselves and their shame.

Now I have to say to the Senator that if he has no higher ground for the opposition which he has made to the resolution and to the Senate itself than simply because he was conscious that the result up to yesterday would be against him, and that he now wakes up to an alarming and new zeal for the passage of that resolution simply and solely because an accidental majority yesterday morning was turned upon him, I submit to him that all the glory of such a position as that, so far as I am concerned, shall be his; and now any motion he desires to make in reference to that resolution will not find me interposing anything but the force of my own vote.

Mr. DAVIS, of West Virginia. I regret very much that my friend has to refer to the Scriptures to support him. I think that reference does not come from the right direction. I also regret very much that he has in support of his case to call in question something that will attract attention to himself. It appears to me that he had better drop that part of his argument. As he said to me once, that is a little stale. I would not use that word, but he has used it, I believe, heretofore.

As to calling attention to the resolution and this "accidental majority," I should like to know from the Senator how long he is going to have "an accidental majority." He has had it two or three times already. Two or three times has he appealed to the Senate and talked about a "constitutional majority," saying that we were obstructing business, and that we ought to bow to that majority which he bowed to at all times. More in a pleasant way than otherwise, I asked him whether he wished to proceed to the consideration of the resolution. I certainly did not wish to force it, and without my calling the attention of my amiable friend from Massachusetts to it he would not have had the opportunity of making the speech he has made. I know he feels relieved, as it has been several days since he has had an opportunity of making such a speech. I want him to let down a little so that he can get down easy, and so that we may get through with the business for which we were called here and adjourn at the proper time.

The Senator has been so much in the habit directly after the reading of the Journal of calling up his resolution that I thought it was not out of place to remind him of it. I myself had no wish to force it upon him, nor do I desire now to force it upon him; but I hope he will get done with this "accidental and constitutional majority" for a while and let us proceed to business as we should do, and not continue here debating the question so long.

Mr. DAWES. Now the Senator having had his opportunity, I move that the Senate proceed to the consideration of executive business.

Mr. BURNSIDE. I hope the Senator from Massachusetts will withdraw that motion. I gave notice yesterday that I should this morning ask the Senate to proceed to the consideration of the resolution reported from the Committee on Foreign Relations touching interoceanic ship-canals. Will the Senator withdraw his motion for that purpose?

Mr. DAWES. I should like to accommodate the Senator from Rhode Island, but really I am so anxious to proceed with the public business, that for which we were called together here, that I must insist on the motion.

Mr. BURNSIDE. I will make no further request of the Senator from Massachusetts this morning, but I do sincerely hope that to-morrow morning the Senate will take up the resolution and pass upon it one way or the other.

Mr. DAWES. If the Senator will wait until to-morrow morning——

Mr. BURNSIDE. I will wait until to-morrow morning.

Mr. DAWES. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty-five minutes spent in executive session the doors were reopened.

GENEVA TREATY AS TO WOUNDED IN WAR.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of State be requested to furnish to the Senate copies (translations) of articles of convention signed at Geneva, Switzerland, August 22, 1864, touching the treatment of those wounded in war, together with the forms of ratification employed by the several governments, parties thereto.

NOTIFICATION TO THE PRESIDENT.

Mr. BAYARD submitted the following resolution for consideration:

Resolved, That a committee consisting of two Senators be appointed by the Chair to wait upon the President and inquire if he has any other business to lay before the Senate.

THE GENERAL LAND OFFICE.

Mr. MORGAN submitted the following resolution for consideration; which was ordered to be printed:

Resolved, That the Committee on Public Lands is instructed to take into consideration the condition of the General Land Office with respect to the classification of the officers and employés thereof; the convenient arrangement and security of the files and records of said office; and the provision of additional room for the transaction of the business thereof.

2. That said committee have leave to sit during the recess of the Senate, to employ a stenographer, and to send for persons and papers.

CENTRAL PACIFIC RAILROAD.

Mr. SAUNDERS submitted the following resolution for consideration; which was ordered to be printed:

Whereas the Auditor of Railroad Accounts, in a letter dated February 14, 1881, and transmitted by the Secretary of the Interior to Congress February 15, 1881, sets forth "that while the amount of the 5 per cent. earnings of the Union Pacific Railroad has steadily increased since 1874, that of the Central Pacific has nearly as steadily decreased;" and

Whereas in this same connection it is also set forth that this is owing partly to the fact that the Central Pacific has diverted "business from the subsidized roads to the leased lines, which leased lines are principally owned by the owners of the Central Pacific, who are paid high rentals therefor;" and

Whereas the Commissioner of Railroad Accounts recommends, and the Secretary of the Interior concurs in his recommendation, to wit, "That the sinking-fund law of May 7, 1878, be changed so far as relates to the amount required from the Central Pacific, so that 50 per cent. of the net earnings of that company may be applied to the payment of the debt, instead of 25 per cent., as the law now is:" Therefore,

Be it resolved, That the Committee on the Judiciary of the Senate be directed to inquire into all these matters, and particularly touching the relations of the Central Pacific Railroad to its leased lines and other corporations, and especially those lines and corporations in which its stockholders are interested, and report to the Senate, at the next regular session, what in their judgment is proper and necessary to most effectually protect the interest of the United States.

OSAGE RIVER SURVEY.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate the report of Captain O. H. Ernst, on the survey of the Osage River, made in March, 1881, with any accompanying papers, &c.

On motion of Mr. DAWES, (at three o'clock and fifty-four minutes p. m.,) the Senate adjourned.

WEDNESDAY, *May* 18, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF PAPERS.

On motion of Mr. BURNSIDE, it was

Ordered, That General Ward B. Burnett have leave to withdraw the papers relating to his claim from the files of the Senate.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That William C. Dodge have leave to withdraw his papers, relating to a cartridge filler, from the files of the Senate.

On motion of Mr. JOHNSTON, it was

Ordered, That the papers in the case of Townsend Glover be withdrawn from the files of the Senate.

On motion of Mr. FRYE, it was

Ordered, That Messrs. Pitcher and Hayford have leave to withdraw from the files of the Senate the papers in the case of Pitcher and Hayford and Otis and Ferguson, of Maine, under the rules of the Senate.

ADDITIONAL PAY TO EMPLOYÉS.

Mr. DAWES. Mr. President, this called session has been continued so long and has imposed such extra and unexpected duties and services upon all the officials connected with the Senate and the clerks that it seems to me very proper that the Senate should adopt some such resolution as I now offer. I ask that the following resolution be adopted:

Resolved, That the Secretary of the Senate be directed to pay, out of the contingent fund of the Senate, to the officers and employés of the Senate borne upon the annual rolls, a sum equal to one month's additional pay of their present annual salary; also one month's additional pay to the per diem committee clerks and pages.

Mr. SHERMAN. I think that ought to go to a committee. It is very ungracious to object to such a resolution, but yet there is no more vicious legislation in the world than just such legislation. I think the resolution ought to be referred at least to a committee of this body to examine it and decide whether it ought to be adopted.

Mr. DAWES. To what committee? The Committee on Contingent Expenses?

Mr. SHERMAN. The Committee on Contingent Expenses. I move that the resolution be referred to that committee.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

DEPARTMENT EMPLOYÉS.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution enlarging the scope of the Official Register, have instructed me to report back the same and ask to be discharged from its further consideration. The committee, I may state, approve the object of the resolution; but the Official Register is published under a statute which prescribes particularly what shall be put into it, and it would not be in the power of the Senate to vary the law without the concurrence of the other House. Whether the compiler of the Register might add that, or not, is a subject upon which I express no opinion.

The VICE-PRESIDENT. The Secretary will report the resolution.

The Chief Clerk read the following resolution, submitted by Mr. MCDILL on the 11th instant:

Resolved, That the Official Register of the United States shall hereafter include, in addition to the statistics required by section 510 of the Revised Statutes, information as to the congressional district from which each officer, clerk, employé, &c., in the service of the United States is appointed, and the original date of such appointment.

The VICE-PRESIDENT. The Committee on Printing ask to be discharged from the further consideration of this resolution. The Chair hears no objection, and it is so ordered.

ISTHMUS SHIP-CANAL.

Mr. BURNSIDE. I call up the resolution which I reported on Monday last from the Committee on Foreign Relations, and ask for its present consideration.

The VICE-PRESIDENT. The Senator from Rhode Island asks for the present consideration of the resolution heretofore reported by him. The resolution will be read.

The Chief Clerk read the following resolution, reported by Mr. BURNSIDE from the Committee on Foreign Relations on the 16th instant:

Resolved, That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition precedent to the execution of any such project; and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

Mr. BURNSIDE. This resolution and kindred ones have been before the Senate two or three times, and I do not desire to detain the Senate with any further remarks on the subject-matter. I ask that the report in the case be read, and will then leave the Senate to decide what action shall be taken upon the resolution.

Mr. INGALLS. Will the Senator from Rhode Island inform the Senate if he desires to have action upon the resolution this morning?

Mr. BURNSIDE. I should be very glad to have action on it or to hear what Senators have to say on the subject. It is at the disposal of the Senate, of course.

Mr. INGALLS. I have no objection to the reading of the report that the Senator from Rhode Island has called for, but I am very clear that it is not wise or expedient that the Senate at this period of its sitting should pass a resolution upon the subject that is referred to, especially in the terms that are there employed.

Mr. BURNSIDE. This resolution, or a resolution very much like it, has been before the Senate for some time. I have called the attention of the Senate two or three times to the subject myself and have my own views upon it, and I think we are as ready to act upon it now as we ever shall be; but it is quite within the power of the Senate to decide whether they will act upon it or not. I shall be content with whatever action is taken under the circumstances.

The VICE-PRESIDENT. The question is on the resolution reported by the Senator from Rhode Island from the Committee on Foreign Relations.

Mr. SHERMAN. There is probably no graver subject connected with American politics than what is called the Monroe doctrine and the various propositions growing out of it. They have been discussed over and over again. It is assumed as a general proposition that we have great interests in everything that affects the South American republics and all the countries on this continent. That is true; but the language of the resolution is so broad, the subject is so important, that I did not suppose the Committee on Foreign Relations would care to press a vote upon the question at this session. They may be well informed on this subject, but I am not, and many other Senators who probably have heard it often discussed are not, prepared to vote affirmatively upon a proposition of this kind, nor do I see any occasion for it now.

The position of the United States has been taken time out of mind since it was first announced by President Monroe, and I do not think the Senate now, just at the heel of a called session, ought to pass upon this subject pro or con. The question will keep. I trust, therefore, that the resolution will be postponed until the next session. I will make that motion if no one else will do it.

Mr. DAVIS, of Illinois. Let it be postponed until the first Monday in December next.

Mr. SHERMAN. I will move to postpone the resolution until the first Monday in December next.

Mr. JONES, of Florida. From the outset I have been of the opinion that under no circumstances ought we at a session like this to engage in any business purely legislative. This was my opinion years ago, it is my opinion now, that the Senate cannot act upon a question of this kind with any degree of propriety. In the first place, the Constitution has delegated the legislative power of this country to the two houses of Congress. It says all legislative powers shall be vested in a Senate and a House of Representatives—the whole of them, not any part of them—and the same Constitution prevents either House from adjourning for a longer period than three days and acting separately from the other. What does this mean? It means that this great legislative trust shall be exercised by the two bodies, and not by one.

I ask if this is not the exercise of legislative power in the broadest sense? What can be more important than the expression of opinion embraced in the resolution upon a question affecting the interest of the American people? It may be the question of peace or war, because this brings us right in the face of foreign interests. Ought action to be taken upon a resolution of that description without the concurrence of the Representatives of the people of the United States at the other end of the Capitol? for Congress alone has power to declare war, and Congress is composed of two Houses. No step of this kind, in my judgment, ought to be taken by any leading committee of this body, or by the body itself, in the absence of the Representatives of the people at the other end of the Capitol.

Mr. BURNSIDE. Since the speech of the Senator from Indiana on the opposite side of the Chamber [Mr. VOORHEES] as to the propriety of the Senate acting upon questions that may come before it, I have felt that there was no impropriety whatever in acting upon this resolution. I have felt perfectly convinced that a resolution of this kind can with propriety be presented during an extra session of the Senate. I have been for nearly two years trying to get consideration of this subject. I think it is due to the people who are subscribing their money to enterprises connected with works on the Isthmus. If we remain silent upon this subject it is a tacit agreement that they are safe, as far as the Government of the United States is concerned, in making investments. I think it is due to them, it is due to our own country, that a declaration of this kind should be made. I also believe, as I said before, that it is quite proper to make such a declaration during a special session of the Senate. I have no disposition to force this matter upon the Senate. It is only because it is in the direction of good faith that I am trying to secure action.

Mr. JONES, of Florida. Will the Senator yield to me?

Mr. BURNSIDE. Certainly.

Mr. JONES, of Florida. Let me ask, what will be the effect of a declaration such as is contained in the resolution if the Representatives of the people at the other end of the Capitol should dissent from it?

Mr. BURNSIDE. I was just coming to that point. This is not legislative action in the true sense of the word; it is simply a declaration of opinion by the Senate of the United States. Such things have been done before, and there is no reason why we should not express our opinion now. As I said before, I certainly have no disposition to occupy the time of the Senate or to press this matter upon the Senate if they do not desire to entertain it; and I shall make no captious opposition to the motion of the Senator from Ohio, who has moved to postpone the resolution until the first Monday in December. If that is the sense of the Senate, I shall yield to it with some reluctance but with quite good nature.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. SHERMAN] to postpone the resolution until the first Monday in December next.

The motion was agreed to.

CENTRAL PACIFIC RAILROAD.

Mr. SAUNDERS. I ask the Senate to take up the resolution that I presented yesterday on the subject of railroad accounts, which is printed and on our tables.

The Chief Clerk read the following resolution, submitted by Mr. SAUNDERS May 17, 1881:

Whereas the Auditor of Railroad Accounts, in a letter dated February 14, 1881, and transmitted by the Secretary of the Interior to Congress February 15, 1881, sets forth, "that while the amount of the 5 per cent. earnings of the Union Pacific Railroad has steadily increased since 1874, that of the Central Pacific has nearly as steadily decreased;" and

Whereas, in this same connection, it is also set forth that this is owing partly to the fact that the Central Pacific has diverted "business from the subsidized roads to the leased lines, which leased lines are principally owned by the owners of the Central Pacific, who are paid high rentals therefor;" and

Whereas the Commissioner of Railroad Accounts recommends, and the Secretary of the Interior concurs in his recommendation, to wit, "That the sinking-fund law of May 7, 1878, be changed so far as relates to the amount required from the Central Pacific, so that 50 per cent. of the net earnings of that company may be applied to the payment of the debt, instead of 25 per cent., as the law now is:" Therefore,

Be it resolved, That the Committee on the Judiciary of the Senate be directed to inquire into all these matters, and particularly touching the relations of the Central Pacific Railroad to its leased lines and other corporations, and especially those lines and corporations in which its stockholders are interested, and report to the Senate, at the next regular session, what in their judgment is proper and necessary to most effectually protect the interests of the United States.

Mr. SAUNDERS. As the resolution sets forth, near the close of the last session of Congress a correspondence was had between the Auditor of Railroad Accounts and the Secretary of the Interior, but

it came in too late for any action to be taken during that session. Since that time the Committee on Railroads have been frequently asked to have some action taken upon the subject. On consultation with that committee, and especially with the chairman, it was decided that the matter properly belonged to the law committee, the Committee on the Judiciary, to decide this question, and therefore we have asked in the resolution that that committee take charge of the matter and report at the next session of Congress. If there be occasion to satisfy the mind of any Senator that there is a necessity for this investigation, the communications which passed between the Secretary of the Interior and the Auditor of Railroad Accounts can be read, but I shall not read them unless the reading be called for.

Mr. INGALLS. I am not prepared either to affirm or deny that the inquiry proposed by this resolution should be made; but there are certain practical objections in the way of the method which the Senator from Nebraska proposes to adopt to which I would invite his attention and the attention of the Senate. The Committee on the Judiciary have already been charged by order of the Senate with the examination of the subject of bankruptcy during the recess of Congress. A subcommittee has been appointed to take charge of the inquiries rendered necessary by that resolution, and they will have all the labor that they can possibly perform until Congress meets in December. The chairman of the committee, the Senator from Vermont, [Mr. EDMUNDS,] is in ill health, and will be able to do nothing during the recess. The Senator from New York, who stands next upon the list, (Mr. Conkling,) as some Senators probably are aware, is now temporarily absent from the Senate, and will perhaps not return here before next December. The Senator from Illinois [Mr. DAVIS] has also declared that he is unable to incur any extra labors during the vacation of the Senate.

If the Senator from Nebraska [Mr. SAUNDERS] proposes to commit this very important and laborious subject to the Committee on the Judiciary with the expectation that the vast amount of inquiry that is implied can be performed before next December, I must submit to him that he is laboring under what I conceive to be a very great mistake. I am not authorized to speak for the Committee on the Judiciary as its organ, but as one member of it I am quite confident that this subject should not be referred to that committee. I can see no reason myself why the Committee on Railroads which has charge of this and cognate subjects should not make the inquiry if it is necessary in the opinion of the Senator from Nebraska.

I hope, therefore, that the resolution will be modified to the extent at least of relieving the Committee on the Judiciary from the inquiry, leaving at this time the question of the propriety of the inquiry being made to the further consideration of the Senate.

Mr. SAUNDERS. I should be very glad, indeed, to relieve the Judiciary Committee or any other committee that is over-burdened with work. I am aware that the Judiciary Committee at times does have more business than it can well attend to; but there is no more appropriate committee, and no more appropriate subject can go before the committee than this one. It is evidently a question of law.

Mr. INGALLS. Will the Senator allow me one moment? There is a question of fact that will require the examination of witnesses and the sitting of the committee to take testimony, with the appointment of stenographers and clerks, before the question of law can be reached.

Mr. SAUNDERS. I am aware of all that. I would say further that I for one would be willing that the committee should sit during the recess and have a clerk and employ such aid as may be necessary to facilitate the work. It is an important work. If there were no importance attached to it, then we ought to pass it by as something that is idle and without any advantage to the Government or the country; but there is a large amount of money connected with this matter that it is asserted has not been paid over to the Government. If that be true, we ought to find it out; it is the duty of somebody to do it, and there is no more appropriate committee to do it than the Committee on the Judiciary. It could have no more important business before it this season than that, in my opinion. I ask the Secretary to read the communications between the Secretary of the Interior and the Auditor of Railroad Accounts, which will show the basis for this inquiry.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1881.

SIR: I have the honor to transmit herewith copy of letter addressed to me yesterday by the Auditor of Railroad Accounts, setting forth certain facts and figures which, in his judgment, require an amendment of the sinking-fund act of May 7, 1878, so far as it relates to the Central Pacific Railroad Company. I concur in the views set forth in his letter, and commend them to the favorable consideration of Congress.

Very respectfully,

C. SCHURZ, *Secretary.*

The SPEAKER *of the House of Representatives.*

—

DEPARTMENT OF THE INTERIOR,
OFFICE OF AUDITOR OF RAILROAD ACCOUNTS,
Washington, D. C., February 14, 1881.

SIR: I have the honor to submit for your consideration the following statements of facts relating to the operation of the Pacific Railroad sinking-fund law of May 7, 1878, and the condition of the debt of the Union and Central Pacific Companies on account of subsidy bonds and the interest accrued thereon:

For the ten calendar years 1870 to 1879, inclusive, the gross earnings, operating expenses, including taxes, general expenses, and rentals, and net earnings resulting, have been as follows:

Items.	Union Pacific.	Central Pacific.
Average miles operated	1,038	1,486
Gross earnings	$108,541,793	$138,754,303
Operating expenses	49,283,890	79,682,681
Net earnings	59,257,903	59,071,622

The net earnings for the same period, applicable to the payment of Government requirements under the decisions of the Supreme Court and under the act of Congress approved May 7, 1878, known as the sinking-fund law, have been less, as follows:

Union Pacific	$52,883,201 40
Central Pacific	43,172,023 20

The following table shows the amount of the "5 per cent. of net earnings" of the two companies by years:

Year ending, &c.	Union Pacific.	Central Pacific.
November 5, 1870	.....	$124,477 54
November 5, 1871	$189,942 09	138,001 83
November 5, 1872	163,000 32	194,367 43
November 5, 1873	259,219 49	208,195 87
November 5, 1874	272,091 29	297,320 70
November 5, 1875	324,084 15	277,115 37
November 5, 1876	367,666 23	280,194 80
November 5, 1877	372,041 50	212,474 70
Seven months and 25 days ending June 30, 1878	202,748 14	138,981 76
Six months ending December 31, 1878	186,883 64	107,238 38
Year ending December 31, 1879	306,583 22	179,912 78
Total	2,644,160 07	2,158,601 16
1880, estimated	350,000 00	220,000 00
1881, estimated	400,000 00	200,000 00
Total	3,394,160 07	2,578,601 16

From the above table it will be seen that while the amount of the "5 per cent. of net earnings" of the Union Pacific has steadily increased since 1874, that of the Central Pacific has nearly as steadily decreased. This is owing partly to the fact that the average number of miles of road operated by the Central Pacific has been increased from year to year, while that of the Union Pacific has not been increased, but more particularly by diversion of business from the subsidized road to leased lines, which leased lines are principally owned by the owners of the Central Pacific, who are paid high rentals therefor, and by a consequent reduction of the percentage of subsidized miles of road to the mileage of all roads operated, upon which percentage a *pro rata* division of local business has chiefly to be based.

The miles of road operated by the Central Pacific since 1870 have been as follows:

Year ending November 5, 1870	969
Year ending November 5, 1871	1,050
Year ending November 5, 1872	1,148
Year ending November 5, 1873	1,254
Year ending November 5, 1874	1,261
Year ending November 5, 1875	1,297
Year ending November 5, 1876	1,372
Year ending November 5, 1877	1,842
Seven months and twenty-five days ending June 30, 1878	2,090
Six months ending December 31, 1878	2,160
Year ending December 31, 1879	2,319
Year ending December 31, 1880 (estimated)	2,491
Year ending December 31, 1881 (estimated)	2,750
Average about	1,656
Subsidized line is	860.66

The Union Pacific Railroad is 1,038 miles, all subsidized.

Under the methods and practice of the Central Pacific Company the greater the number of miles of railroad it leases and operates the less becomes the proportion of net earnings for the subsidized line.

The condition of the debt of these companies to the United States may be stated as follows:

Items.	Union Pacific.	Central Pacific.
Principal	$27,236,512	$27,855,680
Interest to December 31, 1879	19,238,182	19,271,111
Total	46,474,694	47,126,791
Repaid by transportation and cash	9,826,638	4,541,318
Balance December 31, 1879	36,642,056	42,585,473
Add two years' interest, 1880 and 1881	3,268,381	3,342,682
	39,916,437	45,928,155
Less estimated payments under "Thurman" law—two years 1880 and 1881	3,750,000	2,100,000
Balance December 31, 1881	36,166,437	43,828,155

By this it appears that while the Union Pacific has reached that condition in regard to its payments to the United States where the amount of 25 per cent. of its net earnings annually exceeds the amount of the annual interest payment now made by the United States, the Central Pacific, on the other hand, not only has not reached that condition, but will, in its present practice relating to leased lines

is continued, correspondingly decrease its net earnings liable to the 25 per cent. under the law to such an extent that its payments hereafter will probably not more than equal one-half of those of the Union Pacific.

As to the other debts of these companies, the Central Pacific, to December 31, 1879, had reduced its debt and had on hand funds applicable to such reduction, in all amounting to $6,592,218; while the Union Pacific, to the same date, had paid and held applicable to the payment of its debt the sum of $27,770,387; both of which results are shown below.

Funded debt, December 31, 1879.

Items.	Union Pacific.	Central Pacific.
Total bonds issued	$65,540,000	$59,750,000
Outstanding December 31, 1879	50,973,000	57,030,000
Redeemed	14,567,000	2,720,000
Sinking fund December 31, 1879	613	4,068,662
Land notes on hand, 1879	3,976,520	1,763,525
Total redemption, &c	18,544,133	8,552,187

Floating debt, December 31, 1879.

Items.	Union Pacific.	Central Pacific.
Bills payable	$705,684	$4,212,960
Accounts payable	2,567,265	1,769,596
Dividends payable	555,940	1,630,729
Total	3,828,889	7,613,285
Less:		
Bills receivable	59,500	1,021,363
Materials on hand	1,086,689	2,226,428
Cash	490,708	540,966
Bonds and stocks	7,428,228	983,324
Accounts receivable	3,990,018	881,235
Total	13,055,143	5,653,316
Net floating debt		1,959,969
Net surplus	9,226,254	
Net "total redemptions" and "surplus over floating debt," &c.	27,770,387	6,592,218

In view of the foregoing statements of facts, and of the additional fact that of the payments of $1,200,000 in money by the Central Pacific Company annually under the sinking-fund law (as anticipated by its framers) but $774,428.92 for the two and one-half years ending December 31, 1880, instead of $3,000,000, will be required, it is recommended that the sinking-fund law of May 7, 1878, be changed so far as relates to the amount required from the Central Pacific, so that 50 per cent. of the net earnings of that company may be applied to the payment of the debt, instead of 25 per cent., as the law now is.

Very respectfully,

THEO'S FRENCH, *Auditor.*

Hon. C. SCHURZ, *Secretary of the Interior.*

Mr. SAUNDERS. That is the whole correspondence between the parties, and it shows the importance of the question before the Senate. If the Committee on the Judiciary think they cannot attend to this without having authority to sit during the vacation, I am perfectly willing to move that they shall do so. I think that is the committee which ought to take charge of the subject, for in my opinion it properly belongs to them.

Mr. DAVIS, of Illinois. There is not any necessity for a committee of this body to investigate this subject at all. The Auditor of Railroad Accounts has authority to do all upon this subject that is necessary.

Mr. BAYARD. And he was appointed for that very purpose.

Mr. DAVIS, of Illinois. And he was appointed for that very purpose. When he has done so, and a legal question arises that ought to be considered by the Committee on the Judiciary, there will be no difficulty about that; but the ascertainment of the facts upon which the question arises ought to be done by the Auditor of Railroad Accounts. It was for that very purpose that that office was created. If I recollect aright—the Senator from Delaware [Mr. BAYARD] will correct me if I am wrong—(my colleague [Mr. LOGAN] and the Senator from Kansas [Mr. INGALLS] have recently come upon the committee,) the late chairman of the Judiciary Committee had several consultations with the Auditor of Railroad Acounts on this subject, and he thought there was no necessity for any action by the Senate at present, as the Auditor of Railroad Accounts would make further investigation and report to Congress upon the subject.

Mr. SAUNDERS. I will ask the Senator to whom he alludes?

Mr. DAVIS, of Illinois. I allude to Judge Thurman. This was last February. We had the subject before us then. At any rate it was left to Judge Thurman, who was the author of the bill, to go and see, and he was in doubt whether anything had been done that required action then, but concluded that further investigation would be made by the Auditor of Railroad Accounts.

There is no use in charging any particular duty relating to this subject upon the Committee on the Judiciary. At this stage of the session all committees are more or less disorganized; the Judiciary Committee is very much so. If there is any legal question for them to pass upon at the next session of Congress, they can be asked to do it; but it is perfectly idle to impose this duty upon the committee now. The work would not be done. It would not be done by any committee unless they want to rove around the country, and the Judiciary Committee does not want to do any such thing as that; it does not want to go to San Francisco and elsewhere and try to investigate; there is not any necessity for it; it is an expense they wish to avoid. When they have got facts presented before them which the Auditor of Railroad Accounts can ascertain and make known to them at the next session of Congress, then any legal question can be settled.

Mr. LOGAN. I understand he has gone now for the purpose of ascertaining the facts.

Mr. DAVIS, of Illinois. He told Judge Thurman that was the purpose. I do not know whether the stock market is to be affected one way or the other by this resolution, but I have a natural aversion to its coming in at this period of the session, and I move, therefore, to lay the resolution on the table.

Mr. BAYARD. Mr. President——

Mr. DAVIS, of Illinois. I withdraw the motion, that the Senator from Delaware may be heard.

Mr. BAYARD. I have nothing to say except to confirm what was said by the Senator from Kansas [Mr. INGALLS] in regard to the occupation of the Committee on the Judiciary being full enough already. We have already a subcommittee appointed to consider the very important matter of the re-enactment of a general bankrupt law that may occupy the gentlemen who form that subcommittee very fully during the recess.

As to what the Senator from Illinois has said it scarcely needs restatement. This very class of information is wholly within the control of the Commissioner of Railroad Accounts. He was appointed by law for the purpose of furnishing to the Government the very information asked for in this case. The appointment of a subcommittee or of a special committee would, in my judgment, be entirely superfluous; and not only superfluous, but I think it would be rather detrimental to the object which is in view.

There is no mystery about the fact as to what the earnings of these roads are. There is no mystery about the fact as to what their sinking fund is or is not to be. The sole question is whether Congress has the power to control the amount of that sinking fund. That has been indicated by the passage of a law heretofore, and will be again, I trust, whenever it becomes necessary.

I shall vote for the motion of the Senator from Illinois to lay the resolution upon the table, because we have already ample machinery in the office of the Commissioner of Railroad Accounts to inform us upon all of these particulars. If it should be wanted let the ordinary order or resolution be passed directing him to return to the Senate at the next session the information asked for in this resolution and we shall get it.

Mr. DAVIS, of Illinois. That is the very purpose I have in view.

Mr. LOGAN. I was seeking the floor to make the suggestion which was last made by the Senator from Delaware. I agree with what has been said by the Senator from Delaware and my colleague and the Senator from Kansas, that there is no necessity whatever for this resolution. It is perfectly understood in the law; and this Auditor is required to do, as has been well stated, exactly what the committee would be required to do under the resolution; and if a question of law arises it will be time enough then to refer it to the Judiciary Committee, or some other committee, to decide that question. No such question as that is now before the Senate, and I think in the present condition of the committee it would be imposing a burden on them that they cannot possibly perform during the vacation. I am sure of that; and especially they ought not to be required to perform it when there is a person specially charged to perform the duty; and when he has performed it and brought all the facts before Congress, it will be time for Congress to decide on those facts. I agree to the motion of my colleague to lay this on the table.

Mr. DAVIS, of Illinois. I renew the motion to lay the resolution on the table.

Mr. SAUNDERS. I hope the Senator will allow it to go over and not lay it on the table.

Mr. DAVIS, of Illinois. No, I want this session to end and I want when a thing is plainly discussed here for the Senate to decide whether it shall be laid on the table or not.

Mr. SAUNDERS. The motion to lay on the table does not give us an opportunity to be heard.

Mr. DAVIS, of Illinois. The Senate will say what shall be done.

The VICE-PRESIDENT. The Senator from Illinois moves to lay the pending resolution on the table.

The motion was agreed to.

DEPARTMENT EMPLOYÉS.

Mr. KELLOGG submitted the following resolution; which was read:

Resolved, That the Secretaries of State, Treasury, Interior, War, Navy, and the Postmaster-General be directed to transmit to the Senate the names of all officers, clerks, and other employés borne upon their rolls, respectively, not required to be confirmed by the Senate, and the salary paid to each, together with the date of their appointment, the State to which each is charged, the grade of office held, the compensation received, and whether each of said officers, clerks, or employés is white or colored.

Mr. BAYARD. Let that lie over.

The VICE-PRESIDENT. Objection being made, the resolution goes over.

Mr. DAVIS, of West Virginia. Let it be printed.

The VICE-PRESIDENT. The order to print will be made.

Mr. KELLOGG. I desire to state, with the permission of the Senate, that after consulting with some Senators I offer that resolution in order to bring it before the Senate to-morrow morning, and in the mean time it gives the Committee on Printing an opportunity to consider it, because it leaves out of the original resolution I offered some days since all that matter which it was presumed would cause considerable expense to procure.

Mr. HARRIS. I ask the Senator from Louisiana what disposition was made of a similar resolution introduced by him some days ago?

Mr. KELLOGG. I have just stated that this is different, inasmuch as it leaves out one or two requirements contained in the other resolution, that I ascertained it was feared would cause considerable delay in time and considerable additional expense. It does not call for some information that I think is needed and that ought to be had, but it covers all necessary information except what will cause considerable expense and delay.

VISITOR TO NAVAL ACADEMY.

Mr. ALLISON. I desire to state to the Senate that it will be impossible for me to discharge the duties imposed upon me by the Vice-President at the last session under the law, namely, being one of the visitors at the Naval Academy at Annapolis. I find my business arrangements are such that I cannot go; therefore I beg to be excused and ask that another Senator be appointed in my place.

The VICE-PRESIDENT. If no objection be made the Senator is excused.

EXECUTIVE SESSION.

A message in writing was received from the President of the United States by Mr. O. L. PRUDEN, one of his Secretaries.

Mr. DAWES. I move that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session, the doors were reopened.

NOTIFICATION TO THE PRESIDENT.

On motion of Mr. BAYARD, the Senate proceeded to the consideration of the following resolution submitted by him yesterday:

Resolved, That a committee consisting of two Senators be appointed by the Chair to wait upon the President and inquire if he has any other business to lay before the Senate.

The resolution was agreed to; and the Vice-President being authorized to appoint the committee, Mr. BAYARD, and Mr. CAMERON of Pennsylvania, were appointed.

RECESS.

On motion of Mr. INGALLS, the Senate took a recess for one hour.

On reassembling, at two o'clock and twenty minutes p. m.—

NOTIFICATION TO THE PRESIDENT.

Mr. BAYARD, from the committee appointed to wait upon the President and inquire if he has any other business to lay before the Senate, reported that they had performed the duty assigned them, and that the President had replied that he had other communications yet to make to the Senate.

ADDITIONAL PAY TO EMPLOYÉS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution this day submitted by Mr. DAWES to pay one month's extra pay to the employés of the Senate, reported it with an amendment.

EXECUTIVE SESSION.

A message in writing was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

The Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at two o'clock and forty-seven minutes p. m.) the Senate adjourned.

THURSDAY, *May* 19, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DEPARTMENT EMPLOYÉS.

Mr. KELLOGG. I rise to call up the resolution I submitted yesterday, and ask that it be read. I should like a consideration of the resolution by the Senate this morning.

The VICE-PRESIDENT. The Senator from Louisiana calls up the resolution heretofore submitted by him, which will be read.

The Chief Clerk read the following resolution, submitted yesterday by Mr. KELLOGG:

Resolved, That the Secretaries of State, Treasury, Interior, War, Navy, and the Postmaster-General be directed to transmit to the Senate the names of all officers, clerks, and other employés borne upon their rolls, respectively, not required to be confirmed by the Senate, and the salary paid to each, together with the date of their appointment, the State to which each is charged, the grade of office held, the compensation received, and whether each of said officers, clerks, or employés is white or colored.

Mr. SHERMAN. I should like to know from the Senator from Louisiana why that information is desired when by the 1st of July, under a law passed by both Houses of Congress, a law which has been in existence for sixty-odd years, this information is required to be sent to the Interior Department to be compiled in the form of an Official Register? Why is it necessary now to call for the information, I should like to know?

Mr. KELLOGG. As I stated the other day, some of the information required by the resolution is not contained in the Blue Book; second, the Blue Book is printed in limited numbers, and its circulation is confined to heads of Departments, Senators, and Representatives; third, the Blue Book embraces, I think, some fifty or sixty thousand names, in two volumes, containing the names of all the employés of the United States Government, judicial, consular, diplomatic, and territorial; also all the customs officers, post-offices, and many others. The list of employés in the post-offices and custom-houses in the two cities of Philadelphia and New York would be nearly or quite as great in number as the names of all the employés and clerks asked for by the resolution.

No Senator or Representative desiring to ascertain what clerks are charged to his district or State can ascertain that fact without taking the Blue Book and going over very many pages and subjecting himself to much inconvenience and loss of time. It is limited in its circulation to the members of Congress and heads of Departments. No person with any degree of facility can point out the persons improperly charged to his State or district; information that should be open to every one; information which can be procured with facility and ease.

Having stated this, I now desire to ask what objection is there to having laid before the Senate, in the form of a Senate document containing a statement showing in condensed form the name of every person employed in the Departments in this District charged to each State, the grade of office that each holds, the compensation that each receives, and whether he is white or colored? I inquired at one of the Departments, and I was told that if that portion of the original resolution requiring information as to the persons upon whose recommendations the appointments were made was omitted, the remainder of the information called for in the resolution could be furnished without very great expense or delay. I do not know that we can now get it at this session, but we can have it upon our tables the first of next session.

If a document of that kind is placed upon the table of every Senator, a compiled, brief, succinct statement under the head of each State of every individual charged in the Departments, with the grade of office, the compensation, and, according to the amendment of the Senator from Georgia, [Mr. BROWN,] "whether white or colored," the Senator, Member of the House, or other person seeking this information can ascertain it easily and at once; for instance, if it be the fact that when the Senator from Georgia goes to a Department and inquires whether a vacancy that he knew occurred a month or a week ago has been filled, he is told that it has been filled, and so far as he can ascertain finds it was filled by some person put in by a favorite clerk or by the chief of a bureau in the Department, and finds the appointment charged to Georgia, although the appointee was from the District of Columbia, or from Connecticut, or Ohio, or New York, or some other State, I do not see why the Senate should not have data that will enable him to expose this injustice if, as I have said, it really exists. Waiving the question as to who recommends the appointment, what objection is there to letting it be known in such way that it will be easily accessible to any inquiry what persons are charged to the different States and whether they belong to those States or not?

Mr. PLUMB. I desire to ask the Senator from Louisiana a question.

Mr. KELLOGG. Certainly.

Mr. PLUMB. Does he regard it as offensive to the State of Louisiana, or would any Senator regard it as offensive to his State, to have a good officer charged to his State?

Mr. KELLOGG. I do not know that I do, except that the law of 1875, applicable to the Treasury Department, and other laws by implication applicable to the other Departments, provide that since the date of that act all appointments shall be filled from the different States or credited to each State according to the ratio of population.

Mr. PLUMB. Let me ask the Senator another question. Inasmuch as nearly all the appointments are already made from the District of Columbia and made in that way, what matter is it to the State?

Mr. KELLOGG. I am obliged to the Senator for asking me that question. I want it distinctly understood that it is not the intention, so far as I am concerned, and I do not think that it is the intention of other Senators, to push any good officer out. I offered this resolution because I had been urged to do it by some Senators and others. It is not the intention of myself or others, so far as I know, to push any efficient officer from his stool, to drive out any good clerk; but this Government is growing, the rolls of employés are increasing constantly, greater additions are needed each year, appropriations are increasing year by year, the patronage is constantly increasing, vacancies are

occurring, and let us at least enforce the principle laid down by the act of 1875, that when appointments are made to fill vacancies and when the force in the Departments is increased, the patronage shall be given to the various States according to the ratio of population to people who belong to the States; so that if there are twenty vacancies between now and the first of August in the First Comptroller's office, for instance, or any other bureau of the Government, those twenty vacancies shall not be filled, when the Senators and Members and other representative people from the different States who are entitled to them are away, by the favorites of five, six, ten, or twelve of the principal officers, chiefs of bureaus, appointment clerks, and others in the different Departments of the Government here, but shall be filled according to law. Then when we meet in December the vacancies that are filled by removals or otherwise or the additions that are made to the constantly increasing force in the different Departments will appear in this printed document, with the date of appointment, and we can tell immediately when they were appointed, who the persons are, and whether they should be charged to such and such a State.

I cannot understand what objection there is to this being done. It cannot certainly cost very much to print this whole information; it cannot draw very heavily on the national purse. What is the objection to that information being laid before the Senate?

Mr. MORRILL. Mr. President, I regard the law which has been referred to, stuck in on an appropriation bill, as one of the greatest absurdities that disgrace the statutes of the United States. This scramble that is to be inaugurated to ascertain whether each State and each district has its due quota of clerks, so as to make the Senate the theater for the distribution of clerkships, I regard with utter abhorrence; and so far as I am concerned I will not vote for anything of the kind.

I know that the records are full of errors on this subject. There are many men who are charged to my State who do not belong there, but who belong to New York and various other places; and it is utterly impossible to tell how they got there. The only question that I think should be raised is whether the clerks are the best that can be obtained by the Departments. I regret to see that we are subjected daily to the interviews of various parties here while we are in session for places in some Department or other, and that the influence of Senators is sought. I think that is a kind of business which we ought not to engage in; and for one I do not propose to increase the obligation on the part of Senators to undertake any further distribution of clerkships.

I hope, therefore, that the resolution will not be passed; and if there is no one who desires to say anything on the subject, I will move to lay it on the table.

Mr. PLUMB. Mr. President——

Mr. BROWN. I hope the Senator from Vermont will withdraw his motion for a moment.

Mr. MORRILL. I will do so.

Mr. PLUMB. I do not care to make any remarks upon this subject. I am delighted, however, with the height to which the Senator from Vermont has arrived. He does not care whether Vermont has anything, and I think it is very probably for the reason that Vermont has already got more than it ought to have. I think I can perhaps discover in that the reason for the Senator's opposition to the resolution.

The offices of this Government belong to the people of the United States, the District of Columbia included, but the fact is that the District of Columbia has got about one-third of them, as I understand. If it is to be understood in the future as in the past that we are to have an office-holding class in the District of Columbia, the sooner we know it the better. I do not say that would not be wise; I only say that we ought to be relieved from any doubt as to what the policy of the Government is to be. If we are to have a class of people inducted into office by various devices at the back door or any other way, by purchase and sale, as is constantly going on in this city, and if because they happen to answer certain clerical requirements when they are put in they are never to be displaced, then of course we may, as we probably ought to, know whether we are under any responsibility to our constituents or anybody else in regard to the matter, and permit the bureau officer, or head of the Department, or whoever else may be charged with filling these places primarily, to have entire control without let or inquiry whatever.

I believe, however, that these offices ought to be divided, and I shall continue to believe so until some legislation fixing the other theory in the body of the statutes of this country is adopted. I believe that the information sought for ought to be had. It is just as much a part of our duty to know what becomes of the patronage as it is our duty to know that the business of the people who serve in these capacities is properly performed. I believe, also, that that business cannot be properly performed except upon a well-devised and properly-executed system of rotation. I do not believe that the men appointed twenty years ago are as good men as can be found to-day, even in the State of Vermont, although that is saying a good deal. I believe that the men of to-day, the new blood of this country, the men who represent new communities, new interests, and new ideas, are just as much entitled to be in the Departments as anybody else, and not only that, but their presence there would make the Departments better responsive to the business and interests of this country. I think something more than merely the qualification of writing a good hand and having sat in one seat fifteen or twenty years is necessary to carry on the business of this Government.

I believe in overhauling these things. I believe at all events in exposing to the people of the United States precisely the condition of the service with reference to the places where the employés come from. It is just as much a necessity concerning the political patronage of this country that the people should know about that, that they should be represented in the several Departments as that they should be represented in the Senate or on the floor of the House, and there can be no good purpose subserved by keeping this information away from the people. The people are not likely to be hurt by a surfeit of information. They know half the truth now, and it excites a great deal of anger which perhaps the whole truth would dispel. Let them know exactly how it is; let them know exactly where the responsibility for it rests; let all men and all parties be willing to meet their responsibilities upon the facts as they are found to be, and the whole matter will be settled.

Mr. KELLOGG. I would not say a word further, but for the fact that the other day the Senator from Vermont [Mr. MORRILL] indulged in remarks similar to those that have fallen from his lips to-day in regard to this matter. I felt then that the honorable Senator left a wrong impression in regard to this resolution. I thought the Senator from Vermont, unintentionally no doubt, conveyed the impression that this matter was simply a hunt for office. I have before me the statute of 1871. Section 1754 provides that—

> Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

I ask the Senator from Vermont if a discharged soldier from his State were to put in an appearance here at the capital, recommended by leading citizens of his State, a man with scars that he bore because of wounds received in battle in defense of his country, does the honorable Senator think that that man, in case of a vacancy in a clerkship now charged to Vermont occurring next month, should be turned away while the chief of a bureau gives it to a favorite who is recommended by no resident of Vermont, some person who himself has no claim as a resident of Vermont, appointed without any other influence save that he happened to have a chief of bureau or appointment clerk at his back?

Mr. MORRILL. If the Senator will allow me to answer that, I had just such a recommendation presented to me this morning of a wounded soldier. Yesterday a lady came here whose husband's hands are both paralyzed. She has just been discharged from the Census Bureau; she has three children; and I had one or two other applications in the course of the day. All I desire to say is that I do not like to have it go abroad and become the settled practice that it is only necessary for applicants to apply to Senators. I do not wish to have my heart torn out of me every day on account of applications for clerkships.

Mr. KELLOGG. Did the Senator from Vermont, I ask respectfully, apply to that soldier and to that woman in necessitous circumstances, meritorious cases, he says, the same remark in substance that he applied to the Senate a short time since, that it was degrading and unworthy for Senators to apply for vacant positions, thus perhaps leaving those positions to be given to those not entitled to them under the law?

Mr. MORRILL. The Senator is very wrong in making that statement. I made no such statement; I merely said it was degrading to the Senate to become the mere distributor of clerkships.

Mr. KELLOGG. And I reply to the Senator from Vermont that, as I said the other day, (and he will find it in my published remarks in the RECORD,) it is not the intention of this resolution to push any one out of office or to disturb any meritorious clerk. The intention is that when vacancies occur and when additional appointments are made in the proper time and in compliance with law and the demands of justice, the vacancies shall be filled by persons best entitled under the law to receive these appointments, and that they shall be charged hereafter to each State according to the law of 1875, which provides specifically that each State shall be credited with its due quota according to the population thereof. That law I did not read, but I did read the one applying to wounded soldiers.

I felt the other day that the Senator was putting me in a false position, and I reply with some feeling, for which I hope the Senate will make due allowance. I repeat, we do not desire to interfere with persons in office who are properly in office who are good, efficient clerks. We are not hunting them out. We simply want the law complied with. We want to know whether it has been complied with. We want data furnished from each Department at no great cost placed upon our tables in the early future or when we meet in December, so that by an examination without much labor, without going through the Blue Book with sixty or seventy thousand names scattered through it, we can ascertain just where clerks and other employés are credited, their names and date of appointment, whether they are entitled to be credited to the State and whether they are proper beneficiaries of the Government; whether they should have been appointed to fill vacancies according to the requirements of the law of 1875 and the law of 1871.

Mr. BROWN. Mr. President, I confess I do not see why all this

sensitiveness should exist in reference to giving the information that is asked for by the resolution. Resolutions calling for information from the different Departments are not infrequent here; they are of almost daily occurrence; we seldom hear any opposition; we seldom hear a discussion gotten up about such a resolution; it goes almost as a matter of course if it is a simple call for information.

There is a statute, as has been properly stated by the Senator from Louisiana, requiring in the Treasury Department that the clerks shall be appointed from the different States, Territories, and District of Columbia in proportion to the population of the respective States. I presume there is no Senator in the Chamber to-day who can tell whether that has been done in regard to his State or not. I have made efforts in reference to my own State, and I can tell nothing about it. The Blue Book gives us no information on that subject. It is true it gives the name of the individual, where born, and from what State appointed, but it does not give, as asked for in this resolution, the date of the appointment. I go to the Secretary of the Treasury and ask him if we have the proper quota from Georgia. He looks and tells me we have not. I ask him to fill it; if he will not give the appointments to democrats, to fill the quota with worthy republicans from Georgia. He tells me there are no vacancies. I tell him that there are in the Blue Book charged to Georgia names of individuals who probably never saw Georgia, who are not citizens of that State and never have been. In reply to this he informed me the other day that if I would give him information as to the names of these persons, and they had stated falsehoods as to residence to get their places, he would discharge them. I asked him, then, to be kind enough to give me the names of the persons now charged to my State. They were sent to me. I compared them with the Blue Book, and I found that part of the names standing on the Blue Book had been dropped, I understand dropped within the last few days, from the quota charged to Georgia, a confession of judgment at once.

Mr. HOAR. In what Department?

Mr. BROWN. In the Treasury Department. It was a confession of judgment that they were put there and charged to Georgia when the appointees were not citizens of Georgia. The Senator from Louisiana now calls for information (for I presume the same rule applies in his State and probably to every Southern State) as to the names of persons appointed and when appointed. We ask when appointed because the Secretary meets us with a statement that the law only applies to appointments made since the passage of the law, and unless we know when each was appointed we cannot tell whether it was an appointment in violation of law since the passage of the act. There is now no information in the Blue Book or anywhere else that enables us to tell whether an appointment has been made since or before the passage of that statute.

Now the Senator from Louisiana calls for that information. Why should we not have it? What impropriety is there in it? The honorable Senator from Vermont [Mr. MORRILL] says it will annoy Senators, and he seems to have a disgust for the whole matter. If my State had fared as well as most of the New England States have and some of the other States nearer the capital, I might feel something of the same disgust at anything looking to displace them. I think the Senator from Kansas [Mr. PLUMB] very properly says that these offices belong to the people, and they should therefore belong to the people of the respective States; each State should be entitled to its quota. That is the object of the law. That is not carried out, I believe, in practice, and we want the information now called for so as to bring it properly before Congress and the country and have it carried out if the heads of Departments will not do it. That is what we mean.

Mr. MORRILL. Will the Senator from Georgia allow me a single moment?

Mr. BROWN. With a great deal of pleasure.

Mr. MORRILL. I desire to say that during the war, "the late unpleasantness," it is true that the New England and other Northern States obtained a large number of appointments to fill vacancies in the different Departments; but I can say to the Senator from Georgia that since the war was over and the South has been reconstructed the North, so far as I know anything about it, has not received any undue favor at all.

Mr. BROWN. My reply to the honorable Senator from Vermont is that the appointments which the Northern and Western States got during the war they were entitled to, and I do not seek to disturb them. That was right. But my charge is that there has not been a fair distribution made since the war. That is the very point; and I want the information so that the Senator from each State can determine for himself, when he looks over it, whether his State has had the distribution that she is entitled to. I do not seek to disturb anybody who was appointed during the war, and I will not vote to disturb anybody who was appointed during the war, but I do seek to have the law fairly executed, and have my State at least get her fair share since the war. I think that is just and proper. I see no reason why anybody should oppose it.

It may be said that as a democratic Senator I have no right to interfere with this matter. It is true the democrats expect very little from a republican administration. I am not making that the subject of complaint. I should be very glad, it is true, to see a little more liberality in the distribution of the offices; and if the civil-service reform means anything, it ought not to mean that all the officers should be appointed from one political party. But I lay that all out of the question now. You claim that "to the victors belong the spoils." Then take the offices for your own party. But as I have stated before on this floor, my colleague and I are the only representatives in this Chamber of the republicans of Georgia, and if the democrats cannot get any share, I claim for the republicans of Georgia a fair and just share in the distribution. That is the reason why I interest myself in this matter.

In addition to that point I have already stated that I think the colored people have a very meager share in the distribution of the offices in the Departments in Washington, and I see no reason why the information should not be given in each case whether the officer is white or colored. Nobody should be afraid to know it. There is no reason why the country might not know it. It is no official secret; it is no party secret; it is a thing that every American citizen has a right to know. Why this opposition? Why may we not know the name of each employé, the State from which he or she is appointed, the date of the appointment, and whether each is white or colored?

As stated by the Senator from Louisiana, we do not seek to interfere with the Blue Book at all. We want this simple information from the different Departments in Washington to know how the distribution has been made here. I think we ought to insist upon it, and continue to insist on it until it is given. And I confess I think it is very astonishing that republican Senators should be unwilling to permit the country to have the information.

Mr. SHERMAN. Mr. President, I certainly do not object to furnishing the Senate any information upon this subject that is proper and right; I do not object to this information being furnished, but I say that now under the law the Secretary of the Interior is preparing the Official Register, which contains all the information called for here, and other information in regard to other officers of the Government not covered by this resolution.

Mr. BROWN. Will the Senator allow me?

Mr. SHERMAN. If the Senator will let me finish my statement for once I should like to do it. I hope this practice of interrupting will be broken up some time.

There is no law on the statute-book requiring a distribution of officers among the several States, except as to the Treasury Department. That law was passed in 1875. That law is not as stated by the Senator from Georgia; but it simply requires that after a certain date subsequent to the passage of the law all appointments shall be made from the States having less than their proportion. At that time the District of Columbia had about five hundred appointments or perhaps about one-fourth of all the appointments allowed to the entire country. The reason was because most of those employés came to Washington and entered their residence as in the District of Columbia. Many of them did not reside in the District of Columbia except because they lived here to perform their official duties. That law has been observed for five years and faithfully carried out and the disproportion between the several States has gradually changed. The New England States, New York, Pennsylvania, and the older States got no appointments for several years; I have denied over and over again appointments to those States; and the difficulty was gradually rectifying itself so that there was no practical trouble in the Treasury Department, no discrimination against a State. The Southern States and the Western States were gradually getting their proportion of appointments.

But it was claimed by some that the law was intended to make a new partition, to require the discharge of the employés from States in excess of their proportion. That matter was submitted to the Attorney-General, and the Attorney-General held, and I think every lawyer who reads the statute would say, that the law does not require that, but simply relates to future appointments. Under the process that was going on in the Treasury Department the offices were gradually becoming distributed. Sometimes Senators would come in and say, "Well, such a person does not belong to the State of Georgia." Upon inquiry in nine cases out of ten it would be found that he did belong to the State of Georgia, but the Senator did not happen to know him, or he had lived in Georgia and acquired a residence there. In some cases, probably, wrong information was given to the Department, and wherever that occurred it was corrected.

Now, Mr. President, my objection to this resolution is that under the present law the very information desired here will be furnished to us at the next session of Congress. Then, if Congress desires or either House of Congress desires to get in a separate form a portion of this information or to have it put forth in a different way, it can be done without any trouble; but now to require these various Departments to go to work and make new lists is simply duplicating labor; and instead of costing one hundred dollars it will cost several hundred and probably several thousand dollars. If this document were furnished here to the Senate it could not be printed, because the law expressly limits the power of each House to printing matter which costs only $500, and if it were sent here it could not be printed.

When the Official Register comes in it is printed by provisions of law, and it is proposed now that the Senate of the United States shall undertake to change the existing law, a law which we are bound to observe just as much as the humblest citizen of this country, and declare that the Official Register shall be made so and so and so and so. We have no right to add to the requirements of the law; we

have no right to change the law; we are as much bound by the law as anybody else.

I say, therefore, that when you undertake by this resolution to require something else to be put in the Official Register which is not provided for by law, and the printing of which Register is provided for and appropriated for by law, you transcend the powers of the Senate. After this Register is made out, at the next session of Congress it may be then very easy for you to ask the Secretary of the Interior to separate this information and to give you new items of information; but it seems to me it is not worth while now to duplicate the labor. I know myself that the cost of the preparation of this document will amount to thousands of dollars; it will take many clerks many months to prepare this information and revise it; and what is the use of our wasting the last hours of this session in this call for information? The document cannot be prepared for months; why not, then, wait until the next session, and in the mean time the information will itself be gathered together in another form and may be communicated then without new preparation. It will cost thousands of dollars; it will be simply a work of supererogation. If this resolution should pass, nothing will be done until the next session of Congress, nothing can be done until after the Official Register is made out. It could not be printed if it were sent here, and it cannot be made up for months.

I trust, therefore, that Senators will allow these subjects which are more proper for legislative business to go over until the regular session of Congress, and then certainly I shall have no objection to any resolution calling for information. Next December we shall have the information before us in the Official Register, and a great deal more, probably, than is called for by this resolution. It will be very easy then, after the biennial compilation is made, for the Interior Department, which has charge of the matter, to divide it up and send this particular information by itself when it is in printed form, without any difficulty.

As I believe this is the only matter of legislative business pending, I move that the Senate proceed to the consideration of executive business, and I assure Senators no delay will be caused by the operation.

Mr. BROWN. I trust the Senator will not cut off reply in that way. He has misstated the law, and I want to reply. Though he has been Secretary of the Treasury, he does not recollect the law exactly.

Mr. SHERMAN. I do not care about going into a long debate; but the law has been submitted to the Attorney-General.

Mr. BROWN. I have it before me, and want to read it and comment on it; and I ask the Senator to withdraw the motion until I do so.

Mr. SHERMAN. I will read it—I have read it a hundred times—to satisfy the Senator; I have it here before me.

Mr. BROWN. It seems to me it would not be quite liberal to cut off my reply by the motion the Senator has made.

Mr. SHERMAN. I will not do that. I have never cut off anybody in my life. I will read the law. It is as follows:

Provided, That on and after January 1, 1876, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population.

The appointments shall be arranged so as to be equally distributed. What appointments? Not appointments in the past, but appointments in the future; and the whole turns upon the construction of the word "appointments." Does this relate to appointments made thirty years ago; that everybody that has been appointed from the District of Columbia shall be turned out because there were five hundred persons from the District of Columbia and according to the apportionment only seven could be assigned to the District of Columbia? Was this law to be so construed that four hundred and ninety-three persons were suddenly to be discharged in order to make the equalization provided for by the law? No; but the Attorney-General said that the word "appointments" related to appointments to be made in the future and not to those already made in the past; that those appointments to be made in the future should be so arranged as that no State would have more than its proportion. That was the construction put upon the law, and that is the fair construction. Any other construction would have been a wholesale wrong and injury to hundreds of employés. As a matter of course, this has been fully considered, and this construction was submitted to Congress and acquiesced in by Congress, stated over and over again years ago.

I do not wish to cut off the Senator from Georgia, but I wish to proceed with the executive business. If he desires, I cannot refuse to allow him to be heard or to correct me if I have misstated the law.

Mr. KELLOGG. Will the Senator from Georgia allow me?

Mr. BROWN. I yield for a moment.

Mr. PLUMB. I desire to offer an amendment without submitting any remarks; at the end of the resolution to add:

And which of such clerks or employés served in the regular or volunteer service of the United States during the war of the rebellion.

Mr. KELLOGG. Now, Mr. President, in aid of remarks that I presume the Senator from Georgia may intend to submit, I desire to make one single statement, and it will be seen how plain a tale will put all this thing down. I now ask the honorable Senator from Ohio to state to the Senate what number of copies of the Official Register are usually printed by law?

Mr. SHERMAN. The Official Register is a document printed by order of Congress, and either House of Congress may under the law order the printing of as many additional copies as it desires for publication. It is offered for sale and sold to anybody who wants it, at the mere cost of printing; and if not many are distributed it is because not very many are interested in it. I heard the statement made several times by the Senator from Louisiana that only a few were printed. Originally only five hundred were printed, because it was believed that five hundred would be a sufficient number to supply the various officers of the Government who needed it. Now I think the number has been increased to fifteen hundred.

Mr. KELLOGG. About one thousand.

Mr. SHERMAN. Well, one thousand is enough to supply the officers of the Government. Anybody who wants the Register can buy it of the Public Printer at the cost of printing.

Mr. KELLOGG. So it is only the officers of the Government who want the information! Should not others have a chance of getting it? The officers of the Government get it gratis, if they choose to go through two volumes of sixty to a hundred thousand names, with not all the information required by this resolution in the books, and not all the information that is necessary to ascertain who these appointees are either. Persons can go and pay five dollars a volume if they want that meager information, unless they go to a member of Congress and search through one of the thousand copies that are authorized by law to be printed; and the expense of which is enormous. The honorable Senator from Ohio says, if we want more information we can have more copies. So you will publish more copies of these immense volumes rather than publish five or six thousand names that would be required to be published under this resolution, when this book contains perhaps a hundred thousand.

Now, another word. The law reads that "on and after the passage of the act." I undertake to say that from the cursory examination I have made—and I admit it is not critical; I have made it as to two or three States—as to my own State there are twenty appointees to one that was made prior to 1875—twenty of them made since, and in some of the Northern States the proportion is nearly as great, I am told. Great changes in all these Departments take place. Have 60 per cent. of the appointments been made in conformity with the law? I ask the Senator who was Secretary of the Treasury [Mr. SHERMAN] will he tell me that in the last five years there has been more than 60 per cent. of the various employés of the Government appointed in conformity with the laws I have read? Whether these laws have been complied with or not the very information that we seek by this resolution, namely, the date of the appointment, will disclose. You cannot find the date of appointment in the Blue Book; that is the very root of the whole thing; let us have the date of the appointment, and we can tell whether the law of 1875 has been complied with or not, whether appointments made since the passage of the law have been made in conformity with the plain and explicit requirements of the law.

Now, I will ask the honorable Senator to find in the Blue Book the date of a single appointment made by the Treasury Department. The law says on and after the passage of the act of 1875 the appointments are to be made in conformity with certain requirements.

Mr. BROWN. Mr. President, I stated the fact when I was on the floor a few moments ago that the act of 1875 required appointments to be made by the Treasury Department in proportion to the population of the respective States, Territories, and District of Columbia. The honorable Senator from Ohio [Mr. SHERMAN] said that I misstated it, that that was not what was required. I said nothing about the dismissal of anybody appointed prior to 1876. I stated distinctly in reply to the Senator from Vermont that I sought to disturb nobody who was appointed during the war. I said I did not believe that the appointments had been fairly made since 1876. I say that now, and I am prepared to show it whenever I can get the information as to the date of the appointments. The Senator has read the law and it sustains what I said. I stated it correctly, but I will read it again:

Provided, That on and after January 1, 1876, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population.

That is exactly in substance as I stated the law when I was on the floor. I say it has not been fairly and justly administered, and we want this information so that we can bring the proper influences, or the proper legislation, if necessary, to bear upon the head of the Department if he does not administer that law. The honorable Senator from Ohio is mistaken, too, when he says that the Blue Book furnishes this information. As has been stated by the Senator from Louisiana who has just taken his seat, it gives us the date of the appointment of no one. That is the very thing we want to get at. We go to the Treasury Department to make inquiry about the matter, to know whether there is a vacancy from a particular State. They tell you there is no vacancy in the Department. You inquire whether your State has had its quota. You are put off by being told they will look into it. You cannot tell. You are told, however, that the law only applies to appointments made since the act of 1875. We do not know until we can have the information as to the date of appointment how many were appointed before and how many since. That is carefully kept out of the Blue Book. One of the very objects of the resolution is to give that to the Senate and the country, as the Blue Book does

not give it. The other object is to give the color of each appointee. It is not pretended that is in the Blue Book; it is not pretended that either that or the date of appointment will be in the forthcoming Blue Book; and we want this information in order to give these facts to the country that the Blue Book does not give.

But it is very expensive, very expensive to publish or print such a report, and we are reminded that the Senate cannot order the printing of more than $500 worth in a job of this character. It will not take, as the Senator from Louisiana has stated, probably $100 to print it. It will be a short document. You need not be alarmed on that point. We are not proposing to go beyond the $500; but suppose we do not print it at all, then where is the legal objection? If the information is laid upon the table of the Senate we can get at it, then we can get information that no Blue Book, or any other book that is published now, gives us, by going there and reading it; and if the United States is not able to print so important a document, if it is too great a drain on the Treasury, or if we might go beyond our limit in printing it, we will simply ask for the information and let it lie on the table; and when Congress meets, if they should think it important, possibly they may reach the point of getting it printed in some way. If it is really too expensive ever to be printed, we shall have access to it; and if a Senator wants to know whether justice has been done to his State or not, he can look at it and see.

Why, then, I repeat, all this opposition? I am rather inclined to suspect that the real point in it is that you do not want the Blue Book or any other report made from these Departments to show the color of each individual there. I say the people of the United States have a right to know that as well as to know when each was appointed.

Mr. KELLOGG. Mr. President, I have procured a copy of the names of all the employés under the Treasury Department in the United States. I hold between my hands [exhibiting] the paper that contains a list of all the employés that can possibly be included in this resolution under the Treasury Department. I have been all through the book. It contains the light-house service, the custom-house service, the assay offices, the revenue-marine service, captains, lieutenants, &c., the Register's Office, the Comptroller's Office, the Treasurer's Office, everything except the simple Bureau of Engraving and Printing. The Senate will see that all this is included in a few pages.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

Mr. BROWN. On that motion I call for the yeas and nays, as I think this resolution ought to be acted on.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt as to the result.

Mr. PLUMB and others called for the yeas and nays, and they were ordered; and the Secretary proceeded to call the roll.

Mr. JONES, of Florida, (when his name was called.) I am paired temporarily with the Senator from Rhode Island, [Mr. ANTHONY.] I do not know how he would vote on this motion and therefore I refrain from voting.

The roll-call having been concluded, the result was announced—yeas 23, nays 27; as follows:

YEAS—23.

Allison,	Davis of W. Va.,	Jackson,	Saulsbury,
Bayard,	Dawes,	Mitchell,	Sawyer,
Blair,	Ferry,	Morgan,	Sherman,
Burnside,	Frye,	Morrill,	Voorhees,
Cameron of Wis.,	Hoar,	Pugh,	Walker.
Conger,	Ingalls,	Ransom,	

NAYS—27.

Brown,	Grover,	Jones of Nevada,	Plumb,
Butler,	Harris,	Kellogg,	Rollins,
Call,	Harrison,	Lamar,	Saunders,
Cockrell,	Hill of Colorado,	McDill,	Sewell,
Coke,	Hill of Georgia,	McPherson,	Van Wyck,
Farley,	Johnston,	Mahone,	Vest.
Groome,	Jonas,	Miller,	

ABSENT—24.

Anthony,	Edmunds,	Hampton,	Pendleton,
Beck,	Fair,	Hawley,	Platt,
Camden,	Garland,	Jones of Florida,	Slater,
Cameron of Pa.,	George,	Logan,	Teller,
Davis of Illinois,	Gorman,	McMillan,	Vance,
Edgerton,	Hale,	Maxey,	Williams.

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Kansas [Mr. PLUMB] to the resolution of the Senator from Louisiana, [Mr. KELLOGG.]

Several SENATORS. Let the amendment be read.

The CHIEF CLERK. It is proposed to add at the end of the resolution:

And which of such clerks or employés served in the regular or volunteer service of the United States during the war of the rebellion.

Mr. SAULSBURY. I should like to inquire what is the importance of that information?"

Mr. PLUMB. The law requires that preference shall be given to that class of people, and as the purpose of this information is to find out whether the law has been complied with or not, I regard that as a very essential part of the inquiry.

Mr. SAULSBURY. My impression is that the best thing we could do if we had the power would be to repeal any such law. There has been too much discrimination between the people of this country. There are other people besides soldiers. They are very meritorious people, but there are a great many people in civil life as worthy as men who have served in the Army, and I see no special reason why this preference should be continued to one particular class of the community to the prejudice of another.

Mr. PLUMB. This does not propose to continue the law; it is only a call for information on which to base legislation or other action.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

The VICE-PRESIDENT. The question is on the resolution as amended.

Mr. INGALLS. Now let the resolution as amended be reported.

The VICE-PRESIDENT. The resolution as amended will be read.

The Chief Clerk read as follows:

Resolved, That the Secretaries of State, Treasury, Interior, War, Navy, and the Postmaster-General be directed to transmit to the Senate the names of all officers, clerks, and other employés borne upon their rolls, respectively, not required to be confirmed by the Senate, and the salary paid to each, together with the date of their appointment, the State to which each is charged, the grade of office held, the compensation received, and whether each of said officers, clerks, or employés is white or colored, and which of such clerks or employés served in the regular or volunteer service of the United States during the war of the rebellion.

Mr. HOAR. I suggest an amendment by adding "or in any other service." [Laughter.]

Mr. DAVIS, of West Virginia. If we are to have a complete list of employés why not include the Department of Justice, I ask the mover of the resolution? Though I am not in favor of the resolution specially, I think if we are to have the general information, that Department ought to be included. I move that the Department of Justice be included.

The VICE-PRESIDENT. The question is on the amendment of the Senator from West Virginia.

Mr. KELLOGG. I accept it by adding "and the Attorney-General."

The VICE-PRESIDENT. The resolution will be so modified. The question is on the resolution as amended.

The resolution as amended was agreed to.

VISITOR TO NAVAL ACADEMY.

The VICE-PRESIDENT appointed Mr. MILLER a member of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Naval Academy at Annapolis, Maryland, in place of Mr. ALLISON, resigned.

REGENTS OF SMITHSONIAN INSTITUTION.

The VICE-PRESIDENT appointed Mr. HILL, of Colorado, and Mr. MAXEY Regents on the part of the Senate of the Smithsonian Institution to fill the vacancies caused by the expiration of the term of service as Senator of Mr. Newton Booth and Mr. Robert E. Withers.

COLUMBIA HOSPITAL FOR WOMEN.

The VICE-PRESIDENT appointed Mr. ROLLINS a director on the part of the Senate of the Columbia Hospital for Women and Lying-in Asylum, to fill the vacancy occasioned by the expiration of the term of service as Senator of Mr. Francis Kernan.

CONSULAR FEES.

Mr. BECK. I rise to ask for the passage of a certain resolution sent to me from New York this morning, calling for information. I hope the Secretary will read it, and then if any Senator objects it can go over, but I think there will be no objection. I send to the desk the resolution which I offer.

Mr. INGALLS. Will the Senator state what the resolution is?

Mr. HARRIS. Let it be reported for information.

Mr. BECK. I can state in a moment the nature of it. Some of the importing houses in New York are complaining very much of orders that are being issued by the consuls at Liverpool and elsewhere, who instead of charging $2.50 for certifying invoices are charging fifteen shillings or $3.75, and there is not uniformity in the collection. These charges are onerous on the merchants, and the resolution calls on the President to inform us whether or not they are making excessive charges. The resolution will explain itself.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the President of the United States be, and he hereby is, requested to forthwith inquire of each consular officer of the United States respecting the following matters, and to transmit to the Senate on the first day of the next meeting of Congress a full and complete statement of the information received in reply:

1. Whether any consular officer of the United States has during the last fiscal year demanded or received for the verification of any invoice and certificate a greater sum as a fee than $2.50; and if so, the name of said officer?

2. Whether any consular officer of the United States has during the same period required the declaration attached to invoices according to section 2854 of the Revised Statutes to be verified by oath, and if such oath has been demanded then

before whom has it been taken, and has any fee in addition to the consular fee of $2.50 been exacted for administering the oath? If any such additional fee for the oath has been exacted in any consulate or commercial office of the United States, what has been the amount of such fee for each invoice, and what the total amount received from such fees in such office during the last fiscal year, and to whom paid; and have such fees been included in the consular fees and returned to the Government; and has any consul-general, consul, or commercial agent been personally benefitted thereby, and if so, to what extent?

3. What sum has been received and retained as consular fees by each consular and commercial officer of the United States during the past fiscal year, and what sum has been paid to each as salary for the same period; and are consular and commercial officers of the United States permitted to receive and retain any fees for any services as such consular and commercial officers which are not stated in the consular returns?

And that the President of the United States be, and he hereby is, requested to inform the Senate whether the existing laws of the United States require that the declaration to be indorsed on invoices of merchandise to be imported into the United States shall be accompanied by an oath of the person making the declaration.

Mr. HOAR. I would suggest to the mover of the resolution if the matter is to be examined into at all, as I presume it is of importance from his introducing it, whether it would not be better to direct the Secretary of State to do these things. The Senate have no power in dealing with the President except to make a request, whereas we can order the Secretary of State to do this, it being information which we can obtain in his Department. It seems to me that the official etiquette would hardly be complied with by having the President of the United States in personal communication with every petty consul all over the world. I would suggest, therefore, that the beginning of the resolution be modified.

Mr. BECK. The Senator will allow me. The Senator from Ohio can perhaps state it better than I can, but I think that it would require the action of both the Secretary of the Treasury and the Secretary of State to give us the information sought for there, and the President can obtain it from those two Cabinet officers much more easily than we could by asking either one of them. I believe we shall obtain it better by requesting the President to obtain it, and he will have to consult both those officers in order to obtain it. I think so, and therefore I would like to have it go in the form in which it is. That was the object of asking the President.

Mr. HOAR. I understand that all the consular officers are under the control of the Secretary of State and I believe some of the minor consular officers are appointed by him. They are in his Department, all of them; all the official correspondence with them—except as to the matter of accounts, which comes in from various Departments to the Secretary of the Treasury—is with the Secretary of State. It seems to me that it is important to observe the forms and proprieties of our relations with the President of the United States, and that it is not in accordance with usage to request the President of the United States to put himself in personal communication with the most subordinate officers of the State Department. There is nothing the Secretary of the Treasury will have to do with this; and it is wholly in the discretion of the President whether to comply with our request at all. The Senate has the right to speak with authority to the Secretary of State, and it becomes the duty of the Secretary of State to obtain from his subordinates any information that we desire.

Mr. BECK. Allow me to make this suggestion: we shall not be apt to adjourn to-day, I think; and perhaps it would be well to let the resolution lie over until to-morrow morning and have it printed, and I will then call on the Secretary of State in the morning and see what form will do most good.

Mr. HOAR. I submit it to the discretion of the Senator himself. I think the best way is to have the resolution lie over.

Mr. BECK. Let it go over and be printed.

The VICE-PRESIDENT. That order will be made.

Mr. HARRIS. I hope the Senator from Kentucky will not assume that we shall not be able to adjourn to-day. I very much hope we can, and I very much hope we shall.

Mr. BECK. Then, rather than run the risk of any delay in that regard, I will accept the suggestion of the Senator from Massachusetts and strike out the words "the President of the United States" and insert "the Secretary of State," and change "requested" to "directed."

Mr. MORRILL. I desire to say a single word in relation to this matter. Similar information came to me in relation to the consuls in Italy. Gross abuses were charged upon the consuls in Italy about their charging consular fees. I made an investigation, and I believe that in every instance I found that the charges were correct, with this exception, that they had charged a fee for certifying the difference between the gold rate and the rate of paper money. I do not think there was anything else found that was wrong.

Mr. BECK. I do not know that there is anything wrong here; but it is well to know the facts. For fear we might not get the information I will modify the resolution to meet the views of the Senator from Massachusetts, and ask that it be now acted on.

The VICE-PRESIDENT. The resolution will be so modified. The question is on the resolution as modified.

The resolution was considered by unanimous consent, and agreed to.

GENERAL LAND OFFICE.

Mr. MORGAN. I ask for the consideration of the resolution which I offered on the 17th instant relative to the General Land Office.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. MORGAN on the 17th instant, as follows:

Resolved, That the Committee on Public Lands is instructed to take into consideration the condition of the General Land Office with respect to the classification of the officers and employés thereof, the convenient arrangement and security of the files and records of said office, and the provision of additional room for the transaction of the business thereof.

2. That said committee have leave to sit during the recess of the Senate, to employ a stenographer, and to send for persons and papers.

Mr. MORGAN. I will make a very brief explanation of the resolution to the Senate. In the last report of the Commissioner of the General Land Office he says:

The question of room for the use of this bureau has become an important one. There is now urgent need for larger space for the proper, safe, and economical transaction of its business and the preservation of its records. The space available for desks is now overcrowded; the file-rooms are filled to their utmost capacity; the meager space now available for desks and files has been preserved by thrusting out into the public halls of the Department building some of the most important records of the office; should they be returned to the proper rooms, where they are in hourly demand, and where upon every consideration of their great value and importance they ought, for safety, to be, there would be left no working space whatever. The records thus insecurely placed are mainly the "tract-books." They are the only indexes found in the General Land Office by which its varied transactions can be traced, and are in themselves, in a large sense, the original evidences of title to an estate found by the last census to be valued at $4,749,409,940.

The relief which this system of storage has heretofore given has reached its utmost limit; space in the halls available for the purpose is now exhausted, and the daily accumulation of letters, returns, and records must henceforward trench on the now too limited working-room unless relief can be found by the assignment of additional rooms within the Department building.

* * * * * * *

After the necessity for a reorganization of this office has been thus called to the attention of Congress for nine successive years by three different Commissioners and by a commission of eminent men appointed under an act of Congress for the specific purpose of ascertaining the condition of the public-land system of laws and service, I am constrained to believe that further evidence to show that the public interests require a thorough reorganization of the clerical force of this office should be altogether unnecessary. The reasons, however, upon which said annual recommendations were based are continually assuming a more imperative character.

The following is a statement of the clerical force of this office, exclusive of messengers, laborers, and packers, annually provided, commencing with 1876:

For the year ending June 30, 1876	156
For the year ending June 30, 1877	145
For the year ending June 30, 1878	145
For the year ending June 30, 1879	151
For the year ending June 30, 1880	195
For the year ending June 30, 1881	195

The work of the office in 1876 was largely in arrears.

The total disposals of lands in the year 1876 were 6,524,326.36 acres. The total disposals in 1880 were 14,792,371.65 acres, showing an increase of over 126 per cent. The increase in the clerical force in 1880 over 1876 was about 26 per cent.

* * * * * * *

Laws have multiplied; no session of Congress closes without new and paried legislation involving the public lands. Lands are of greater value than formerly, and as the country is settled and filled up this increase in value will continue, and with it contests by conflicting claimants will be more numerous and more vigorously prosecuted. The existing cases, which have been pending and in controversy for years, are complicated and difficult, requiring for their correct disposition the best legal talent. The mineral lands are inviting the capital and enterprise of the country for their development; and these cases, not unfrequently involving millions of dollars in value, and in which the best legal talent of the country is employed as counsel, manifestly should be examined and decided by able lawyers; and the controversies growing out of conflicting claims of every character, all render it simply beyond reasonable question by any sensible person that a high standard of ability in those who decide these cases, involving the homes and fortunes of individuals no less than the public interests dependent upon peace of title and the sound administration of law, is imperatively demanded. Yet it will be seen, by a comparison of the clerical force provided in 1876 with that for the present year, that the increase is almost entirely represented by clerks at salaries of $1,200, $1,000, and $900.

Now, while a limited number of copyists can be profitably used, yet, with a practical personal knowledge of this office and its work since the spring of 1876 I would be recreant to my trust should I fail to declare with the greatest emphasis that it is absolutely absurd to expect that the immense and varied interests adjusted by this office can be properly disposed of by clerks who can be hired at $1,000, $1,200, or $1,400 salaries.

The necessity of this office is able men of legal education and mature judgment, and without them the administration of its affairs must be measurably defective and discreditable.

With the force employed at the salaries now provided it practically results that a very few of the ablest men in the entire office are overworked days, nights, and Sundays, in the effort to properly perform the grave duties imposed by law; and it is beyond question necessary that a higher grade of ability should be secured than can be had in the market at the low salaries above named.

The history of this office for the past ten years proves the almost invariable rule to be that its ablest men resigned from the office after acquiring proficiency in the business for more lucrative positions. Whenever a man is employed who developes uncommon ability and value it is confidently expected that he will remain for a limited time only. The work is difficult, and the pay is insignificant in comparison; hence the result cannot be doubtful.

* * * * * * *

The large and increasing accumulation of tract-books, plats of surveys, field-notes of surveys, records of patents, registers of official papers, records of correspondence, dockets of contested claims, returns of registers and receivers, records of testimony in contested cases, and the files of *ex parte* entries and proof, and correspondence, &c., occupy a very large space. The rooms are crowded with clerks' desks, books, files, &c., and large numbers of tract-books, which contain the record of every entry, filing, selection, grant, or other disposition of every tract, and which have to be consulted continually in the daily work of the office, as well as records of patents, are stored in the corridors of the building to a degree rendering these invaluable records insecure, and involving a vast and unnecessary waste of labor, both by reason of their position remote from the clerks, and the fact that the light is so dim that the books have to be carried to some place where light can be secured and then returned again to their places.

The want of sufficient and conveniently arranged rooms unquestionably involves a large percentage of loss annually, and I feel well assured that were this fully remedied the saving to the Government, in work accomplished, would in a few

years actually reimburse it for the expenses necessary to construct the proper building to accommodate the office and preserve its records for all time. Much of the business of this office is far removed from merely clerical work, and the embarrassments resulting from examination of large records of testimony, and writing important and difficult decisions, in rooms overcrowded with clerks engaged in various duties, can be readily understood. No well regulated private business would fail to receive improvement in the respect named.

* * * * * * *

In conclusion, I frankly acknowledge my embarrassment in presenting again the pressing necessity for a thorough reorganization of this office. Every year for ten years last past the same subject has been called to the earnest attention of Congress. The leading men in the office have with almost superhuman efforts labored unceasingly to sustain the character of the bureau and carry forward its great work, the adjudication of the land titles of our vast territory, which has swiftly been organized into wealthy and populous States. The magnitude, the difficulty, and the national importance of the work can hardly be overstated, and it would seem self-evident that it cannot be done, and well done, except by able men, and, so far, no provision at all commensurate with the magnitude of the interests involved has been made.

My attention was drawn to this report which presents in the form of extracts from the reports of three commissioners, extending over the period of nine years, an embarrassment growing out of the want of office-room in the General Land Office that is becoming a serious detriment to the public service and endangering the safety of the records on which titles to millions and millions of acres in this country rest; and I therefore drew the attention of the chairman of the Committee on Public Lands to it, who has had it under consideration now for some time, and he is entirely persuaded that this matter cannot be reached otherwise than by an investigation by the committee or a subcommittee during the recess of Congress. We do not have the time when we are here giving attention to the actual business of legislation to make the investigations that are necessary to remedy the difficulty which has now become a very serious embarrassment to the service.

The truth is, that as to a large part of the business of the General Land Office one-third of the time of the officials is wasted in merely carrying the records from cellars and dark places to the light where they can be observed. The records are exposed in the open hall-way of the Interior Department, the most valuable and important records belonging to the Government are exposed there to the danger of fire and even to the danger of theft. The subject has become one of such great importance that the Committee on Public Lands have considered it to be their duty to ask the Senate to allow them to investigate it in the vacation.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on the resolution.

The resolution was agreed to.

M'DONALD'S COMPILATION OF QUESTIONS OF ORDER.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN on the 11th inst., directing the Secretary of the Senate to pay $300 to the legal representative of W. J. McDonald, deceased, reported it without amendment.

By unanimous consent the resolution was read three times and passed, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay to the legal representative of W. J. McDonald, deceased, the sum of $300 for "a compilation of questions of order and decisions thereon," prepared by the said W. J. McDonald, deceased; the same to be paid out of the miscellaneous items of the contingent fund of the Senate.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty minutes spent in executive session the doors were reopened, and (at three o'clock and twenty minutes p. m.) the Senate took a recess till four o'clock p. m., at which time the Senate reassembled in executive session. After one hour and forty-two minutes spent therein the doors were reopened.

GENERAL LAND OFFICE.

Mr. PLUMB submitted the following resolution; which was read three times and passed:

Resolved, That the expenses of the Committee on Public Lands to be incurred under resolution of this date be paid out of the contingent fund of the Senate.

SUSPENSION OF RULES.

Mr. HAWLEY submitted the following resolution for consideration:

Resolved, That so much of Rule 72 as requires that the final question upon advising and consenting to nominations shall not be put upon the same day on which they are received or reported is hereby suspended during the remainder of this special session; the purpose being to allow final consideration upon the day on which nominations are received or reported.

NOTIFICATION TO THE PRESIDENT.

On motion of Mr. INGALLS, the committee heretofore ordered to wait on the President and inquire whether he had any other communication to make to the Senate was instructed to again wait on the President and inquire if he had any further communication to make.

On motion of Mr. BUTLER, (at five o'clock and forty-five minutes p. m.,) the Senate adjourned.

FRIDAY, *May* 20, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON PRINTING.

Mr. ANTHONY. I offer the following resolution:

Resolved, That the Committee on Public Printing be authorized to sit during the recess.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. COCKRELL. That is the usual resolution?

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

FINAL ADJOURNMENT.

Mr. BAYARD. Mr. President, the committee appointed to call upon the President of the United States and ascertain whether he had any further communication to make to the Senate have called upon him again, as requested by the Senate yesterday, since its adjournment, and have been informed by him that he has no further communications to make to the Senate.

Mr. PENDLETON. I offer the following resolution:

Resolved, That when the Senate adjourns to-day it shall stand adjourned *sine die*.

I ask for the present consideration of the resolution.

Mr. INGALLS. I should like to have it laid over for a time.

Mr. PENDLETON. Very well; let it go over for the present.

The VICE-PRESIDENT. The resolution will go over.

Mr. HARRIS. What disposition was made of the resolution of the Senator from Ohio?

The VICE-PRESIDENT. Objection being made it went over temporarily.

Mr. HARRIS. It was simply postponed for the present, and liable to be called up at any time?

The VICE-PRESIDENT. Such is the understanding.

MICHAEL P. BOYTON.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting a report of the Secretary of State in response to Senate resolution of the 12th ultimo touching the case of Michael P. Boyton; which was referred to the Committee on Foreign Relations and ordered to be printed.

THANKS TO VICE-PRESIDENT.

Mr. PENDLETON submitted the following resolution:

Resolved, That the thanks of the Senate are due and are hereby tendered to the Vice-President for the courtesy, ability, and impartiality with which he has presided over its deliberations during the present session.

The PRESIDING OFFICER (Mr. HARRIS in the chair) put the question on the resolution, and it was agreed to unanimously.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours spent in executive session the doors were reopened.

ADDITIONAL PAY TO EMPLOYÉS.

On motion of Mr. VANCE, the Senate proceeded to consider the resolution reported by Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to pay the employés of the Senate one month's extra pay.

Mr. CAMERON, of Wisconsin, moved to lay the resolution on the table; and the motion was agreed to.

THE SOLDIERS' HOME.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs be directed to examine into the affairs of the Soldiers' Home at Washington, during the recess, and report upon the same the second Monday of December next, and be entitled to employ a stenographer, to be paid out of the contingent fund of the Senate.

PAYMENT OF SALARIES.

Mr. JONAS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the salaries for the current month, upon the adjournment of the special session of the Senate.

FINAL ADJOURNMENT.

Mr. PENDLETON, (at five o'clock and fifteen minutes p. m.) I move that the Senate do now adjourn *sine die*.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on agreeing to the motion of the Senator from Ohio, [Mr. PENDLETON.]

The motion was agreed to; and the Senate adjourned *sine die*.

INDEX TO THE PROCEEDINGS.

PAGE

Alabama
Senators from, attended: John T. Morgan, James L. Pugh 1

Alexander II, (*Emperor of Russia*)
Death of: resolutions on, offered by Mr. Morgan and passed 20
——— response of Russian government to resolutions on, (Ex. Doc. 2) 192

Allison, *William B.* (*a Senator from Iowa*)
Attended 5
Appointed on standing committees: Appropriations (chairman); Finance; Private Land Claims 33
Excused from serving as visitor to Naval Academy 465

Motions made by
Adjourn: to 35
Executive session: for 18

Remarks by, on
Debt of Iowa 262

Votes of, on
Adjournment: motions for 26, 28, 29, 30, 43, 55, 71, 72, 73, 74, 81, 84, 97, 99, 111, 114, 193, 201, 246, 273, 274, 311, 342, 405, 406, 408, 409, 413, 414, 439, 440, 441
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
——— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 129, 136, 178, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 262, 263, 273, 288, 310, 311, 335, 342, 376, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 469
Officers of Senate: motion to lay on table resolution for election of .. 43, 67, 73, 77, 194, 311, 336, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motion for 405

Votes paired or absent, on
Adjournment: motions for 27, 75, 98, 99, 121, 150, 152, 177, 188, 189, 190, 191, 200, 308, 309, 366, 430, 454
Executive session: motions for 75, 121, 122, 149, 151, 154, 156, 187, 188, 190, 191, 246, 287, 328, 364, 365, 366, 414, 430, 454
Officers of Senate: motion to lay on table resolution for election of 98, 122, 188, 191, 377
Recess: motion for 190

Anthony, *Henry B.* (*a Senator from Rhode Island*)
Attended 2
Appointed on standing committees: Public Printing (chairman); Naval Affairs; Revolutionary Claims .. 33

Motions made by
Committees: to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
Executive session: for 35
Printing: to print response of Russian government to resolutions of Senate on death of Alexander II 192
Rules: to amend Rule 47 to increase Committee on Finance to eleven members 33

Petitions presented by, from
Murphy, D. F.: asking additional compensation for reporting debates of special session 455

PAGE

Anthony—*Continued.*
Reports made by
From Committee on Printing
Biennial Register: on resolution to print additional information in 462
Murphy, D. F.: resolution to pay him $2,500 for reporting debates of special session 456
Trichinæ in swine: on resolution to print 4,300 copies of report of Secretary of Treasury on 455

Resolutions offered by
Committee on Printing: authorizing them to sit during recess. Passed 471
Committees: to appoint standing and select. Passed 33, 34

Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 405, 408, 409, 413, 414
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
——— resolution of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 273, 397, 402, 403, 406, 408, 412, 413, 414, 454
Officers of Senate: motion to lay on table resolution for election of 188, 191, 194, 397, 403, 407, 412, 413
Recess: motions for 190, 405

Votes paired or absent, on
Adjournment: motions for 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 308, 309, 311, 342, 366, 406, 430, 439, 440, 441, 454
Executive session: motions for 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 246, 262, 263, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 414, 430, 439, 453, 469
Officers of Senate: motion to lay on table resolution for election of 44, 67, 73, 77, 98, 122, 311, 336, 377
——— motion to indefinitely postpone resolution for election of 340

Arkansas
Senators from, attended: Augustus H. Garland, James D. Walker 1

Arthur, *Chester A.* *See* VICE-PRESIDENT OF U. S.

Attorney-General
Communications from
Virginia: transmitting report of C. C. Lancaster, special agent, on operations and conduct of marshals and officers of U. S. Courts in western judicial district of (Ex. Doc. 1) 6, 35
transmitting papers from district attorney in relation to Lancaster's report (Ex. Doc. 1, part 2) 309, 397
transmitting reply of marshal to Lancaster's report (Ex. Doc. 1, parts 3, 4) 454, 459

Orders to
Employés: resolution directing him to report names of officers, clerks and other employés of Department of Justice with detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS 469
Marshals: resolution directing him to report names of deputy U. S. marshals appointed for election in October, 1880, in Indiana, offered by Mr. Voorhees and passed . 20, 28
Public Documents: resolution directing him to report list of books, documents etc., published by Department of Justice since its organization, offered by Mr. Cockrell and passed 41

PAGE

Auditor of Railroad Accounts
Letter concerning operations of "Pacific Railroad sinking fund law" and accounts of Union and Central Pacific Railroads. *See also* CENTRAL PACIFIC RAILROAD.... 463

Ballot. *See* SUFFRAGE.

Bankruptcy
Consideration of: papers on files of Senate referred to Committee on Judiciary for..... 359
——leave given Committee on Judiciary to sit during recess for..... 397

Baratier, *Jules*
Leave to withdraw his papers: resolution offered by Mr. Call and passed..... 454

Bayard, *Thomas F. (a Senator from Delaware)*
Attended..... 1
Appointed on standing committees: Private Land Claims (chairman); Finance; Judiciary..... 33
Appointed a director of Columbian Institution for Deaf and Dumb..... 35
Motions made by
Adjourn: to..... 74
Executive session: for..... 5
Remarks by, on
Central Pacific Railroad: resolution directing Committee on Judiciary to investigate affairs of..... 464
Committees: resolution for appointment of..... 817
Executive Departments: resolution calling for information in relation to employés of..... 457
Officers of Senate: resolution for election of..... 75, 203, 204, 205, 206, 207, 212–217
Reports made by
From committee to wait on President..... 465, 471
Resolutions offered by
Committee: to appoint committee to wait on President and inquire if he has further business to present. Passed..... 461, 465
Hunter, John: leave to withdraw his papers. Passed.. 5
Votes of, on
Adjournment: motions for..26, 27, 28, 29, 30, 43, 55, 71, 72, 74, 75, 81, 84, 97, 98, 99, 111, 114, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 33
——resolutions of Mr. Anthony for appointment of.... 33, 35
Executive session: motions for..... 18, 26, 29, 30, 42, 43, 44, 54, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motion to lay on table resolution for election of..... 43, 67, 77, 98, 122, 188, 191, 194, 311, 336, 377, 412, 413
—— motion to indefinitely postpone resolution for election of..... 340
Recess: motions for..... 190
Votes paired or absent, on
Adjournment: motions for..73, 74, 121, 150, 152, 405, 406, 408, 409
Executive session: motions for..... 63, 149, 151, 246, 262, 263, 397, 402, 403, 406, 408
Officers of Senate: motion to lay on table resolution for election of..... 73, 397, 403, 407
Recess: motions for..... 190, 405

Beck, *James B. (a Senator from Kentucky)*
Attended..... 1
Appointed on standing committees: Transportation Routes to the Seaboard; Appropriations; Finance..... 33
Political record of: remarks of Mr. Logan, Mr. Dawes and himself on..... 152, 153
Motions made by
Adjourn: to..... 31, 43, 84, 98, 114, 150, 151, 188, 409, 414
Executive session: for..... 68, 136, 153
Officers of Senate: to lay on table resolution for election of..... 407
Remarks by, on
Committees: resolution for appointment of..... 31
Consular fees: resolution directing Secretary of State to report on..... 469, 470
Johnson, C. W.: political record of..... 112–114
Logan, Senator John A.: political record of..... 335

PAGE

Beck—*Continued.*
Remarks by, on
Officers of Senate: resolution for election of..43, 68, 69, 83, 111–114, 135, 136, 151, 208, 263–271, 313–316, 319, 320, 379–381, 407, 434
Pennsylvania legislature: resolution of, relative to organization of Senate..... 257
Personal explanation in regard to pair..... 282
Personal record of himself..... 152, 153
Southern States: political affairs in..... 167, 240, 241
Suffrage: limitations and interference with in Northern States..... 173, 174
Resolutions offered by
Consular fees: directing Secretary of State to report on. Passed..... 469, 470
Votes of, on
Adjournment: motions for..... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 111, 114, 121, 150, 152, 188, 189, 190, 200, 201, 405, 413, 414, 430, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 33
—— resolutions of Mr. Anthony for appointment of.... 33, 35
Executive session: motions for..... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 84, 97, 106, 110, 121, 122, 129, 149, 151, 154, 156, 178, 187, 188, 200, 201, 212, 226, 246, 364, 365, 366, 376, 397, 412, 414, 430, 453, 454
Officers of Senate: motion to lay on table resolution for election of..... 43, 67, 77, 98, 122, 188, 377, 397, 413
Recess: motions for..... 190, 405
Votes paired or absent, on
Adjournment: motions for..... 98, 99, 177, 191, 193, 246, 273, 274, 308, 309, 311, 342, 366, 406, 408, 409, 439, 440, 441
Executive session: motions for..... 83, 136, 190, 191, 192, 193, 194, 202, 225, 236, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 402, 403, 406, 408, 413, 439, 469
Officers of Senate: motion to lay on table resolution for election of..... 73, 191, 194, 311, 336, 403, 407, 412
—— motion to indefinitely postpone resolution for election of..... 340
Recess: motion for..... 405

Biennial Register
Resolution that in addition to information required by law it hereafter give congressional district and date of appointment of each officer and employé, offered by Mr. McDill..... 455
amendment offered by Mr. Brown..... 458
resolution debated and referred to Committee on Printing..... 458, 459
reported back and committee discharged..... 462

Black, *Jeremiah S.*
Letter to Hon. James A. Garfield on history of political parties..... 422

Blaine, *James G. (a Senator from Maine)*
Attended..... 1
Resigned..... 5
Resolution offered by him to appoint select committee to consider mode of electing President and Vice-President of U. S..... 4

Blair, *Henry W. (a Senator from New Hampshire)*
Attended..... 2
Appointed on standing committees: Education and Labor (chairman); Agriculture; Public Lands; Pensions; Transportation Routes to the Seaboard..... 33
Remarks by, on
Extra session: resolution declaratory of necessity for..328–330
Officers of Senate: resolution for election of..... 205, 206, 317, 318, 321, 322, 380, 381
Question of order: transacting legislative business in special executive session..... 411
Suffrage: in Southern States..... 238, 239, 240
Resolutions offered by
Extra session: declaratory of necessity for..... 328
Votes of, on
Adjournment: motions for..... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 311, 342, 366, 413, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 32
—— resolutions of Mr. Anthony for appointment of... 33, 35

PAGE

Blair—*Continued.*

Votes of, on

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 412, 413, 414, 430, 439, 453, 454, 469

Officers of Senate: motion to lay on table resolution for election of 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 412, 413

—— motion to indefinitely postpone resolution for election of 340

Recess: motion for 190

Votes paired or absent, on

Adjournment: motions for 308, 309, 405, 406, 408, 409, 414

Executive session: motions for 397, 402, 403, 406, 408

Officers of Senate: motions to lay on table resolution for election of 397, 403, 407

Recess: motions for 405

Boston, *George H.*

Leave to withdraw his papers: resolution offered by Mr. Cameron, of Wisconsin, and passed 454

Boyd, *Augustus*

Leave to withdraw his papers: resolution offered by Mr. Cameron, of Pa., and passed 35

Boyton, *Michael*

Petitions that government interfere in matter of his arrest by British government, referred to Committee on Foreign Relations 192–194, 211, 212, 328

Resolution requesting information from President concerning his arrest by British government, offered by Mr. Burnside and passed 263

report of Secretary of State, transmitted by President, referred to Committee on Foreign Relations and ordered printed (Ex. Doc. 5) 471

Brown, *Joseph E. (a Senator from Georgia)*

Attended 1

Appointed on standing committees: Education and Labor; Railroads 33

Political record of: remarks of himself on 106, 346, 392–396

—— remarks of Mr. Hawley on 392–396

—— remarks of Mr. Logan on 47

—— remarks of Mr. Mahone on 93

Motions made by

Adjourn: to 440

Executive session: for 149

Remarks by, on

Executive Departments: resolution calling for information in relation to employés of 457, 458, 466–468

Logan, Senator John A.: political record of 47, 335

New England States: suffrage and elections in 299, 303, 306, 307, 353, 358

Officers of Senate: resolution for election of 46–48, 50–53, 65–67, 108–110, 316–318, 320, 321, 323–325

—— newspaper comments on proceedings of Senate in election of 387–392

Political record of himself 106–108, 346, 392–396

Southern States: suffrage and political affairs in 298–304, 305–308, 352–355

Resolutions offered by

Biennial Register: amendment to Mr. McDill's resolution in relation to. *See* BIENNIAL REGISTER 458

Executive Departments: amendment to Mr. Kellogg's resolution calling for information in relation to employés of. *See* EXECUTIVE DEPARTMENTS 456

Votes of, on

Adjournment: motions for .. 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 97, 198, 111, 114, 121, 193, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33

—— resolution of Mr. Anthony for appointment of 33, 35

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 97, 106, 110, 121, 122, 129, 136, 178, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469

Officers of Senate: motion to lay on table resolution for election of 43, 67, 73, 77, 98, 122, 194, 311, 336, 377, 397, 403, 407, 412, 413

—— motion to indefinitely postpone resolution for election of 340

Recess: motion for 405

PAGE

Brown—*Continued.*

Votes paired or absent, on

Adjournment: motions for 84, 98, 99, 150, 152, 177, 188, 189, 190, 191, 200

Executive session: motions for 83, 84, 149, 151, 154, 156, 187, 188, 190, 191, 414

Officers of Senate: motion to lay on table resolution for election of 188, 191

Recess: motion for 190

Burnett, *Ward B.*

Leave to withdraw his papers: resolution offered by Mr. Burnside and passed 461

Burnside, *Ambrose E. (a Senator from Rhode Island)*

Attended 2

Appointed on standing committees: Foreign Relations (chairman); Military Affairs; Education and Labor. 33

Motions made by

Adjourn: to 26, 245

Executive session: for 35, 36

Printing: to print report of consular clerk Van Dyck on capitulations of Ottoman Empire 225

Remarks by, on

Inter-Oceanic canals: resolution declaratory of control of U. S. over 462

Officers of Senate: resolution for election of 202, 203, 314, 315, 319–322, 356, 357, 384, 425, 426

—— newspaper comments on proceedings of Senate in election of 388–392

Rhode Island: suffrage in 175

Reports made by

From Committee on Foreign Relations

Inter-Oceanic canals: on resolution declaratory of control of U. S. over (Report 1) 459

Resolutions offered by

Burnett, Ward B.: leave to withdraw his papers. Passed. 461

Clendenin, George: leave to withdraw his papers. Passed. 29

Clift, William B., and others: leave to withdraw their papers. Passed 225

McDougall, Charles: leave to withdraw his papers. Passed. 376

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32

—— resolutions of Mr. Anthony for appointment of 33, 35

Executive session: motions for .. 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 469

Officers of Senate: motion to lay on table resolution for election of 43, 67, 77, 98, 122, 188, 191, 194, 311, 336, 397, 403, 407, 412, 413

—— motion to indefinitely postpone resolution for election of 340

Recess: motions for 190, 405

Votes paired or absent, on

Adjournment: motions for 72, 73, 74, 75, 439, 440, 441, 454

Executive session: motions for 73, 75, 376, 439, 453, 454

Officers of Senate: motion to lay on table resolution for election of 73, 377

Busiel, *J. W., & Co.*

Letter in relation to tariff on knit-goods 329

Butler, *M. C. (a Senator from South Carolina)*

Attended 2

Appointed on standing committees: Territories; Civil Service and Retrenchment; District of Columbia 33

Appointed on joint select committee on additional accommodations for Library of Congress 34

Motions made by

Adjourn: to 111, 471

Executive session: for 78, 80, 430

Remarks by, on

Hoar, Senator George F.: his speech at the Belknap trial. 134

Officers of Senate: resolution for election of 77–80, 356, 415–425, 427

South Carolina: debt of 100

—— statements of Governor Chamberlain concerning former government of 429

Southern States: political affairs in 169, 170, 171, 172, 348, 349, 356, 357

PAGE

Butler—*Continued.*

Resolutions offered by

Executive Departments: directing Committee on Civil Service and Retrenchment to furnish information in regard to appointments in. Objected to 111

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 121, 150, 152, 188, 189, 190, 193, 200, 201, 308, 309

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for the appointment of 33

——— resolutions of Mr. Anthony for appointment of ... 33, 35

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 193, 194, 200, 201, 202, 246, 262, 263, 287, 288, 376, 453, 469

Officers of Senate: motion to lay on table resolution for election of 43, 122, 188, 194, 377

Votes paired or absent, on

Adjournment: motions for 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 177, 191, 246, 273, 274, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454,

Executive session: motions for 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 190, 191, 192, 212, 225, 226, 236, 273, 310, 311, 328, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 454

Officers of Senate: motion to lay on table resolution for election of .. 67, 73, 77, 98, 191, 311, 336, 397, 403, 407, 412, 413

——— motion to indefinitely postpone resolution for election of 340

Recess: motions for 190, 405

California

Senators from, attended: James T. Farley, John F. Miller 1

Call, *Wilkinson* (*a Senator from Florida*)

Attended 1

Appointed on standing committees: Engrossed Bills; Private Land Claims; Rules; Patents 33

Remarks by, on

Florida: political affairs of 171, 348, 366-370

Massachusetts: political and criminal statistics of 336-340

Officers of Senate: resolution for election of 81-83, 336-340

Suffrage in the North and South .. 237-245, 247-253, 336-340, 375

Resolution offered by

Baratier, Jules: leave to withdraw his papers. Passed .. 454

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for the appointment of 33

——— resolutions of Mr. Anthony for appointment of 33, 35

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469

Officers of Senate: motion to lay on table resolution for election of 43, 67, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

——— motion to indefinitely postpone resolution for election of 340

Recess: motions for 190, 405

Votes paired or absent, on

Adjournment: motions for 98

Officers of Senate: motion to lay on table resolution for election of 73

Camden, *Johnson N.* (*a Senator from West Virginia*)

Attended 2

Appointed on standing committees: Mines and Mining; Transportation Routes to the Seaboard; Pensions .. 33

Remarks by, on

West Virginia: debt of 254-257, 451, 452

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 121, 150, 152, 188, 189, 190, 191, 193, 308, 309, 405, 406, 409, 413, 414, 430, 439, 440

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 121, 122, 129, 136, 149, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 212, 226, 236, 402, 403, 406, 412, 413, 414, 430, 439, 453

Officers of Senate: motion to lay on table resolution for election of 43, 67, 73, 77, 122, 191, 194, 403, 412, 413

Recess: motions for 190, 405

PAGE

Camden—*Continued.*

Votes paired or absent, on

Adjournment: motions for 97, 98, 99, 111, 114, 150, 177, 200, 246, 273, 274, 311, 342, 366, 408, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33

——— resolutions of Mr. Anthony for appointment of 33, 35

Executive session: motions for 75, 97, 106, 110, 151, 200, 201, 202, 225, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 408, 454, 469

Officers of Senate: motion to lay on table resolution for election of 98, 188, 311, 336, 377, 397, 407

——— motion to indefinitely postpone resolution for election of 340

Cameron, *Angus* (*a Senator from Wisconsin*)

Attended 15

Appointed on standing committees: Claims (chairman); Public Buildings and Grounds; Indian Affairs 33

Appointed on select committee to make provision for taking the Tenth Census 34

Motion made by

Extra pay: to lay on table resolution to allow employés of Senate 471

Remarks by, on

Letter of Senator Hill, of Georgia, to Mr. Chittenden .. 125, 126

Resolutions offered by

Boston, George H.: leave to withdraw his papers. Passed. 454

Carpenter, Matthew H.: that expenses of his funeral be paid out of contingent fund. Passed 121

Dodge, William C.: leave to withdraw his papers. Passed 192, 461

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32

——— resolution of Mr. Anthony for appointment of 33, 35

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 76, 77, 79, 80, 84, 97, 106, 110, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 287, 310, 311, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469

Officers of Senate: motion to lay on table resolution for election of 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

——— motion to indefinitely postpone resolution for election of 340

Recess: motions for 190, 405

Votes paired or absent, on

Adjournment: motions for 74, 75, 273, 274, 308, 441

Executive session: motions for 75, 83, 121, 246, 262, 263, 273, 288, 328

Cameron, *James Donald* (*a Senator from Pennsylvania*)

Attended 2

Appointed on standing committees: Naval Affairs (chairman); Transportation Routes to the Seaboard; Military Affairs 33

Motions made by

Adjourn: to 26, 28, 29, 30

Adjourn over: to 365

Executive session: for 4, 26, 29, 30

Remarks by, on

Officers of Senate: resolution for election of 48, 136, 341

Pennsylvania legislature: resolution of, relative to organization of Senate 257

Resolutions offered by

Boyd, Augustus: leave to withdraw his papers. Passed .. 35

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 121, 150, 152, 188, 189, 190, 193, 200, 201, 308, 309

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32

——— resolution of Mr. Anthony for appointment of 33, 35

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 193, 194. 200, 201, 202, 246, 262, 263, 287, 288, 376, 454

Officers of Senate: motion to lay on table resolution for election of 43, 122, 188, 194, 377, 407

PAGE

Cameron—*Continued.*
Votes paired or absent, on
Adjournment: motions for 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 177, 191, 246, 273, 274, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for 55, 63 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 190, 191, 192, 212, 225, 226, 236, 273, 310, 311, 328, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 469
Officers of Senate: motion to lay on table resolution for election of 67, 73, 77, 98, 191, 194, 311, 336, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

Canals. *See* INTER-OCEANIC CANALS.

Carpenter, *Matthew H.*
Death of: resolutions of Legislature of Wisconsin on 35
Funeral expenses of: ordered paid out of contingent fund 121

Central Pacific Railroad
Letter from Auditor of Railroad Accounts concerning its debt on account of subsidy bonds 463
Resolution to direct Committee on Judiciary to investigate its affairs and report measures necessary to protect interests of U. S. in, offered by Mr. Saunders 461
debated and laid on table 462–464

Civil Service
Executive Departments: resolution directing Committee on Civil Service to report appointments made in, from December 1, 1879, to March 15, 1881, offered by Mr. Butler and objected to 111
——— remarks of Mr. Brown with statement of number of citizens of Georgia employed in 302
——— resolution directing heads of Departments to report names of officers and employés and detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS 469
Politics in: list of officers in civil service delegates to Republican convention in Mississippi 291
——— copy of "Civil Service Order No. 1," issued by President Hayes, prohibiting officers from taking part in management of party politics 291
War Department: resolution directing Secretary of War to report appointments made in, from December 1, 1879, to March 15, 1881, offered by Mr. Ingalls 55
amendment to resolution, offered by Mr. Plumb 76

Clendenin, *George*
Leave to withdraw his papers: resolution offered by Mr. Burnside and passed 29

Clerks of Committees
Committee on Library Accommodations: resolution authorizing them to employ clerk, offered by Mr. Sherman and passed 35
Pay of: resolution to pay to March 18 those who held office on March 4, offered by Mr. Garland and passed. 32

Clift, *William B.*
Leave to withdraw his papers: resolution offered by Mr. Beck and passed 225

Cockrell, *Francis M.* (*a Senator from Missouri*)
Attended 2
Appointed on standing committees: Military Affairs; Improvement of the Mississippi and Tributaries; Appropriations 33
Motions made by
Adjourn: to 190, 193, 405, 439, 440
Executive session: for 335, 376, 397
Officers of Senate: to lay on table resolution for election of 121, 190, 200, 403, 412
Resolutions offered by
Osage River: directing Secretary of War to transmit report of Captain Ernst on. Passed 461
Public Documents: directing head of each Executive Department and Secretary of Senate to report list of books, documents, etc., published by Departments and Congress since 1789. Passed 41
Trichinæ in swine: to print 4,300 copies of report of Secretary of Treasury on. Passed 455

PAGE

Cockrell—*Continued.*
Votes of, on
Adjournment: motions for 26, 27, 28, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 111, 121, 150, 152 188, 189, 190, 191, 193, 200, 201, 246, 308, 309, 311, 342
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
——— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 84, 97, 110, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 287, 310, 311, 335, 342, 397, 453, 469
Officers of Senate: motion to lay on table resolution for election of 43, 67, 77, 98, 188, 194, 311, 336, 397
——— motion to indefinitely postpone resolution for election of 340
Recess: motion for 190
Votes paired or absent, on
Adjournment: motions for 30, 74, 98, 99, 114, 177, 273, 274, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for 29, 75, 83, 106, 121, 246, 262, 263, 273, 288, 328, 364, 365, 366, 376, 402, 403, 406, 408, 412, 413, 414, 430, 439, 454, 469
Officers of Senate: motion to lay on table resolution for election of 73, 122, 191, 377, 403, 407, 412, 413
Recess: motion for 405

Coke, *Richard* (*a Senator from Texas*)
Attended 2
Appointed on standing committees: Patents; Indian Affairs; Commerce 33
Motions made by
Adjourn: to 414
Executive session: for 414
Remarks by, on
Texas: political and financial condition of 359–363
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
——— resolutions of Mr. Anthony for appointment of .. 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 397, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motion to lay on table resolution for election of 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 377, 397, 403, 407, 412, 413
Recess: motions for 190, 405
Votes paired or absent, on
Adjournment: motion for 342
Executive session: motions for 376, 402
Officers of Senate: motion to lay on table resolution for election of 336
——— motion to indefinitely postpone resolution for election of 340

Colorado
Senators from, attended: Nathaniel P. Hill, Henry M. Teller 1

Columbia Hospital
Mr. Rollins appointed director in, on part of Senate 469

Columbia Institution for Deaf and Dumb
Mr. Bayard appointed director in, on part of Senate 35

Commissioner of Agriculture
Public Documents: resolution directing him to report list of books, documents, etc., published by his Department since its organization, offered by Mr. Cockrell and passed 41

Committee on Agriculture
Standing committee, appointed:—Messrs. Mahone, (chairman,) Blair, Plumb, Van Wyck, Davis of West Virginia, Slater, and George 33

Committee on Appropriations
Standing committee, appointed:—Messrs. Allison, (chairman,) Logan, Dawes, Plumb, Hale, Davis of West Virginia, Beck, Ransom, and Cockrell 33

PAGE

Committee on Census
Select committee to make provision for taking the tenth census and ascertaining the results therefrom, appointed:—Messrs. Hale, (chairman,) Morrill, Cameron of Wisconsin, McDill, Pendleton, Morgan, and Harris. 34

Committee on Civil Service
Select committee to examine the several branches of the civil service, appointed:—Messrs. Sawyer, (chairman,) Rollins, Dawes, Hampton, and Groome 34

Committee on Civil Service and Retrenchment
Standing committee, appointed:—Messrs. Hawley, (chairman,) Rollins, Jones of Nevada, Hill of Colorado, Butler, Walker, and Williams 33

Committee on Claims
Standing committee, appointed:—Messrs. Cameron of Wisconsin, (chairman,) Frye, Teller, Hoar, Conger, Pugh, Jackson, George, and Fair 33

Committee on Commerce
Standing committee, appointed:—Messrs. Conkling, (chairman,) McMillan, Jones of Nevada, Kellogg, Conger, Ransom, Coke, Farley, and Vest 33
Resolution instructing committee to investigate condition of Potomac River front of Washington, authorizing them to sit during recess and employ stenographer, offered by Mr. Ransom and passed 29, 455

Committee on Contingent Expenses
Standing committee, appointed:—Messrs. Jones of Nevada, (chairman,) Platt of Connecticut, and Vance.... 33

Committee on District of Columbia
Standing committee, appointed:—Messrs. Ingalls, (chairman,) Rollins, McMillan, Hawley, McDill, Harris, Butler, Vance, and Gorman 33

Committee on Education and Labor
Standing committee, appointed:—Messrs. Blair, (chairman,) Morrill, Burnside, Edgerton, Mahone, Maxey, Brown, George, and Fair 33

Committee on Election of President of U. S.
Select committee to take into consideration the mode of voting for President and Vice-President of U. S.: resolution to appoint, offered by Mr. Blaine and laid on table 4

Committee on Engrossed Bills
Standing committee, appointed:—Messrs. Saulsbury, (chairman,) Call, and Conkling 33

Committee on Enrolled Bills
Joint standing committee, appointed:—Messrs. Platt of New York, (chairman,) Rollins, and Pugh 33

Committee on Epidemic Diseases
Select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, appointed:—Messrs. Harris, (chairman,) Lamar, Garland, Jonas, Teller, Miller, and Sewell 34

Committee on Finance
Standing committee, appointed:—Messrs. Morrill, (chairman,) Sherman, Ferry, Jones of Nevada, Allison, Platt of New York, Bayard, Voorhees, Beck, McPherson, and Harris 33
Motion to amend Rule 47 to increase it to eleven members, offered by Mr. Anthony and adopted 33

Committee on Foreign Relations
Standing committee, appointed:—Messrs. Burnside, (chairman,) Conkling, Edmunds, Miller, Ferry, Johnston, Morgan, Hill of Georgia, and Pendleton 33
Inter-Oceanic canals: report on resolution declaratory of control of U. S. over. (Report 1) 459

Committee on Indian Affairs
Standing committee, appointed:—Messrs. Dawes, (chairman,) Ingalls, Saunders, Logan, Cameron of Wisconsin, Coke, Pendleton, Walker, and Slater 33

PAGE

Committee on Judiciary
Standing committee, appointed:—Messrs. Edmunds, (chairman,) Conkling, Logan, Ingalls, McMillan, Garland, Davis of Illinois, Bayard, and Lamar 33
Papers on files of Senate relating to bankruptcy referred to. 359
Given leave to sit during recess to investigate subject of bankruptcy and to employ a stenographer 397
order modified to allow employment of assistant clerk as stenographer 455

Committee on Library
Joint standing committee, appointed:—Messrs. Sherman, (chairman,) Hoar, and Voorhees 33

Committee on Library Accommodations
Joint select committee on additional accommodations for the library of Congress, appointed:—Messrs. Voorhees, (chairman,) Butler, and Morrill 34
Resolution authorizing committee to employ a clerk and to sit during recess, offered by Mr. Sherman and passed. 35

Committee on Manufactures
Standing committee, appointed:—Messrs. Conger, (chairman,) Hale, Sewell, McPherson, and Williams 33

Committee on Military Affairs
Standing committee, appointed:—Messrs. Logan, (chairman,) Burnside, Cameron of Pennsylvania, Harrison, Sewell, Cockrell, Maxey, Grover, and Hampton 33
Resolution directing committee to investigate affairs of Soldiers' Home at Washington, authorizing them to sit during recess and employ stenographer, offered by Mr. Logan and passed 471

Committee on Mines and Mining
Standing committee, appointed:—Messrs. Hill of Colorado, (chairman,) Jones of Nevada, Van Wyck, Miller, Hampton, Fair, and Camden 33

Committee on Mississippi River Improvements
Standing committee, appointed:—Messrs. Mitchell, (chairman,) Kellogg, Van Wyck, Frye, Jonas, Cockrell, and Jackson 33

Committee on Naval Affairs
Standing committee, appointed:—Messrs. Cameron of Pennsylvania, (chairman,) Anthony, Rollins, Miller, Mahone, McPherson, Jones of Florida, Vance, and Farley 33

Committee on Nicaragua Claims
Select committee to inquire into all claims of citizens of the United States against the government of Nicaragua, appointed:—Messrs. Davis of West Virginia, (chairman,) Groome, Johnston, Hawley, and Mitchell. 34

Committee on Patents
Standing committee, appointed:—Messrs. Platt of Connecticut, (chairman,) Hoar, Mitchell, Edgerton, Coke, Call, and Williams 33

Committee on Pensions
Standing committee, appointed:—Messrs. Teller, (chairman,) Platt of Connecticut, Blair, Mitchell, Edgerton, Groome, Slater, Jackson, and Camden 33

Committee on Post-Offices and Post-Roads
Standing committee, appointed:—Messrs. Ferry, (chairman,) Hill of Colorado, Platt of New York, Sawyer, Mahone, Maxey, Saulsbury, Farley, and Groome 33

Committee on Printing
Joint standing committee, appointed:—Messrs. Anthony, (chairman,) Hawley, and Gorman 33
Resolution authorizing committee to sit during recess, offered by Mr. Anthony and passed 471

Committee on Private Land Claims
Standing committee, appointed:—Messrs. Bayard, (chairman,) Jonas, Call, Edmunds, and Allison 33

Committee on Privileges and Elections
Standing committee, appointed:—Messrs. Hoar, (chairman,) Cameron of Wisconsin, Teller, Sherman, Frye, Saulsbury, Hill of Georgia, Vance, and Pugh 33
Resolution directing committee to consider measures needful to ascertain and declare result of elections of President and Vice-President of U. S., offered by Mr. Hoar and passed 459

PAGE

Committee on Public Buildings and Grounds
Joint standing committee, appointed:—Messrs. Rollins, (chairman,) Morrill, Cameron of Wisconsin, Jones of Florida, and Vest 33
Resolution directing committee to investigate sanitary condition of Executive Mansion, authorizing them to sit during recess, examine witnesses, and employ stenographer, offered by Mr. Hoar and passed 459

Committee on Public Lands
Standing committee, appointed:—Messrs. Plumb, (chairman,) Hill of Colorado, Blair, Van Wyck, McDill, Jones of Florida, Grover, Walker, and Morgan 33
Resolution instructing committee to investigate condition of General Land Office and necessity of additional room for it, authorizing them to sit during recess and employ stenographer, offered by Mr. Morgan and passed 461, 470, 471
resolution to pay expenses of investigation out of contingent fund, offered by Mr. Plumb and passed 471

Committee on Railroads
Standing committee, appointed:—Messrs. Kellogg, (chairman,) Teller, Saunders, Hawley, Sawyer, Sewell, Lamar, Grover, Williams, Jonas, and Brown 33

Committee on Revision of Laws
Standing committee, appointed:—Messrs. McMillan, (chairman,) Platt of Connecticut, Hale, Davis of Illinois, and Pendleton 33

Committee on Revolutionary Claims
Standing committee, appointed:—Messrs. Johnston, (chairman,) Jones of Florida, Hill of Georgia, Anthony, and Dawes 33

Committee on Rules
Standing committee, appointed:—Messrs. Frye, (chairman,) Hoar, Sherman, Call, and Gorman 33

Committee on Territories
Standing committee, appointed:—Messrs. Saunders, (chairman,) Kellogg, McDill, Sawyer, Butler, Garland, and Vest 33

Committee on Transportation Routes to Seaboard
Standing committee, appointed:—Messrs. Harrison, (chairman,) Cameron of Pennsylvania, Blair, Platt of New York, Beck, Voorhees, and Camden 33

Committees
Appointment of: resolutions for, offered by Mr. Pendleton 5, 6
debated 6–14, 15–28, 32
indefinitely postponed 32
Appointment of: resolutions for, offered by Mr. Anthony and passed 33, 34, 35

Standing
See COMMITTEE ON AGRICULTURE.
—— APPROPRIATIONS.
—— CIVIL SERVICE AND RETRENCHMENT.
—— CLAIMS.
—— CONTINGENT EXPENSES.
—— COMMERCE.
—— DISTRICT OF COLUMBIA.
—— EDUCATION AND LABOR.
—— ENGROSSED BILLS.
—— ENROLLED BILLS.
—— FINANCE.
—— FOREIGN RELATIONS.
—— INDIAN AFFAIRS.
—— JUDICIARY.
—— LIBRARY.
—— MANUFACTURES.
—— MILITARY AFFAIRS.
—— MINES AND MINING.
—— MISSISSIPPI RIVER IMPROVEMENTS.
—— NAVAL AFFAIRS.
—— PATENTS.
—— PENSIONS.
—— POST-OFFICES AND POST-ROADS.
—— PRINTING.
—— PRIVATE LAND CLAIMS.
—— PRIVILEGES AND ELECTIONS.
—— PUBLIC BUILDINGS AND GROUNDS.
—— PUBLIC LANDS.
—— RAILROADS.
—— REVISION OF LAWS.
—— REVOLUTIONARY CLAIMS.
—— RULES.
—— TERRITORIES.
—— TRANSPORTATION ROUTES TO SEABOARD.

PAGE

Committees—*Continued.*
Select
See COMMITTEE ON CENSUS.
—— CIVIL SERVICE.
—— ELECTION OF PRESIDENT OF U. S.
—— EPIDEMIC DISEASES.
—— LIBRARY ACCOMMODATIONS.
—— NICARAGUA CLAIMS.

Special
To notify President that quorum assembled: Mr. Pendleton, Mr. Davis, Mr. Teller 3, 4
To wait on President and inquire if he has further business to submit: Mr. Bayard and Mr. Cameron, of Pa 461, 465

Conger, *Omar D. (a Senator from Michigan)*
Attended 1
Appointed on standing committees: Manufactures (chairman); Commerce; Claims 33
Credentials of: resolution allowing him to withdraw duplicate, offered by Mr. Ferry and passed 4

Resolution offered by
Geneva Convention: requesting Secretary of State to furnish translated copy of Geneva Convention of 1864 regulating treatment of wounded in war. Passed .. 461

Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
—— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

Votes paired or absent, on
Recess: motion for 405

Congress
Extra session of: resolution declaratory of necessity for, offered by Mr. Blair 328

Conkling, *Roscoe (a Senator from New York)*
Attended 2
Appointed on standing committees: Commerce (chairman); Foreign Relations; Judiciary; Engrossed Bills. 33
Resigned 459

Motions made by
Adjourn: to 4

Remarks by, on
Committees: resolution for appointment of .. 6–14, 18, 21, 28, 109
Question of order: transacting legislative business in special executive session 36

Resolutions offered by
Hour of meeting: order fixing at 12 m 4

Votes of, on
Adjournment: motions for 26, 27, 30, 43, 55, 71, 72, 81, 84, 97, 98, 99, 111, 114, 150, 152, 177, 188, 189, 190, 191, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 77, 79, 80, 83, 84, 97, 110, 122, 129, 136, 149, 151, 178, 187, 188, 190, 191, 310, 311, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motion to lay on table resolution for election of 43, 67, 98, 122, 188, 191, 311, 336, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

PAGE

Conkling—*Continued.*
Votes paired or absent, on
Adjournment: motions for 28, 30, 73, 74, 75, 121, 193, 200, 201, 246, 273, 274, 441
Executive session: motions for 75, 76, 106, 121, 154, 156, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 328, 376
Officers of Senate: motion to lay on table resolution for election of 73, 77, 194, 377

Connecticut
Elections in: remarks of Mr. Call on 250
——— remarks of Mr. Brown on 303
——— remarks of Mr. Hawley on 307
Senators from, attended: Joseph R. Hawley, Orville H. Platt 1

Consuls
Fees of: resolution directing Secretary of State to report on, offered by Mr. Beck and passed 469

Contingent fund
Carpenter: resolution to pay funeral expenses of late Senator Carpenter, offered by Mr. Cameron, of Wisconsin and passed 121
Committee on Commerce: resolution to pay expenses of, to investigate condition of Potomac River front of Washington, offered by Mr. Ransom and passed 455
Committee on Judiciary: order to pay expenses of, to investigate subject of bankruptcy, offered by Mr. Edmunds and passed 397
Committee on Library Accommodation: resolution to pay clerk of, offered by Mr. Sherman and passed 35
Committee on Military Affairs: resolution to pay expenses of, to investigate affairs of Soldiers' Home at Washington, offered by Mr. Logan and passed 471
Committee on Public Lands: resolution to pay expenses of, to investigate condition of General Land Office, offered by Mr. Plumb and passed 471
Murphy, D. F.: resolution to pay him $2,500 for reporting debates of special session, reported by Committee on Printing and passed 456

Davis, *David (a Senator from Illinois)*
Attended 1
Appointed on standing committees: Revision of the Laws of the United States; Judiciary 33
Appointed on special committee to notify President 4
Declines nomination as chairman of Committee on Judiciary 6
Motions made by
Central Pacific Railroad: to lay on table resolution of Mr. Saunders to investigate affairs of 464
Remarks by, on
Central Pacific Railroad: resolution directing Committee on Judiciary to investigate affairs of 464
Committees: giving reasons for his vote on resolution for appointment of 6, 26
Officers of Senate: defining his position relative to election of 41
Resolutions offered by
Hertford, Joseph: leave to withdraw his papers. Passed. 36
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 84
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
——— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 63, 76, 77, 79, 83, 129, 151, 154, 156
Officers of Senate: motion to lay on table resolution for election of 43
Votes paired or absent, on
Adjournment: motions for 43, 55, 71, 72, 73, 74, 75, 81, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for 55, 67, 68, 71, 73, 75, 80, 84, 97, 106, 110, 121, 122, 136, 149, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motion to lay on table resolution for election of 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

PAGE

Davis, *Henry G. (a Senator from West Virginia)*
Attended 2
Appointed on standing committees: Agriculture; Appropriations 33
Appointed on select committee on Nicaraguan claims (chairman) 34
Motions made by
Adjourn: to 97, 98, 201, 273, 341, 413, 414
Executive session: for 99, 201, 246, 287, 407
Officers of Senate: to lay on table resolution for election of 98, 413
Remarks by, on
Officers of Senate: resolution for election of .. 312, 313, 460, 461
West Virginia: debt of 221, 257, 442–451
Resolutions offered by
Executive Departments: amendment to Mr. Kellogg's resolution calling for information in relation to employés of. *See* EXECUTIVE DEPARTMENTS 469
Public Buildings: directing Committee on Public Buildings and Grounds to report a general plan to provide those necessary for present and future needs of general government in Washington 29
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 81, 84, 97, 111, 114, 193, 200, 201, 246, 273, 274, 342, 405, 406, 408, 409, 413, 414, 439, 440, 441
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
——— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 129, 136, 178, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 262, 263, 273, 287, 288, 335, 342, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 469
Officers of Senate: motion to lay on table resolution for election of 43, 67, 73, 77, 194, 336, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motion for 405
Votes paired or absent, on
Adjournment: motions for 75, 98, 99, 121, 150, 152, 177, 188, 189, 190, 191, 308, 309, 311, 366, 430, 454
Executive session: motions for 75, 121, 122, 149, 151, 154, 156, 187, 188, 190, 191, 246, 310, 311, 328, 364, 365, 366, 376, 414, 430, 454
Officers of Senate: motion to lay on table resolution for election of 98, 122, 188, 191, 311, 377
Recess: motion for 190

Dawes, *Henry L. (a Senator from Massachusetts)*
Attended 1
Appointed on standing committees: Indian Affairs (chairman); Appropriations; Revolutionary Claims 33
Appointed on select committee to examine the several branches of the Civil Service 34
Motions made by
Adjourn: to 76, 84, 99, 120, 136, 153, 177, 191, 210, 225, 263, 274, 287, 308, 327, 342, 359, 396, 409, 414, 430, 441, 452, 459, 461
Executive session: for 453, 455, 456, 459, 460, 461, 465
Remarks by, on
Adjourning over 365
Beck, Senator James B.: political record of 153
Brown, Senator Joseph E.: political record of 396
Committees: resolution for appointment of 31
Florida: election returns from 367–369
Logan, Senator John A.: political record of 335
Louisiana: outrage on Charles Heath in 161, 165–167, 342–345, 373, 387
Massachusetts: suffrage in 242–245, 249, 250, 253, 370
Mississippi: political affairs in 161, 162, 165–167, 176
Officers of Senate: resolution for election of 42, 45, 49, 59, 60, 68–71, 76, 78, 83, 100, 112, 113, 122, 123, 124, 138, 139, 153, 186, 247, 278, 279, 280, 281, 311–317, 323, 324, 326, 327, 364, 403, 404, 406, 407, 412, 413, 431–433, 435, 452, 453, 454, 460, 461
Personal explanation 376
Question of order: transacting legislative business in special executive session 409–411
Southern States: political affairs in 370–375
Virginia: debt of 180–182, 447, 448, 451
Resolutions offered by
Extra pay: to give officers and employés of Senate one month's additional pay. Laid on table 461, 465, 471
Officers of Senate: to proceed to election of 40, 41
Ottoman Empire: requesting President to transmit copy of report of consular clerk Van Dyck on capitulations of. Passed 32

PAGE

Dawes—*Continued.*

Votes of, on

Adjournment: motions for....26, 27, 28, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for the appointment of.... 32

——— resolution of Mr. Anthony for the appointment of.... 33, 35

Executive session: motions for....18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 469

Officers of Senate:—motion to lay on table resolution for election of....43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

——— motion to indefinitely postpone resolution for election of.... 340

Recess:—motions for....190, 405

Votes paired or absent, on

Adjournment: motion for....30, 440, 454

Executive session: motion for.... 454

Deaths of Senators

Carpenter, Matthew H.: resolutions of Legislature of Wisconsin on.... 35

——— resolution to pay expenses of his funeral out of contingent fund, offered by Mr. Cameron, of Wisconsin, and passed.... 121

Debt of U. S.

Refunding of: resolution declaring that opposition of national banks to, is injurious and alarming, offered by Mr. Voorhees.... 35

point of order against receiving resolution, made by Mr. Morrill, debated and withdrawn....35, 36–40

Debts of States

Florida: remarks of Mr. Jones, of Florida, on.... 139

Iowa: remarks of Mr. Allison on.... 262

Louisiana: remarks of Mr. Jonas and Mr. Kellogg on.117–119, 141, 143–148

Minnesota: remarks of Mr. McMillan on....259, 460

——— remarks of Mr. Vest on.... 259

Mississippi: remarks of Mr. George on.... 164

——— remarks of Mr. Hoar on....159, 160, 164, 165

North Carolina: remarks of Mr. Kellogg on....229–234

——— remarks of Mr. Mahone on.... 94

——— remarks of Mr. Ransom on....231–234

——— remarks of Mr. Sherman on....233, 234

——— remarks of Mr. Vance on....224, 226–229, 230–233

South Carolina: remarks of Mr. Hampton and Mr. Hoar on.... 100

Southern States: tabulated statement of, from 1842 to 1880.... 88

Tennessee: remarks of Mr. Harris on....309, 310

——— statement from Census Bureau giving history of.. 309

Virginia: remarks of Mr. Bayard on....216, 217

——— remarks of Mr. Camden on....254, 451, 452

——— remarks of Mr. Dawes on....180–182, 447, 448, 451

——— remarks of Mr. Davis, of West Virginia, on.... 221, 257, 442–450

——— remarks of Mr. Hawley on....209, 210, 221

——— remarks of Mr. Hoar on....448–450

——— remarks of Mr. Johnston on....55–63, 178–185

——— remarks of Mr. Kellogg on....221, 443, 448–452

——— remarks of Mr. Mahone on....85–97

——— remarks of Mr. Sherman on....220, 221, 443, 446, 450, 451

——— remarks of Mr. Vest on....258, 259

——— statements of debt and of investments of State on January 1, 1861.... 444

Delaware

Senators from, attended: Thomas F. Bayard, Eli Saulsbury.... 1

Dodge, *William C.*

Leave to withdraw his papers: resolutions offered by Mr. Cameron, of Wisconsin, and passed....192, 461

Edgerton, *Alonzo J.* (*a Senator from Minnesota*)

Attended.... 32

Appointed on standing committees: Patents; Education and Labor; Pensions.... 33

PAGE

Edgerton—*Continued.*

Votes of, on

Adjournment: motions for..43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 32

——— resolutions of Mr. Anthony for appointment of...33, 35

Executive session: motions for....42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 310, 311, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454

Officers of Senate: motion to lay on table resolution for election of....43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

——— motion to indefinitely postpone resolution for election of.... 340

Recess: motions for....190, 405

Votes paired or absent, on

Adjournment: motions for....273, 274, 308, 309

Executive session....246, 262, 263, 273, 287, 288, 328, 469

Edmunds, *George F.* (*a Senator from Vermont*)

Attended.... 6

Appointed on standing committees: Judiciary (chairman); Foreign Relations; Private Land Claims.... 33

Motions made by

Bankruptcy: to refer to Committee on Judiciary papers on files of Senate relating to.... 359

Remarks by, on

Committees: resolution for appointment of.... 7, 15

Elections of President of U. S.: resolution directing Committee on Privileges and Elections to consider measures needful to ascertain and declare result of.... 459

Resolutions offered by

Committee on Judiciary: allowing them to sit during recess to investigate subject of bankruptcy. Passed.... 397

Marshals: amendment to Mr. Voorhees resolution calling for information on appointment of marshals for election of October, 1880, in Indiana.... 28

Votes of, on

Adjournment: motions for.... 28

Executive session: motions for.... 29

Votes paired or absent, on

Adjournment: motions for....26, 27, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33

——— resolutions of Mr. Anthony for appointment of...33, 35

Executive session: motions for..18, 26, 30, 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469

Officers of Senate: motions to lay on table resolution for election of....44, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

——— motion to indefinitely postpone resolution for election of.... 340

Recess: motions for....190, 405

Elections. *See* SUFFRAGE.

Electoral Votes. *See* PRESIDENT OF THE UNITED STATES.

Evens, *David*

Leave for his assignees to withdraw papers: resolution offered by Mr. McMillan and passed.... 452

Executive Departments

Appointments in: resolution directing Committee on Civil Service and Retrenchment to report those made from December 1, 1879, to March 15, 1881, offered by Mr. Butler and objected to.... 111

Clerks and employés in: resolution directing head of each Department to report their names and detailed information in relation to them, offered by Mr. Kellogg.... 455

amendment offered by Mr. Brown.... 456

resolution debated and referred to Committee on Printing....456–458

similar resolution modifying information required, offered by Mr. Kellogg.... 464

debated, amended and passed....465–469

PAGE

Executive Mansion
Resolution directing Committee on Public Buildings and Grounds to investigate its sanitary condition, offered by Mr. Hoar and passed ... 459

Extra Pay
Resolution to give one month's additional pay to officers and employés of Senate, offered by Mr. Dawes and referred to Committee on Contingent Expenses ... 461
reported back with an amendment ... 465
laid on table ... 471

Extra Session
Resolution declaratory of necessity for, offered by Mr. Blair ... 328

Fair, *James G.* (*a Senator from Nevada*)
Attended ... 2
Appointed on standing committees: Mines and Mining; Claims; Education and Labor ... 33
Votes of, on
Adjournment: motions for ... 26, 27, 29, 30, 43, 55, 71, 72, 73, 81, 84, 111, 114, 121, 152, 177
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 33
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 76, 77, 79, 80, 106, 110, 121, 122, 129, 136, 151, 154, 156
Officers of Senate: motion to lay on table resolution for election of ... 43, 67, 77, 122
Votes paired or absent, on
Adjournment: motions for ... 28, 74, 75, 97, 98, 99, 111, 114, 121, 150, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for ... 75, 83, 84, 97, 149, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motion to lay on table resolution for election of ... 73, 98, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405

Farley, *James T.* (*a Senator from California*)
Attended ... 1
Appointed on standing committees: Commerce; Post-Offices and Post-Roads; Naval Affairs ... 33
Motions made by
Executive session: for ... 287, 364, 366
Remarks by, on
Officers of Senate: resolution for election of ... 44, 69, 74, 78, 431–433
—— newspaper comments on proceedings of Senate in election of ... 389
Resolution offered by
Adjournment: to appoint committee to inform President that Senate is ready for. Decided out of order ... 54
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 75, 111, 114, 150, 152, 177, 188, 189, 191, 193, 273, 274, 366, 405, 406, 408, 409, 413, 414, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 33
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 75, 106, 110, 121, 129, 136, 149, 151, 156, 188, 191, 193, 194, 212, 225, 226, 236, 246, 262, 263, 273, 287, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 469
Officers of Senate: motion to lay on table resolution for election of ... 43, 67, 122, 191, 194, 377, 397, 403, 407, 412, 413
Recess: motion for ... 405
Votes paired or absent, on
Adjournment: motions for ... 73, 74, 81, 84, 97, 98, 99, 121, 150, 190, 200, 201, 246, 308, 309, 311, 342, 430
Executive session: motions for ... 73, 75, 76, 77, 79, 80, 83, 84, 97, 122, 154, 178, 187, 190, 192, 200, 201, 202, 288, 310, 311, 328, 335, 342, 430, 454
Officers of Senate: motion to lay on table resolution for election of ... 73, 77, 98, 188, 311, 336
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motion for ... 190

Ferry, *Thomas W.* (*a Senator from Michigan*)
Attended ... 1
Appointed on standing committees: Post-Offices and Post-Roads (chairman); Finance; Foreign Relations ... 33
Remarks by, on
Committees: resolution for appointment of ... 8–14
Question of order: transacting legislative business in special executive session ... 36, 211
Question of order: right to allude to business pertaining to executive session ... 150, 151
Resolution offered by
Conger, Omar D.: leave to withdraw his duplicate credentials as Senator ... 4
Votes of, on
Adjournment: motions for ... 26, 27, 28, 30, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 430, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 365, 376, 414, 430, 469
Officers of Senate: motion to lay on table resolution for election of ... 98, 122, 188, 191, 194, 311, 336, 377
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motion for ... 190
Votes paired or absent, on
Adjournment: motions for ... 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 405, 406, 408, 409, 413, 414, 439, 440, 441
Executive session: motions for ... 30, 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 454
Officers of Senate: motion to lay on table resolution for election of ... 44, 67, 73, 77, 397, 403, 407, 412, 413
Recess: motion for ... 405

Floor. *See* PRIVILEGES OF FLOOR.

Florida
Debt of: remarks of Mr. Jones, of Florida, on ... 139
Elections and political affairs in: remarks of Mr. Call on ... 348, 366–370
—— remarks of Mr. Dawes on ... 367–369
—— remarks of Mr. Frye on ... 347, 348
—— remarks of Mr. Hawley on ... 368
—— remarks of Mr. Jones, of Florida, on ... 187, 348, 397–402
Senators from, attended: Wilkinson Call, Charles W. Jones ... 1

Foreign Relations
Mexico: resolution requesting President to communicate documents and correspondence during 1859 to 1861 relating to negotiations for a treaty with, offered by Mr. Vest and passed ... 29

Frye, *William P.* (*a Senator from Maine*)
Attended ... 32
Appointed on standing committees: Rules (chairman); Claims; Improvement of the Mississippi and its Tributaries; Privileges and Elections ... 33
Remarks by, on
Southern States: political condition and outrages in ... 345–352
Resolutions offered by
Graffam, George W.: leave to withdraw his papers. Passed ... 35
Pitcher and Hayford, Otis and Ferguson: leave to withdraw their papers. Passed ... 461
Votes of, on
Adjournment: motions for ... 43, 55, 71, 72, 73, 74, 75, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 246, 308, 309, 311, 342
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 212, 225, 226, 236, 287, 288, 310, 311, 328, 335, 342, 469
Officers of Senate: motion to lay on table resolution for election of ... 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motion for ... 190

PAGE

Frye—*Continued.*
Votes paired or absent, on
Adjournment: motions for....81, 200, 201, 273, 274, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for....200, 201, 202, 246, 262, 263, 273, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motion to lay on table resolution for election of....377, 397, 403, 407, 412, 423
Recess: motion for.... 405

Funding. *See* DEBT OF U. S.

Galveston, *Texas*
Statement of imports and exports during 1880.... 362

Garfield, *James A.* *See also* PRESIDENT OF THE UNITED STATES.
Letter of Jeremiah S. Black to, on history of political parties.... 422

Garland, *Augustus H.* (*a Senator from Arkansas*)
Attended.... 1
Appointed on standing committees: Judiciary; Territories.... 33
Appointed on select committee on Epidemic Diseases.... 34
Motion made by
Executive session: for.... 6
Remarks by, on
Clerks of committees: resolution to pay.... 32
Committees: resolution for appointment of....8, 9, 10, 34
Officers of Senate: resolution for appointment of....45, 46
Organization of Senate: right of Vice-President to vote in.... 45
Resolution offered by
Clerks of committees: to pay to March 18 those who held office on March 4. Passed.... 32
Votes of, on
Adjournment: motions for....28, 29, 30
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33
——— resolution of Mr. Anthony for appointment of.... 33
Executive session: motions for....29, 30
Votes paired or absent, on
Adjournment: motions for.... 26, 27, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: resolution of Mr. Anthony for appointment of.... 35
Executive session: motions for....18, 26, 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motion to lay on table resolution for election of....44, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of.... 340
Recess: motions for....190, 405

General Land Office. *See* LAND OFFICE.

Geneva Convention
Resolution requesting Secretary of State to furnish translated copy of Geneva Convention of 1864 regulating treatment of wounded in war, offered by Mr. Conger and passed.... 461

George, *James Z.* (*a Senator from Mississippi*)
Attended.... 2
Appointed on standing committees: Agriculture; Claims; Education and Labor.... 33
Remarks by, on
Mississippi; debt of.... 164
——— political affairs in....163–167
Votes of, on
Adjournment: motions for....26, 27, 28, 29, 30, 43, 55, 71, 97, 98, 99, 111, 114, 273, 274, 342, 366, 405, 406, 408, 409, 413, 414, 430
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33
——— resolutions of Mr. Anthony for appointment of....33, 35

PAGE

George—*Continued.*
Votes of, on
Executive session: motions for....18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 76, 77, 79, 80, 83, 84, 97, 110, 121, 122, 129, 136, 156, 212, 225, 226, 246, 262, 263, 273, 287, 288, 310, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430
Officers of Senate: motion to lay on table resolution for election of....43, 67, 77, 98, 122, 377, 397, 403, 407, 412, 413
Recess: motion for.... 405
Votes paired or absent, on
Adjournment: motions for....43, 72, 73, 74, 75, 81, 84, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 308, 309, 311, 439, 440, 441, 454
Executive session: motions for....73, 75, 106, 149, 151, 154, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 236, 311, 408, 439, 453, 454, 469
Officers of Senate: motion to lay on table resolution for election of....73, 188, 191, 194, 311, 336
——— motion to indefinitely postpone resolution for election of.... 340
Recess: motion for.... 190

Georgia
Appointments from: remarks of Mr. Brown on, with statement of number of citizens of Georgia employed in Executive Departments.... 302
Senators from, attended: Joseph E. Brown, Benjamin H. Hill.... 1

Glover, *Townsend*
Leave to withdraw his papers: resolution offered by Mr. Johnston and passed.... 461

Gorham, *George C.*
Resolution that he be elected Secretary of Senate, offered by Mr. Dawes. *See* OFFICERS OF SENATE.... 41

Gorman, *Arthur P.* (*a Senator from Maryland*)
Attended.... 1
Appointed on standing committees: Printing; Rules; District of Columbia.... 33
Votes of, on
Adjournment: motions for....26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 188, 189, 190, 191, 193, 200, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33
——— resolutions of Mr. Anthony for appointment of....33, 35
Executive session: motions for.... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 129, 136, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 310, 311, 328, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 439, 453, 454
Officers of Senate: motion to lay on table resolution for election of.43, 67, 77, 122, 188, 191, 194, 311, 336, 397, 403, 407
——— motion to indefinitely postpone resolution for election of.... 340
Recess: motions for....190, 405
Votes paired or absent, on
Adjournment: motions for.... 97, 98, 99, 111, 114, 121, 150, 152, 177, 201, 273, 413, 414, 430
Executive session: motions for.... 30, 75, 97, 106, 110, 121, 122, 149, 151, 154, 156, 288, 376, 412, 413, 414, 430, 469
Officers of Senate: motion to lay on table resolution for election of....73, 98, 377, 412, 413

Graffam, *George W.*
Leave to withdraw his papers: resolution offered by Mr. Frye and passed.... 35

Groome, *James B.* (*a Senator from Maryland*)
Attended.... 1
Appointed on standing committees: Pensions; Post-Offices and Post-Roads.... 33
Appointed on select committees: Examine the several branches of the Civil Service; Nicaraguan Claims.... 34
Motions made by
Adjourn: to....189, 200, 409
Executive session: for....106, 202, 403
Recess: for....190, 403
Remarks by, on
Committees: resolution for appointment of.... 31
Officers of Senate: resolution for election of....103–106, 403, 404

PAGE

Groome—*Continued.*

Votes of, on

Adjournment: motions for....26, 27, 28, 29, 30, 98, 111, 114, 150, 177, 188, 189, 190, 191, 193, 200, 201, 246, 342, 366, 405, 406, 408, 409, 413, 414, 430
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33
—— resolutions of Mr. Anthony for appointment of....33, 35
Executive session: motions for....18, 26, 29, 30, 106, 110, 149, 151, 156, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 225, 236, 328, 335, 342, 364, 365 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 453, 469
Officers of Senate: motion to lay on table resolution for election of....99, 188, 191, 194, 336, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of.... 340
Recess: motions for....190, 405

Votes paired or absent, on

Adjournment: motions for....43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 99, 121, 152, 273, 274, 308, 309, 311, 439, 440, 441, 454
Executive session: motions for....42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 121, 122, 129, 136, 154, 178, 212, 226, 246, 262, 263, 273, 287, 288, 310, 311, 376, 439, 454
Officers of Senate: motion to lay on table resolution for election of....44, 67, 73, 77, 122, 311, 377

Grover, *La Fayette* (*a Senator from Oregon*)

Attended.... 2
Appointed on standing committees: Public Lands; Military Affairs; Railroads.... 33

Votes of, on

Adjournment: motions for....26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33
—— resolutions of Mr. Anthony for appointment of....33, 35
Executive session: motions for....18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 193, 194, 200, 201, 202, 212, 226, 246, 263, 414, 469
Officers of Senate: motion to lay on table resolution for election of....43, 67, 77, 98, 122, 188, 191, 194
Recess: motion for.... 190

Votes paired or absent, on

Adjournment: motions for..75, 98, 99, 177, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for.... 75, 192, 225, 236, 262, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motion to lay on table resolution for election of....73, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of.... 340
Recess: motion for.... 405

Hale, *Eugene* (*a Senator from Maine*)

Attended.... 1
Appointed on standing committees: Manufactures; Revision of the Laws of the United States; Appropriations.... 33
Appointed on select committee to make provision for taking the Tenth Census, (chairman).... 34

Remarks by, on

Maine: elections in....426–428
Officers of Senate: resolution for the election of.... 162

Votes of, on

Adjournment: motions for....26, 27, 28, 29, 30, 43, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 188, 189, 190, 200, 201, 405, 413, 414, 430, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 32
—— resolutions of Mr. Anthony for appointment of....33, 35
Executive session: motions for....18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 154, 156, 178, 187, 188, 200, 201, 212, 226, 246, 364, 365, 366, 376, 397, 412, 414, 430, 453, 454
Officers of Senate: motion to lay on table resolution for election of....43, 67, 73, 77, 98, 122, 188, 377, 397, 413
Recess: motions for....190, 405

Votes paired or absent, on

Adjournment: motions for....55, 150, 152, 177, 191, 193, 246, 273, 274, 308, 309, 311, 342, 366, 406, 408, 409, 439, 440, 441
Executive session: motions for....136, 149, 151, 190, 191, 192, 193, 194, 202, 225, 236, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 402, 403, 406, 408, 413, 439, 469

PAGE

Hale—*Continued.*

Votes paired or absent, on

Officers of Senate: motions to lay on table resolution for election of....191, 194, 311, 336, 403, 407, 412
—— motion to indefinitely postpone resolution for election of.... 340
Recess: motion for.... 405

Hamilton, *Schuyler*

Leave to withdraw his papers: resolution offered by Mr. Logan and passed.... 35

Hampton, *Wade* (*a Senator from South Carolina*)

Attended.... 2
Appointed on standing committees: Mines and Mining; Military Affairs.... 33
Appointed on select committee to examine the several branches of the Civil Service.... 34

Remarks by, on

South Carolina: debt of.... 100
—— political condition of....348, 355, 372, 373, 375

Votes of, on

Adjournment: motions for....26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33
—— resolutions of Mr. Anthony for appointment of....33, 35
Executive session: motions for....18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motions to lay on table resolution for election of....43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of.... 340
Recess: motions for.... 405

Votes paired or absent, on

Executive session: motions for....190, 469
Recess: motion for.... 190

Hancock, *General W. S.*

Resolution extending privilege of floor of Senate to, offered by Mr. Hoar and passed.... 4

Harris, *Isham G.* (*a Senator from Tennessee*)

Attended.... 2
Appointed on standing committees: District of Columbia; Finance.... 33
Appointed on select committees: Epidemic Diseases (chairman); to make provision for taking the Tenth Census.... 34

Motions made by

Adjourn: to....43, 98, 121, 149, 273, 308, 365, 408, 409, 439
Executive session: for....71, 73, 77, 83, 84, 97, 110, 151, 188, 190, 192, 200, 225, 261, 310, 311, 341, 363, 408, 413, 439, 454, 471
Officers of Senate: to postpone to next December resolution for election of.... 44
—— to lay on table resolution for election of.... 67, 73, 188, 335, 377, 397
Recess: for.... 122

Remarks by, on

Officers of Senate: resolution for election of.... 44, 49, 69, 70, 77, 100–103, 280, 281, 325, 326, 364, 382, 383, 412, 440
Question of order: right to allude to business pertaining to executive sessions....150, 151
Tennessee: debt of....369, 310

Votes of, on

Adjournment: motions for....26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of.... 33
—— resolutions of Mr. Anthony for appointment of....33, 35
Executive session: motions for....18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469

PAGE

Harris—*Continued.*
Votes of, on
Officers of Senate: motions to lay on table resolution for election of ... 43, 67, 77, 98, 122, 188, 191, 194, 311, 336, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405
Votes paired or absent, on
Adjournment: motions for ... 74, 98, 99, 246, 441
Executive session: motions for ... 75, 328, 376
Officers of Senate: motions to lay on table resolution for election of ... 73, 377

Harrison, *Benjamin* (*a Senator from Indiana*)
Attended ... 1
Appointed on standing committees: Transportation Routes to the Seaboard (chairman); Military Affairs ... 33
Petitions presented by, from
Irish-American citizens of Indiana, relative to Michael Boyton ... 328
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
——— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 469
Officers of Senate: motions to lay on table resolution for election of ... 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405
Votes paired or absent, on
Adjournment: motions for ... 439, 440, 441, 454
Executive session: motions for ... 288, 439, 453, 454

Hawley, *Joseph R.* (*a Senator from Connecticut*)
Attended ... 1
Appointed on standing committees: Civil Service and Retrenchment (chairman); Printing; District of Columbia; Railroads ... 33
Appointed on select committee on Nicaraguan Claims ... 34
Remarks by, on
Bisbee *vs.* Hull: contested election case of ... 368
Brown, Senator Joseph E.: political record of ... 392–396
Connecticut: suffrage in ... 307, 308
Donnelly *vs.* Washburn: contested election case of ... 113
Officers of Senate: resolution for election of ... 209
Resolution offered by
Rules: to suspend rule prohibiting action on nominations the day received or reported ... 471
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 193, 200, 201, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
——— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motions to lay on table resolution for election of ... 43, 67, 73, 77, 98, 122, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 405
Votes paired or absent, on
Adjournment: motions for ... 188, 189, 190, 191, 246, 273, 274
Executive session: motions for ... 187, 188, 190, 191, 246, 262, 263, 273, 287, 469
Officers of Senate: motions to lay on table resolution for election of ... 188, 191
Recess: motion for ... 190

PAGE

Heath, *Charles*
Statement by himself of outrages committed on him in Louisiana ... 342
——— remarks of Mr. Dawes on ... 161, 163, 165–167, 342, 373, 387
——— remarks of Mr. Jonas on ... 345, 373, 385–387

Hertford, *Joseph*
Leave to withdraw his papers: resolution offered by Mr. Davis, of Illinois, and passed ... 36

Hill, *Benjamin H.* (*a Senator from Georgia*)
Attended ... 1
Appointed on standing committees: Revolutionary Claims; Privileges and Elections; Foreign Relations. 33
Letter to Mr. Chittenden ... 125
Political record of: remarks of himself on ... 123–129
——— remarks of Mr. Cameron, of Wisconsin, on ... 125, 126
——— remarks of Mr. Logan on ... 24
Motions made by
Executive session: for ... 129
Remarks by, on
Committees: resolution for appointment of ... 10–13, 20–25, 34
Logan, Senator John A.: political record of ... 24, 132, 133
Mahone, Senator William: political record of ... 283–286
Officers of Senate: resolution for election of ... 123, 124, 202, 203
Southern States: political affairs in ... 123–129, 130–135, 167–172
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 405, 406, 408, 409, 413, 414, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 33
——— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 97, 106, 110, 121, 122, 129, 136, 149, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 212, 225, 226, 236, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of ... 98, 122, 188, 191, 194, 397, 403, 407, 412, 413
Recess: motions for ... 190, 405
Votes paired or absent, on
Adjournment: motions for ... 43, 55, 71, 72, 73, 74, 75, 81, 84, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 406, 430
Executive session: motions for ... 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 151, 200, 201, 202, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 414, 430
Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 311, 336, 377
——— motion to indefinitely postpone resolution for election of ... 340

Hill, *Nathaniel P.* (*a Senator from Colorado*)
Attended ... 1
Appointed on standing committees: Mines and Mining (chairman); Post Offices and Post-Roads; Public Lands; Civil Service and Retrenchment ... 33
Appointed regent of Smithsonian Institution ... 469
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 81, 84, 97, 98, 99, 193, 273, 274, 342, 413, 414, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
——— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 76, 77, 79, 80, 83, 84, 97, 106, 192, 193, 194, 212, 226, 236, 246, 262, 263, 273, 328, 342, 376, 397, 402, 403, 412, 413, 414, 439, 453, 454, 469, 335
Officers of Senate: motions to lay on table resolution for election of ... 43, 77, 98, 194, 336, 377, 397, 403, 412, 413
——— motion to indefinitely postpone resolution for election of ... 340
Votes paired or absent, on
Adjournment: motions for ... 71, 72, 73, 74, 75, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 200, 201, 246, 308, 309, 311, 366, 405, 406, 408, 409, 430
Executive session: motions for ... 68, 71, 73, 75, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 200, 201, 202, 225, 236, 287, 288, 310, 311, 364, 365, 366, 406, 408, 414, 430
Officers of Senate: motions to lay on table resolution for election of ... 67, 73, 122, 188, 191, 311, 407
Recess: motions for ... 190, 405

PAGE

Hoar, *George F. (a Senator from Massachusetts)*
Attended ... 1
Appointed on standing committees: Privileges and Elections (chairman); Patents; Rules; Library; Claims. 33

Remarks by, on
Boyton, Michael: petitions relative to ... 192–194, 211
Committees: resolution for appointment of ... 9, 25, 26
Consular fees: resolution directing Secretary of State to report on ... 470
Executive Departments: resolution calling for information in relation to employés of ... 458
Mahone, Senator William: political record of ... 283–285
Massachusetts: suffrage in ... 174, 243–245, 248, 257, 306, 307, 357, 358
Mississippi: debt of ... 159–161, 164, 165
Officers of Senate: resolution for election of ... 49–51, 61, 63–65, 223, 224, 380, 440
Question of order: transacting legislative business in special executive session ... 410, 411
South Carolina: debt of ... 100
Southern States: political history and condition of ... 129–132, 135, 304, 306, 307
Virginia: debt of ... 448–450

Resolutions offered by
Elections of President of U. S.: directing Committee on Privileges and Elections to consider measures needful to ascertain and declare result of. Passed ... 459
Executive Mansion: directing Committee on Public Buildings and Grounds to investigate its sanitary condition. Passed ... 459
Hancock, General W. S.: granting him privileges of floor. Passed ... 4
Sharretts, G. E. W.: leave to withdraw his papers. Passed ... 5

Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 74, 75, 81, 84, 97, 98, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 30, 42, 43, 54, 63, 67, 68, 71, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of ... 43, 67, 73, 77, 98, 122, 188, 191, 194, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405

Votes paired or absent, on
Adjournment: motions for ... 72, 73, 99, 311
Executive session: motions for ... 29, 73, 310, 311, 414
Officers of Senate: motion to lay on table resolution for election of ... 311

Hosiery
Circular from Treasury Department with decision of Supreme Court defining tariff laws in relation to ... 328
Letter from J. W. Busiel & Co. in relation to tariff on ... 329

Hunter, *John*
Leave to withdraw his papers: resolution offered by Mr. Bayard and passed ... 5

Illinois
Senators from, attended: David Davis, John A. Logan ... 1

Inauguration
Inauguration ceremonies and inaugural address of President Garfield ... 2

Indiana
Election in: resolution directing Attorney General to report names of deputy U. S. marshals appointed for election in October, 1880, offered by Mr. Voorhees and passed ... 20, 28
Senators from, attended: Benjamin Harrison, Daniel W. Voorhees ... 1

PAGE

Ingalls, *John J. (a Senator from Kansas)*
Attended ... 1
Appointed on standing committees: District of Columbia (chairman); Indian Affairs; Judiciary ... 33

Motions made by
Adjourn over: to ... 35
Committee: to instruct special committee to again wait on President ... 471
Executive session: for ... 41, 471
Recess: for ... 465

Remarks by, on
Central Pacific Railroad: resolution directing Committee on Judiciary to investigate affairs of ... 463
Committees: resolution for appointment of ... 27
Question of order: transacting legislative business in special executive session ... 411
Southern States: abolishment of slavery in ... 355

Resolutions offered by
Committee on Judiciary: authorizing them to employ an assistant clerk as stenographer. Passed ... 455
War Department: directing Secretary of War to furnish information in regard to appointments made in ... 55

Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 193, 200, 201, 273, 274, 308, 309, 311, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 149, 151, 154, 156, 187, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 364, 365, 366, 397, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 188, 194, 311, 336, 377, 397, 403, 407, 412, 413
Recess: motion for ... 405

Votes paired or absent, on
Adjournment: motions for ... 111, 188, 189, 190, 191, 246, 342
Executive session: motions for ... 129, 136, 178, 188, 190, 191, 342, 376, 402
Officers of Senate: motion to lay on table resolution for election of ... 191
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motion for ... 190

Inter-Oceanic Canals
Resolution asserting that U. S. will insist that its consent is necessary to building and to regulations for using any canal across Isthmus of Panama, offered by Mr. Morgan and referred to Committee on Foreign Relations ... 409–411
reported on (Report 1) ... 459
debated and postponed to next December ... 462

Iowa
Debt of: remarks of Mr. Allison on ... 262
Senators from, appointed: telegram from Governor notifying his appointment of J. W. McDill ... 5
—— attended: Samuel J. Kirkwood ... 1
William B. Allison ... 5
James W. McDill ... 14
—— resigned: Samuel J. Kirkwood ... 5

Iron
Tests of: resolution directing Secretary of War to furnish copy of report on, offered by Mr. McMillan and passed ... 154
report transmitted by Secretary of War and ordered printed. (Ex. Doc. 4) ... 309, 327

Isthmus of Panama. *See* INTER-OCEANIC CANALS.

Jackson, *Howell E. (a Senator from Tennessee)*
Attended ... 2
Appointed on standing committees: Claims; Improvements of the Mississippi River and Tributaries; Pensions ... 33

PAGE

Jackson—*Continued.*

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 308, 309, 311, 366, 405, 406, 408, 409, 413, 414, 430, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
—— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 288, 310, 311, 328, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 454, 469
Officers of Senate: motions to lay on table resolution for election of 43, 67, 77, 98, 122, 191, 194, 311, 377, 397, 403, 407, 412, 413
Recess: motions for 190, 405

Votes paired or absent, on

Adjournment: motions for 74, 98, 99, 111, 246, 273, 274, 342, 439, 440, 441
Executive session: motions for 75, 246, 262, 263, 273, 287, 335, 342, 439, 453
Officers of Senate: motions to lay on table resolution for election of 73, 188, 336
—— motion to indefinitely postpone resolution for election of 340

Johnson, *Charles W.*

Nomination of: resolution that he be elected Chief Clerk of Senate, offered by Mr. Dawes. *See* OFFICERS OF SENATE 41
Political record of: remarks of Mr. Beck and Mr. McMillan on 112, 113

Johnston, *John W.* (*a Senator from Virginia*)

Attended 2
Appointed on standing committees: Revolutionary Claims (chairman); Foreign Relations 33
Appointed on select committee on Nicaraguan Claims 43

Motions made by

Printing: to print reports from Attorney-General on operations and conduct of officers of U. S. courts in western judicial district of Virginia 35, 409

Remarks by, on

Debt of Virginia, and political record of Senator Mahone and Mr. Riddleberger 55–63, 178–185
Officers of Senate: resolution for the election of 54, 64, 65

Resolutions offered by

Glover, Townsend: leave to withdraw his papers. Passed. 461
Marshals: directing Attorney-General to furnish copies of reports concerning conduct of marshals and officers of U. S. courts in western district of Virginia. Passed. 6
directing Attorney-General to furnish copies of papers from district attorney relating to above reports. Passed 309

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 121, 150, 188, 189, 190, 191, 193, 273, 274, 311, 342, 366, 414, 439, 440, 441
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
—— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 136, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 412, 413, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 43, 67, 73, 77, 98, 188, 191, 194, 311, 336, 377, 412, 413
—— motion to indefinitely postpone resolution for election of 340

Votes paired or absent, on

Adjournment: motions for 114, 152, 177, 201, 246, 308, 309, 405, 406, 408, 409, 413, 430, 440, 454
Executive session: motions for 129, 149, 200, 201, 202, 397, 402, 403, 406, 408, 414, 454
Officers of Senate: motions to lay on table resolution for election of 122, 397, 403, 407
Recess: motions for 190, 405

PAGE

Jonas, *Benjamin F.* (*a Senator from Louisiana*)

Attended 1
Appointed on standing committees: Private Land Claims; Improvement of the Mississippi and its Tributaries; Railroads 33
Appointed on select committee on Epidemic Diseases 34

Remarks by, on

Committees: resolution for appointment of 34
Louisiana: political and financial condition of 116–118, 119, 140–148, 345
—— outrage on Charles Heath in 345, 373, 385–387
Senator from Louisiana: election of 103

Resolution offered by

Salaries: to pay those of current month on adjournment of session. Passed 471

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 81, 84, 97, 98, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 201, 246, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
—— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 310, 311, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

Votes paired or absent, on

Adjournment: motions for 74, 75, 98, 99, 200, 273, 274, 308, 309
Executive session: motions for 75, 246, 262, 263, 273, 287, 288, 338

Jones, *Charles W.* (*a Senator from Florida*)

Attended 1
Appointed on standing committees: Revolutionary Claims; Public Buildings and Grounds; Public Lands; Naval Affairs 33

Motions made by

Executive session: for 43

Remarks by, on

Committees: resolution for appointment of 14
Florida: debt of 139
—— political condition of 187, 397–402
Inter-Oceanic canals: resolution declaratory of control of U. S. over 462
Officers of Senate: resolution for election of 45

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 81, 84, 97, 98, 99, 111, 114, 150, 152, 188, 189, 191, 193, 200, 201, 405, 408, 409, 414
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
—— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 76, 77, 79, 80, 83, 84, 97, 106, 110, 122, 129, 136, 149, 151, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 226, 236, 397, 402, 403, 408, 412, 413, 414, 430
Officers of Senate: motions to lay on table resolution for election of 43, 77, 98, 122, 188, 191, 194, 397, 403, 407, 412, 413
Recess: motion for 190

Votes paired or absent, on

Adjournment: motions for 71, 72, 73, 74, 75, 121, 177, 190, 246, 273, 274, 308, 309, 311, 342, 366, 406, 409, 413, 430, 439, 440, 441, 454
Executive session: motions for 68, 71, 73, 75, 80, 121, 154, 156, 225, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 406, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 67, 73, 311, 336, 377
—— motion to indefinitely postpone resolution for election of 340
Recess: motions for 405

PAGE

Jones, *John P. (a Senator from Nevada)*
Attended ... 2
appointed on standing committees: To Audit and Control the Contingent Expenses of the Senate (chairman); Mines and Mining; Commerce; Civil Service and Retrenchment; Finance ... 33
Reports made by
From Committee on Contingent Expenses
Extra pay: on resolution to give one month's, to employés of Senate ... 465
McDonald, W. J.: on resolution to pay his legal representative $300 for his "compilation of questions of order" ... 471
Votes of, on
Adjournment: motions for ... 26, 27, 28, 43, 55, 71, 72, 73, 81, 84, 111, 114, 177
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 42, 43, 44, 54, 63, 71, 73, 76, 77, 79, 80, 83, 84, 106, 110, 129, 136, 156, 469
Officers of Senate: motions to lay on table resolution for election of ... 44, 77
Votes paired or absent, on
Adjournment: motions for ... 30, 43, 74, 75, 97, 98, 99, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for ... 30, 67, 68, 75, 97, 121, 122, 129, 149, 151, 154, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motions to lay on table resolution for election of ... 67, 73, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405

Kansas
Senators from, attended: John J. Ingalls, Preston B. Plumb ... 1

Kellogg, *William Pitt (a Senator from Louisiana)*
Attended ... 1
Appointed on standing committees: Railroads (chairman); Territories; Improvements of the Mississippi River and Tributaries; Commerce ... 33
Remarks by, on
Executive Departments: resolution calling for information in relation to employés of ... 456, 457, 465, 466, 468, 469
Louisiana: political and financial condition of ... 114–116, 118–120, 143–148
North Carolina: debt of ... 229–234
Virginia: debt of ... 221, 443, 448–452
Resolutions offered by
Executive Departments: directing head of each Department to report names and detailed information in relation to clerks and employés in. Passed. *See* EXECUTIVE DEPARTMENTS ... 455, 464, 469
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 72, 73, 99, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 405, 408, 409, 413, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 73, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 225, 226, 236, 328, 453, 469
Officers of Senate: motions to lay on table resolution for election of ... 188, 191, 194
Recess: motions for ... 190, 405
Votes paired or absent, on
Adjournment: motions for ... 43, 55, 71, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 342, 366, 406, 414
Executive session: motions for ... 30, 42, 43, 44, 55, 63, 67, 68, 71, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 212, 246, 262, 263, 273, 287, 288, 310, 311, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 454
Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motion for ... 405

Kentucky
Senators from, attended: James B. Beck, John S. Williams ... 1

Kirkwood, *Samuel J. (a Senator from Iowa)*
Attended ... 1
Resigned ... 5

Knit-Goods
Circular from Treasury Department with decision of Supreme Court defining tariff laws in relation to ... 328
Letter from J. W. Busiel & Co. in relation to tariff on ... 329

Lamar, *Lucius Q. C. (a Senator from Mississippi)*
Attended ... 2
Appointed on standing committees: Railroads; Judiciary. 33
Appointed on select committee on Epidemic Diseases ... 34
Remarks by, on
Officers of Senate: resolution for election of ... 154–159
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 71, 72, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 188, 189, 190, 191, 201, 246, 273, 274, 311, 342, 366, 413, 414, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 33
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 63, 67, 68, 71, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 200, 201, 202, 212, 226, 236, 273, 288, 310, 311, 335, 342, 364, 365, 366, 397, 412, 413, 414, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of ... 43, 67, 77, 98, 122, 188, 191, 311, 336, 377, 397, 412
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motion for ... 190
Votes paired or absent, on
Adjournment: motions for ... 43, 55, 73, 74, 75, 177, 193, 200, 308, 309, 405, 406, 408, 409, 430, 439, 440, 441
Executive session: motions for ... 55, 73, 75, 192, 193, 194, 225, 246, 262, 263, 287, 328, 376, 402, 403, 406, 408, 430, 439
Officers of Senate: motions to lay on table resolution for election of ... 73, 194, 403, 407, 413
Recess: motions for ... 405

Land Office
Resolution instructing Committee on Public Lands to investigate business of, and necessity of additional room for, offered by Mr. Morgan and passed ... 461, 470, 471

Link, *John*
Leave for his assignees to withdraw papers: resolution offered by Mr. McMillan and passed ... 452

Logan, *John A. (a Senator from Illinois)*
Attended ... 1
Appointed on standing committees: Military Affairs (chairman); Appropriations; Judiciary; Indian Affairs ... 33
Political record of: remarks of himself on ... 47, 132, 133, 330–335
—— remarks of Mr. Beck on ... 335
—— remarks of Mr. Brown on ... 47, 335
—— remarks of Mr. Dawes on ... 335
—— remarks of Mr. Hill on ... 24, 132, 133
Remarks by, on
Beck, Senator James B.: political record of ... 152, 153
Central Pacific Railroad: resolution directing Committee on Judiciary to investigate affairs of ... 464
Committees: resolution for appointment of ... 24, 25
Officers of Senate: precedent for electing them at special executive session ... 77
—— resolution for election of ... 44–48, 52–54, 58, 59, 60, 77, 78, 206, 207, 325, 326
Organization of Senate: right of Vice-President to vote in ... 33, 54
Political record of himself ... 47, 132, 133, 330–335
Southern States: political affairs in ... 169–173
Resolutions offered by
Hamilton, Schuyler: leave to withdraw his papers. Passed ... 35
Soldiers' Home: directing Committee on Military Affairs to investigate affairs of. Passed ... 471

PAGE

Logan—*Continued.*

Votes of, on

Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 121, 150, 152, 188, 189, 190, 191, 193, 200, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 212, 225, 226, 310, 311, 328, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 188, 191, 194, 311, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405

Votes paired or absent, on

Adjournment: motions for ... 114, 177, 201, 246, 273, 274, 308, 309, 440, 441
Executive session: motions for ... 201, 202, 236, 246, 262, 263, 273, 287, 288, 376, 414, 469
Officers of Senate: motion to lay on table resolution for election of ... 336

Louisiana

Debt of: remarks of Mr. Jonas on ... 117, 118, 141–143
—— remarks of Mr. Kellogg on ... 118, 119, 143–146
Elections and political affairs in: remarks of Mr. Frye on. 351
—— remarks of Mr. Jonas on ... 116–119, 140
—— remarks of Mr. Kellogg on ... 114–116, 119, 120, 143–148
—— remarks of Mr. Voorhees on ... 169
Political outrage in: case of Charles Heath, as stated by himself ... 342
—— remarks of Mr. Dawes on ... 161, 165–167, 342–345, 373, 387
—— remarks of Mr. Jonas on ... 345, 373, 385–387
Senators from, attended: Benjamin F. Jonas, William Pitt Kellogg ... 1

Loveless, *Thomas*

Leave for his assignees to withdraw papers: resolution offered by Mr. McMillan and passed ... 452

McDill, *James W. (a Senator from Iowa)*

Attended ... 15
Appointed on standing committees: Territories; Public Lands; District of Columbia ... 33
Appointed on select committee to make provision for taking the Tenth Census ... 34

Resolutions offered by

Biennial Register: that in addition to information required by law it hereafter give congressional district and date of appointment of each officer and employé. *See* BIENNIAL REGISTER ... 455, 458

Votes of, on

Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 366, 405, 306, 408, 409, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 364, 365, 366, 376, 397, 402, 403, 406, 408, 430, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 188, 191, 194, 311, 377, 397, 403, 407
Recess: motions for ... 190, 405

Votes paired or absent, on

Adjournment: motions for ... 342, 413, 414, 430
Executive session: motions for ... 335, 342, 412, 413, 414, 430
Officers of Senate: motions to lay on table resolution for election of ... 336, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340

PAGE

McDonald, *W. J.*

Resolution to pay his legal representative $300 for his "compilation of questions of order," offered by Mr. Morgan and referred to Committee on Contingent Expenses ... 456
reported back and passed ... 471

McDougall, *Charles*

Leave to withdraw his papers: resolution offered by Mr. Burnside and passed ... 376

McMillan, *Samuel J. R. (a Senator from Minnesota)*

Attended ... 2
Appointed on standing committees: Revision of the Laws of the United States (chairman); Commerce; District of Columbia; Judiciary ... 33

Motions made by

Printing: to print report of Secretary of War on tests of iron ... 327

Remarks by, on

Committees: resolution for appointment of ... 9
Johnson, C. W.: political record of ... 113
Minnesota: debt of ... 259, 260, 460
Mississippi: political affairs in ... 163, 164

Resolutions offered by

Link, John; David Evens; Thomas Loveless: leave to withdraw their papers. Passed ... 452
Tests of iron: directing Secretary of War to communicate report on. Passed ... 154

Votes of, on

Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 111, 114, 121, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 156, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453
Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405

Votes paired or absent, on

Adjournment: motions for ... 98, 99, 150, 152, 440, 454
Executive session: motions for ... 149, 151, 154, 178, 454, 469

McPherson, *John R. (a Senator from New Jersey)*

Attended ... 2
Appointed on standing committees: Manufactures; Naval Affairs; Finance ... 33

Motions made by

Officers of Senate: to lay on table resolution for election of ... 194
—— to postpone to next January resolution for election of ... 359

Petitions presented by, from

Garfield Association: relative to Michael Boyton ... 192, 211
Paterson Land League: relative to Michael Boyton ... 328

Remarks by, on

Committees: resolution for appointment of ... 13
Officers of Senate: resolution for election of ... 210, 222, 223, 321–323
Petitions relative to M. Boyton ... 192, 193, 194, 211, 212

Votes of, on

Adjournment: motions for ... 26, 27, 28, 29, 30, 97, 98, 99, 111, 114, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201, 273, 274, 311, 342, 439, 440, 441
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 33
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 97, 106, 110, 121, 122, 129, 136, 149, 151, 187, 188, 190, 191, 192, 194, 200, 201, 202, 212, 225, 287, 288, 310, 311, 328, 335, 439, 453, 469

PAGE

McPherson—*Continued.*

Votes of, on

Officers of Senate: motions to lay on table resolution for election of 98, 122, 188, 191, 194, 311, 336
——— motion to indefinitely postpone resolution for election of 340
Recess: motion for 190

Votes, paired or absent, on

Adjournment: motions for.... 43, 55, 71, 72, 73, 74, 75, 81, 84, 99, 150, 177, 246, 308, 309, 366, 405, 406, 408, 409, 413, 414, 430, 454
Executive session: motions for..... 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 154, 156, 178, 193, 226, 236, 246, 262, 263, 273, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 454
Officers of Senate: motions to lay on table resolution for election of 44, 67, 73, 77, 377, 397, 403, 407, 412, 413
Recess: motions for..... 405

Mahone, *William (a Senator from Virginia)*

Attended..... 5
Appointed on standing committees: Agriculture (chairman); Naval Affairs; Post-Offices and Post-Roads; Education and Labor 33
Political position and record of: remarks of himself on.. 22, 23, 85, 176, 177, 285
——— remarks of Mr. Bayard on..... 213, 215
——— remarks of Mr. Beck on 264–268
——— remarks of Mr. Brown on..... 106
——— remarks of Mr. Butler on..... 415–417
——— remarks of Mr. Call on..... 81, 82
——— remarks of Mr. Cameron, of Pa., on..... 137
——— remarks of Mr. Hill, of Ga., on 20–25, 283–286
——— remarks of Mr. Hoar on..... 25, 26, 283, 284
——— remarks of Mr. Johnston on..... 55–63, 178–185
——— remarks of Mr. Logan on..... 24, 25
——— remarks of Mr. Morgan on 295–297
——— remarks of Mr. Morrill on 377, 378
——— remarks of Mr. Sherman on 218, 219, 237, 238
——— remarks of Mr. Vest on 261
——— remarks of Mr. Voorhees on 176, 177

Remarks by, on

Committees: resolution for appointment of..... 22, 23, 25
Personal explanation..... 285, 286
Virginia, debt of: and defining his political position.... 85–97
Voorhees, Senator Daniel W.: criticism of..... 176, 177

Resolutions offered by

Marshals: directing Attorney General to furnish reply of marshal of Western district of Virginia to charges against administration of his office. Passed..... 430

Votes of, on

Adjournment: motions for 27, 28, 30, 43, 55, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 32
——— resolutions of Mr. Anthony for appointment of.... 33, 35
Executive session: motions for... 18, 26, 29, 30, 42, 43, 44, 54, 76, 77, 79, 80, 83, 84, 97, 106, 110, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 44, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

Votes paired or absent, on

Adjournment: motions for 26, 30, 71, 72, 73, 74, 75
Executive session: motions for..... 63, 67, 68, 71, 73, 75, 121
Officers of Senate: motions to lay on table resolution for election of..... 67, 73

Maine

Elections in: remarks of Mr. Butler on 418–421
——— remarks of Mr. Hale on..... 427, 428
Senators from, attended: James G. Blaine, Eugene Hale. 1
William P. Frye..... 32
——— resigned: James G. Blaine..... 5

Marshals

Indiana: resolution directing Attorney General to report names of U. S. marshals appointed for election in October, 1880, in, offered by Mr. Voorhees and passed. 20, 28

PAGE

Marshals—*Continued.*

Virginia: resolution directing Attorney General to furnish copies of reports relating to operations and conduct of marshals and officers of U. S. courts in western judicial district, offered by Mr. Johnston and passed.. 6
report of C. C. Lancaster, special agent, transmitted by Attorney General and ordered printed. (Ex. Doc. 1).. 34
resolution directing Attorney General to furnish copies of papers from district attorney in relation to Lancaster's report, offered by Mr. Johnston and passed..... 309
report transmitted by Attorney General, and ordered printed. (Ex. Doc. 1, part 2)..... 397, 409
resolution directing Attorney General to furnish copy of answer of marshal to Lancaster's report, offered by Mr. Mahone and passed 430
report transmitted by Attorney General and ordered printed. (Ex. Doc. 1, parts 3, 4)..... 454, 459

Maryland

Senators from, attended: Arthur P. Gorman, James B. Groome 1

Massachusetts

Crime in: table of statistics in relation to 340
Elections in: remarks of Mr. Beck on 174
——— remarks of Mr. Brown on 299, 306, 307, 353, 358
——— remarks of Mr. Call on ...242–245, 247–250, 336–339, 370
——— remarks of Mr. Dawes on .242–245, 249, 250, 253, 370, 371
——— remarks of Mr. Hoar on..... 174, 243–245, 248, 257, 306, 307, 357, 358
Senators from, attended: Henry L. Dawes, George F. Hoar. 1

Maxey, *Samuel Bell (a Senator from Texas)*

Attended..... 2
Appointed on standing committees: Post-Offices and Post-Roads; Education and Labor; Military Affairs..... 33
Appointed regent of Smithsonian Institution..... 469

Motions made by

Executive session: for 44

Remarks by, on

Officers of Senate: resolution for election of..... 44, 45, 123, 137, 138, 139
Texas: denying political outrages in..... 170, 171

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 33
——— resolutions of Mr. Anthony for appointment of... 33, 35
Executive session: motions for..... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178
Officers of Senate: motions to lay on table resolution for election of 43, 67, 77, 98, 122

Votes paired or absent, on

Adjournment: motions for 72, 73, 74, 75, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for..... 73, 75, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 73, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for..... 190, 405

Memorials. *See* PETITIONS.

Mexico

Treaty with: resolution requesting President to communicate documents and correspondence during 1859 to 1861 relating to negotiations for, offered by Mr. Vest and passed 29

Michigan

Senators from, attended: Omar D. Conger, Thomas W. Ferry 1

Miller, *John F. (a Senator from California)*

Attended..... 1
Appointed on standing committees: Foreign Relations; Naval Affairs; Mines and Mining 33
Appointed on select committee on Epidemic Diseases.... 34
Appointed visitor to Naval Academy..... 469

PAGE

Miller—*Continued.*
Votes of, on
Adjournment: motions for 26, 27, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 111, 114, 121, 150, 152, 177, 188, 189, 191, 193, 246, 273, 308, 309, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
—— resolutions of Mr. Anthony for appointment of....33, 35
Executive session: motions for.....18, 26, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 106, 110, 122, 129, 136, 149, 151, 154, 156, 188, 191, 193, 194, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of..44, 67, 73, 77, 122, 191, 194, 397, 403, 407, 412, 413
Recess: motion for..... 405
Votes paired or absent, on
Adjournment: motions for..... 28, 97, 98, 99, 190, 200, 201, 274, 311, 342, 366
Executive session: motions for.....29, 97, 121, 178, 187, 190, 192, 200, 201, 202, 310, 311, 328, 335, 342, 364, 365, 366
Officers of Senate: motions to lay on table resolution for election of 98, 188, 311, 336, 377
—— motion to indefinitely postpone resolution for election of 340
Recess: motion for 190

Minnesota
Debt of: remarks of Mr. McMillan on 259, 460
—— remarks of Mr. Vest on..... 259
Senators from, attended: Samuel J. R. McMillan, William Windom 2
Alonzo J. Edgerton 32
—— resigned: William Windom..... 6

Mississippi
Debt of: remarks of Mr. George on..... 164
—— remarks of Mr. Hoar on 159, 160
Elections and political affairs in: remarks of Mr. Dawes on 161–167, 342
—— remarks of Mr. Frye on 350, 351
—— remarks of Mr. George on. 161, 167, 350, 351
—— remarks of Mr. McMillan on. 163, 164
Republican Convention in: list of officers of U. S. civil service delegates to 291
Senators from, attended: James Z. George, Lucius Q. C. Lamar..... 2

Missouri
Senators from, attended: Francis M. Cockrell, George G. Vest 2

Mitchell, *John I.* (*a Senator from Pennsylvania*)
Attended..... 2
Appointed on standing committees: Improvement of the Mississippi River and Tributaries (chairman); Patents; Pensions 33
Appointed on select committee on Nicaraguan Claims ... 34
Remarks by, on
Officers of Senate: newspaper comments on proceedings of Senate in election of..... 390
Votes of, on
Adjournment: motions for 26, 27, 28, 30, 43, 71, 72, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 413, 414, 430, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 32
—— resolutions of Mr. Anthony for appointment of...33, 35
Executive session: motions for.....18, 26, 29, 30, 42, 43, 44, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 226, 236, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 412, 413, 414, 430, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 44, 67, 77, 98, 122, 188, 191, 194, 311, 336, 377, 412, 413
—— motion to indefinitely postpone resolution for election of..... 340
Recess: motion for 190
Votes paired or absent, on
Adjournment: motions for..... 30, 55, 73, 74, 405, 406, 408, 409, 439, 440, 441
Executive session: motions for..... 55, 63, 246, 262, 397, 402, 403, 406, 408, 439
Officers of Senate: motions to lay on table resolution for election of 73, 397, 403, 407
Recess: motions for..... 405

PAGE

Monroe Doctrine. *See* INTER-OCEANIC CANALS.

Morgan, *John T.* (*a Senator from Alabama*)
Attended..... 1
Appointed on standing committees: Foreign Relations; Public Lands..... 33
Appointed on select committee to make provision for taking the Tenth Census 34
Motions made by
Executive session: for 54, 67
Remarks by, on
Alabama: suffrage in 374
Land Office: resolution to investigate condition of....470, 471
Officers of Senate: resolution for election of...194–200, 288–298
Question of order: transacting legislative business in special executive session 409–411
Right of petition, and rights of minorities 195–197
Resolutions offered by
Emperor of Russia: on death of. Passed..... 20
Inter-Oceanic Canals: that U. S. will insist that its consent is necessary to building and to the rules and regulations under which other nations shall use any canal across isthmus connecting N. and S. America. Referred to Committee on Foreign Relations.....409–411
Land Office: instructing Committee on Public Lands to investigate condition of General Land Office and necessity of additional room for it. Passed...461, 470, 471
McDonald, W. J.: to pay his legal representatives $300 for his "compilation of questions of order." Passed..456, 471
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 81, 84, 97, 98, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 430
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
—— resolutions of Mr. Anthony for appointment of.... 33
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 76, 77, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 469
Officers of Senate: motions to lay on table resolution for election of..... 43, 67, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
Recess: motions for 190, 405
Votes paired or absent, on
Adjournment: motions for..... 71, 72, 73, 74, 75, 98, 99, 414, 439, 440, 441, 454
Executive session: motions for 68, 71, 73, 75, 79, 154, 311, 439, 453, 454
Committees: resolution of Mr. Anthony for appointment of. 35
Officers of Senate: motion to lay on table resolution for election of..... 73
—— motion to indefinitely postpone resolution for election of 340

Morrill, *Justin S.* (*a Senator from Vermont*)
Attended..... 2
Appointed on standing committees: Finance (chairman); Education and Labor; Public Buildings and Grounds. 33
Appointed on select committee to make provision for taking the Tenth Census..... 34
Appointed on joint select committee on additional accommodations for Library of Congress..... 34
Remarks by, on
Clerks of committees: resolution to pay..... 32
Consular fees: resolution directing Secretary of State to report on..... 470
Executive Departments: resolution calling for information in relation to employés of.....458, 466, 467
Officers of Senate: resolution for election of..... 79, 377–379, 437
Question of order: transacting legislative business in special executive session.....35, 36, 40
Votes of, on
Adjournment: motions for.....26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 177, 193, 200, 201, 246, 273, 274, 342, 366, 405, 408, 409, 414, 430, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 32
—— resolutions of Mr. Anthony for appointment of ...33, 35
Executive session: motions for.....18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 408, 412, 413, 414, 430, 439, 453, 454, 469

PAGE

Morrill—*Continued.*
Votes of, on
Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 194, 336, 377, 397, 403, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motion for ... 405
Votes paired or absent, on
Adjournment: motions for ... 152, 188, 189, 190, 191, 308, 309, 311, 406, 413
Executive session: motions for ... 187, 188, 190, 191, 310, 311, 406, 414
Officers of Senate: motions to lay on table resolution for election of ... 311, 407
Recess: motions for ... 190, 405

Murphy, *D. F.*
Memorial for additional compensation for reporting debates of special session, presented by Mr. Anthony and referred to Committee on Printing ... 455
Resolution to pay him $2,500, reported by Committee and passed ... 456

National Banks
Refunding national debt: resolution declaring that their opposition to it is injurious and alarming, offered by Mr. Voorhees ... 35, 36
point of order against receiving resolution, made by Mr. Morrill, debated and withdrawn ... 35, 36, 40

National Debt. *See* DEBT OF U. S.

Naval Academy
Visitors to: Mr. Allison excused ... 465
—— Mr. Miller appointed ... 469

Navy
Rank in: resolution directing Secretary of Navy to report on alterations made in relative rank of graduates from naval academy since 1870, offered by Mr. Vance and passed ... 263

Nebraska
Senators from, attended: Alvin Saunders, Charles H. Van Wyck ... 2

Nevada
Senators from, attended: James G. Fair, John P. Jones ... 2

New Hampshire
Elections in: remarks of Mr. Brown on ... 303
—— remarks of Mr. Rollins on ... 176
Senators from, attended: Henry W. Blair, Edward H. Rollins ... 2

New Jersey
Senators from, attended: John R. McPherson, William J. Sewell ... 2

New York
Robertson, W. H.: resolutions of Legislature in favor of confirming him as collector of port of New York ... 68
Senators from, attended: Roscoe Conkling, Thomas C. Platt ... 2
—— resigned: Roscoe Conkling, Thomas C. Platt ... 459

North Carolina
Debt of: remarks of Mr. Kellogg on ... 229–234
—— remarks of Mr. Mahone on ... 94
—— remarks of Mr. Ransom on ... 231–234
—— remarks of Mr. Sherman on ... 233–234
—— remarks of Mr. Vance on ... 226–229, 230–233
Senators from, attended: Matt. W. Ransom, Zebulon B. Vance ... 2

Officers of Senate
Election of: resolution to proceed to, offered by Mr. Dawes ... 40
debated ... 41–454
—— precedent for electing them at special session ... 77
—— extracts from newspapers criticising proceedings of Senate on ... 388–392
Nominations for: resolutions that George C. Gorham be elected Secretary; Harrison H. Riddleberger, Sergeant-at-Arms; Charles W. Johnson, Chief Clerk; James R. Young, Principal Executive Clerk; and Rev. Byron Sunderland, Chaplain; offered by Mr. Dawes. 41

PAGE

Official Register. *See* BIENNIAL REGISTER.

Official Reporter. *See* MURPHY.

Ohio
Senators from, attended: George H. Pendleton, John Sherman ... 2

Oregon
Senators from, attended: La Fayette Grover, James H. Slater ... 2

Osage River
Resolution directing Secretary of War to transmit report of Captain Ernst on survey of, offered by Mr. Cockrell and passed ... 461

Otis and Ferguson
Leave to withdraw their papers: resolution offered by Mr. Frye and passed ... 461

Ottoman Empire
Capitulations of: report of consular clerk Van Dyck on, transmitted by President. (EX. DOC. 3.) ... 32, 225

Pacific Railroads
Letter from Auditor of Railroad Accounts concerning operation of "Pacific Railroad sinking fund law" and accounts of Union and Central Pacific railroads. *See also* CENTRAL PACIFIC RAILROAD ... 463

Papers. *See* WITHDRAWAL OF PAPERS.

Pendleton, *George H. (a Senator from Ohio)*
Attended ... 2
Appointed on special committee to notify President ... 4
Appointed on standing committees: Revision of the Laws of the United States; Indian Affairs; Foreign Relations ... 33
Appointed on select committee to make provision for taking the Tenth Census ... 34
Motions made by
Adjourn: to ... 5, 29, 32, 55, 73, 80, 191, 273, 405, 408, 409, 454
Executive session: for ... 5, 63, 74, 76, 121, 154, 155, 178, 188, 191, 193, 194, 212, 225, 236, 272, 328, 402, 406, 412, 414, 455
Officers of Senate: to lay on table resolution for election of ... 43, 311
—— to indefinitely postpone resolution for ... 77
—— to postpone to next December resolution for ... 342
Recess: for ... 4
Remarks by, on
Committees: resolution for appointment of ... 6, 7, 15, 27
Officers of Senate: resolution for election of ... 41, 42, 122, 275–278, 279
Report made by
From committee to wait on President ... 4
Resolutions offered by
Adjournment *sine die*: for ... 471
Committee: to appoint committee to notify President that quorum assembled ... 3
Committees: for the appointment of ... 5, 6
Thanks to Vice-President. Passed ... 471
Votes of, on
Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 33
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 235, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 453, 454
Officers of Senate: motions to lay on table resolution for election of ... 43, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of ... 340
Recess: motions for ... 190, 405
Votes paired or absent, on
Adjournment: motions for ... 177, 439, 440, 441
Executive session: motions for ... 439, 469

PAGE

Pennsylvania
Officers of Senate: resolutions of Legislature approving attitude of republican Senators on election of 257
Senators from, attended: James Donald Cameron, John I. Mitchell 2
Suffrage in: remarks of Mr. Call on 250

Petitions and memorials
Presentation of: opinion of Vice-President that petitions for legislation cannot be received at special session .. 4
Presented from:
Garfield Association: case of Michael Boyton 192–194, 211, 212
Indiana, Irish-American citizens of: case of Michael Boyton 328
Paterson Land League: case of Michael Boyton 328

Pitcher and Hayford
Leave to withdraw their papers: resolution offered by Mr. Frye and passed 461

Platt, *Thomas C. (a Senator from New York)*
Attended 2
Appointed on standing committees: Enrolled Bills (chairman); Post-Offices and Post-Roads; Transportation Routes to the Seaboard; Finance 33
Resigned 459
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 111, 114, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 366, 405, 406, 408, 409, 413, 414, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 106, 110, 121, 122, 129, 136, 149, 151, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 454
Officers of Senate: motions to lay on table resolution for election of 44, 67, 122, 188, 191, 194, 377, 397, 403, 407, 412, 413
Recess: motions for 190, 405
Votes paired or absent, on
Adjournment: motions for 73, 74, 75, 81, 84, 97, 98, 99, 177, 308, 309, 311, 342, 430
Executive session: motions for 73, 75, 76, 77, 79, 80, 83, 84, 97, 154, 156, 178, 310, 311, 328, 335, 342, 430
Officers of Senate: motions to lay on table resolution for election of 73, 77, 98, 311, 336
—— motion to indefinitely postpone resolution for election of 340

Platt, *Orville H. (a Senator from Connecticut)*
Attended 1
Appointed on standing committees: Patents (chairman); Pensions; Revision of the Laws of the United States; Audit and Control the Contingent Expenses of the Senate 33
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 121, 150, 152, 188, 189, 190, 191, 193, 273, 274, 308, 309, 311, 366, 408
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 212, 226, 236, 273, 287, 288, 310, 311, 328, 335, 364, 365, 366, 376, 397, 406, 408
Officers of Senate: motions to lay on table resolution for election of 44, 67, 73, 77, 122, 188, 191, 194, 311, 336, 377, 397, 407
Recess: motion for 190
Votes paired or absent, on
Adjournment: motions for 97, 98, 99, 111, 114, 177, 200, 201, 246, 342, 405, 406, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for 97, 106, 110, 200, 201, 202, 225, 246, 262, 263, 342, 402, 403, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 98, 403, 412, 413
—— motion to indefinitely postpone resolution for election of 340
Recess: motions for 405

PAGE

Plumb, *Preston B. (a Senator from Kansas)*
Attended 1
Appointed on standing committees: Public Lands (chairman); Agriculture; Appropriations 33
Remarks by, on
Executive Departments: resolution calling for information in relation to employés of 465, 466
Resolutions offered by
Committee on Public Lands: to pay expenses of their investigation of General Land Office out of contingent fund. Passed 471
Executive Departments: amendment to Mr. Kellogg's resolution calling for information in relation to employés of. *See* EXECUTIVE DEPARTMENTS 468
War Department: amendment to Mr. Ingalls's resolution calling for information relative to appointments in .. 76
Votes of, on
Adjournment: motions for 26, 28, 29, 30, 43, 55, 193, 200, 273, 274, 309, 439, 441
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 76, 77, 129, 136, 154, 156, 192, 193, 200, 212, 226, 236, 246, 262, 263, 273, 287, 288, 439, 453, 469
Officers of Senate: motions to lay on table resolution for election of 44, 77, 194
Votes paired or absent, on
Adjournment: motions for 27, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 201, 246, 308, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 440, 441, 454
Executive session: motions for 68, 71, 73, 75, 79, 80, 83, 84, 97, 106, 110, 121, 122, 149, 151, 178, 187, 188, 190, 191, 194, 201, 202, 225, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 454
Officers of Senate: motions to lay on table resolution for election of 67, 73, 98, 122, 188, 191, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

Postmaster-General
Employés: resolution directing him to report names of officers, clerks, and other employés in Post-Office Department, with detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS 469
Public Documents: resolution directing him to report list of books, documents, etc., published by Post-Office Department since 1789, offered by Mr. Cockrell and passed 41

Potomac River
Resolution instructing Committee on Commerce to investigate condition of river front of Washington, offered by Mr. Ransom and passed 29, 45

President of Senate. *See* VICE-PRESIDENT OF U. S.

President of United States.
Elections of: resolution to appoint select committee on mode of electing President and Vice-President, offered by Mr. Blaine and laid on table 4
—— resolution directing Committee on Privileges and Elections to consider measures needful to ascertain and declare result of, offered by Mr. Hoar and passed. 459
Inauguration ceremonies and inaugural address of President Garfield 2
Messages from:
Ottoman Empire: transmitting report of consular clerk Van Dyck on capitulations of. (Ex. Doc. 3) 32, 225
Boyton, Michael: transmitting report of Secretary of State on arrest by Great Britain of. (Ex. Doc. 5) ... 471
Proclamation of: convening extraordinary session of Senate 1
Requests to:
resolution requesting him to furnish copies of documents and correspondence during 1859 to 1861 relating to negotiations with Mexico for a treaty, offered by Mr. Vest and passed 29

Printing. *See* PUBLIC DOCUMENTS.

Privileges of Floor
Resolution extending them to General W. S. Hancock, offered by Mr. Hoar and passed 4

PAGE

Public Buildings

Washington: resolution that Committee on Public Buildings and Grounds report a general plan to provide public buildings necessary for present and future needs of general government in, offered by Mr. Davis of West Virginia 29

Public Documents

Catalogue of: resolutions directing head of each Executive Department and Secretary of Senate to report list of books, documents, etc., published by Departments and Congress since 1789, offered by Mr. Cockrell and passed 41

Trichinæ in Swine: resolution to print 4,300 copies of report of Secretary of the Treasury on, offered by Mr. Cockrell and referred to Committee on Printing 455

reported back and passed 455

Pugh, *James L.* (*a Senator from Alabama*)

Attended 1

Appointed on standing committees: Enrolled Bills; Claims; Privileges and Elections 33

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 308, 309, 311, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33

—— resolutions of Mr. Anthony for appointment of 33, 35

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469

Officers of Senate: motions to lay on table resolution for election of 43, 67, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

—— motion to indefinitely postpone resolution for election of 340

Recess: motion for 405

Votes paired or absent, on

Adjournment: motions for 74, 98, 99, 201, 246, 273, 274, 342

Executive session: motion for 75

Officers of Senate: motion to lay on table resolution for election of 73

Recess: motion for 190

Questions of Order

Business: remarks on transacting legislative business in special session 35–40, 409–411, 462

Committees: point of order made by Mr. Conkling, and sustained by Vice-President, that to appoint committees otherwise than by ballot a special order must first be made or 46th rule suspended 7

decision appealed from, by Mr. Pendleton 7

appeal debated 7–14

point of order and appeal withdrawn 14

Morning hour: decision of Vice-President that rule relating to, does not apply during special session 211

Petitions: opinion of Vice-President that petitions for legislation cannot be received at special session 4

Vice-President: incidental remarks on his right to vote to decide questions relating to organization of Senate 33, 436

Ransom, *Matt. W.* (*a Senator from North Carolina*)

Attended 2

Appointed on standing committees: Commerce; Appropriations 33

Remarks by, on

Debt of North Carolina 231–234

Resolution offered by

Washington, D. C.: instructing Committee on Commerce to investigate condition of river front of. Passed .. 29, 455

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 81, 84, 111, 114, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33

—— resolutions of Mr. Anthony for appointment of ... 33, 35

PAGE

Ransom—*Continued.*

Votes of, on

Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 77, 79, 80, 83, 84, 106, 110, 129, 136, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469

Officers of Senate: motions to lay on table resolution for election of 43, 67, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

—— motion to indefinitely postpone resolution for election of 340

Recess: motions for 190, 405

Votes paired or absent, on

Adjournment: motions for 73, 74, 75, 97, 98, 99, 121, 150, 152

Executive session: motions for 75, 76, 97, 121, 122, 149, 151, 154, 246, 262, 263, 376, 414

Officers of Senate: motions to lay on table resolution for election of 73, 77, 98, 122

Readjusters. *See* MAHONE; RIDDLEBERGER; VIRGINIA.

Red Cross. *See* GENEVA CONVENTION.

Refunding. *See* DEBT OF U. S.

Resignations of Senators.

Blaine, James G.: Senator from Maine 5

Conkling, Roscoe: Senator from New York 459

Kirkwood, Samuel J.: Senator from Iowa 5

Platt, Thomas C.: Senator from New York 459

Windom, William: Senator from Minnesota 6

Rhode Island

Elections in: remarks of Mr. Beck on 173–176

—— remarks of Mr. Brown on 303

—— remarks of Mr. Burnside on 175

—— remarks of Mr. Call on 250, 251

—— remarks of Mr. Rollins on 175

Senators from, attended: Henry B. Anthony, Ambrose E. Burnside 2

Riddleberger, *Harrison H.*

Debt of Virginia: copy of bill offered by him in Legislature of Virginia for its readjustment 61

Nomination of: resolution that he be elected Sergeant-at-Arms of Senate, offered by Mr. Dawes. *See* OFFICERS OF SENATE 41

Political position and record of: (*See also* MAHONE).

—— remarks of Mr. Beck on 43, 83

—— remarks of Mr. Call on 81

—— remarks of Mr. Groome on 105

—— remarks of Mr. Johnston on 55–63, 178–185

—— remarks of Mr. Mahone on 85

Robertson, *William H.*

Resolutions of Legislature of New York in favor of his confirmation as collector of port of New York 68

Rollins, *Edward H.* (*a Senator from New Hampshire*)

Attended 2

Appointed on standing committees: Public Buildings and Grounds (chairman); District of Columbia; Civil Service and Retrenchment; Enrolled Bills; Naval Affairs 33

Appointed on select committee to examine the several branches of the Civil Service 34

Appointed a director in Columbia Hospital 469

Remarks by, on

Elections: use of money in Rhode Island and New Hampshire for 175, 176

North Carolina: debt of 234–236

Resolution offered by

Wetmore, Henry S.: leave to withdraw his papers. Passed 5

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32

—— resolutions of Mr. Anthony for appointment of 33, 35

PAGE

Rollins—*Continued.*

Votes of, on

Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 226, 236, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 454, 469

Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413

Recess: motions for ... 190, 405

Votes paired or absent, on

Adjournment: motions for ... 273, 274, 308, 309, 311, 342, 366, 409

Executive session: motions for ... 149, 225, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 430

Officers of Senate: motions to lay on table resolution for election of ... 311, 336, 377

—— motion to indefinitely postpone resolution for election of ... 340

Rules

Amendment to: motion to amend Rule 47 to increase Committee on Finance to eleven members, offered by Mr. Anthony and adopted ... 33

Suspension of: resolution to suspend so much of Rule 72 as prohibits action on nominations on the day received or reported, offered by Mr. Hawley ... 471

Russia. *See* ALEXANDER II.

Salaries

Resolution authorizing payment of salaries for current month on adjournment of special session, offered by Mr. Jonas and passed ... 471

Saulsbury, *Eli* (*a Senator from Delaware*)

Attended ... 1

Appointed on standing committees: Engrossed Bills (chairman); Privileges and Elections; Post-Offices and Post-Roads ... 33

Motions made by

Adjourn: to ... 71, 73, 75, 311

Executive session: for ... 186

Remarks by, on

Committees: resolution for appointment of ... 30, 31, 34, 64

Executive Departments: resolution calling for information in relation to employés in ... 469

New England: moral and political condition of ... 236

Officers of Senate: resolution for election of ... 71, 79, 185, 186, 314, 435–439

Organization of Senate: right of Vice-President to vote in ... 33

Personal explanation ... 376

Votes of, on

Adjournment: motions for ... 26, 27, 28, 29, 30, 43, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 177, 188, 189, 190, 191, 193, 200, 246, 309, 311, 342, 366, 430, 439, 440, 441, 454

Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 178, 187, 188, 190, 191, 192, 193, 194, 201, 202, 212, 225, 226, 236, 310, 311, 328, 342, 365, 366, 414, 430, 439, 453, 469

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 33

—— resolutions of Mr. Anthony for appointment of ... 33, 35

Officers of Senate: motions to lay on table resolution for election of ... 43, 67, 73, 77, 98, 191, 194, 311

—— motion to indefinitely postpone resolution for election of ... 340

Recess: motion for ... 190

Votes paired or absent, on

Adjournment: motions for ... 55, 99, 111, 114, 121, 150, 152, 201, 273, 274, 308, 405, 406, 408, 409, 413, 414

Executive session: motions for ... 55, 106, 110, 121, 122, 129, 136, 149, 151, 156, 246, 262, 263, 273, 287, 288, 335, 376, 397, 402, 403, 406, 408, 412, 413, 414, 454

Officers of Senate: motions to lay on table resolution for election of ... 122, 188, 336, 377, 397, 403, 407, 412, 413

Recess: motions for ... 405

Saunders, *Alvin* (*a Senator from Nebraska*)

Attended ... 2

Appointed on standing committees: Territories (chairman); Indian Affairs; Railroads ... 33

PAGE

Saunders—*Continued.*

Remarks by, on

Central Pacific Railroad: resolution directing Committee on Judiciary to investigate affairs of ... 462–464

Officers of Senate: resolution for election of ... 271

Personal explanation in regard to pair ... 281–283

Resolutions offered by

Central Pacific Railroad: to direct Committee on Judiciary to investigate its affairs and report measures necessary to protect interests of U. S. in. Laid on table ... 461, 462–464

Smith, Thornton: leave to withdraw his papers. Passed. 376

Votes of, on

Adjournment: motions for ... 26, 28, 29, 30, 188, 189, 190, 191, 308

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32

—— resolutions of Mr. Anthony for appointment of ... 33, 35

Executive session: motions for ... 18, 26, 29, 30, 178, 188, 190, 191, 469

Officers of Senate; motion to lay on table resolution for election of ... 191

Recess: motion for ... 190

Votes paired or absent, on

Adjournment: motions for ... 27, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 193, 200, 201, 246, 273, 274, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

Executive session: motions for ... 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 187, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454

Officers of Senate: motion to lay on table resolution for election of ... 44, 67, 73, 77, 98, 122, 188, 194, 311, 336, 377, 397, 403, 407, 412, 413

—— motion to indefinitely postpone resolution for election of ... 340

Recess: motion for ... 405

Sawyer, *Philetus* (*a Senator from Wisconsin*)

Attended ... 2

Appointed on standing committees: Post-Offices and Post-Roads; Territories; Railroads ... 33

Appointed on select committee to examine the several branches of the Civil Service (chairman) ... 34

Votes of, on

Adjournment: motions for ... 26, 27, 28, 30, 43, 55, 71, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201, 246, 308, 309, 405, 406, 409, 413, 414, 430, 439, 440, 441

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of ... 32

—— resolutions of Mr. Anthony for appointment of ... 33, 35

Executive session: motions for ... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 236, 246, 262, 263, 402, 403, 406, 412, 413, 414, 430, 439, 453, 469

Officers of Senate: motions to lay on table resolution for election of ... 44, 67, 77, 98, 122, 188, 191, 194, 403, 412, 413

Recess: motions for ... 190, 405

Votes paired or absent, on

Adjournment: motions for ... 30, 72, 73, 177, 273, 274, 311, 342, 366, 408, 440, 441, 454

Executive session: motions for ... 73, 226, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 408, 454

Officers of Senate: motions to lay on table resolution for election of ... 73, 311, 336, 377, 397, 407

—— motion to indefinitely postpone resolution for election of ... 340

Secretary of Interior

Employés: resolution directing him to report names of officers, clerks, and other employés of Interior Department, with detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS ... 469

Public Documents: resolution directing him to report list of books, documents, etc., published by Interior Department since its organization, offered by Mr. Cockrell and passed ... 41

Secretary of Navy

Employés: resolution directing him to report names of officers, clerks, and other employés in Navy Department, with detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS ... 469

PAGE

Secretary of Navy—*Continued.*

Public Documents: resolution directing him to report list of books, documents, etc., published by Navy Department, since 1789, offered by Mr. Cockrell and passed 41

Rank in Navy: resolution directing him to report on alterations made in relative rank of graduates from Naval Academy since 1870, offered by Mr. Vance and passed 263

Secretary of Senate. *See also* OFFICERS OF SENATE.

Public Documents: resolution directing him to report list of books, documents, etc., published by order of Congress since 1789, offered by Mr. Cockrell and passed 41

Secretary of State

Communications from

Boyton, Michael: report on his arrest and imprisonment by Great Britain. (EX. DOC. 5)..... 263, 471

Ottoman Empire: transmitting report of consular clerk Van Dyck on capitulations of. (EX. DOC. 3)..... 32, 225

Orders to

Consular fees: resolution directing him to report on, offered by Mr. Beck and passed..... 469, 470

Employés: resolution directing him to report names of officers, clerks, and other employés of State Department, with detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS..... 469

Geneva Convention: resolution directing him to furnish translated copy of Geneva Convention of 1864 regulating treatment of wounded in war, offered by Mr. Conger and passed..... 461

Public Documents: resolution directing him to report list of books, documents, etc., published by State Department since 1789, offered by Mr. Cockrell and passed. 41

Secretary of Treasury

Employés: resolution directing him to report names of officers, clerks, and other employés of Treasury Department, with detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS..... 469

Public Documents: resolution directing him to report list of books, documents, etc., published by Treasury Department since 1789, offered by Mr. Cockrell and passed 41

Secretary of War

Communications from

Tests of Iron: transmitting report on. (EX. DOC. 4)..154, 309

Orders to

Employés: resolution directing him to report names of officers, clerks, and other employés in War Department, with detailed information in relation to them, passed. *See* EXECUTIVE DEPARTMENTS 469

Osage River: resolution directing him to transmit report of Captain Ernst on survey of, offered by Mr. Cockrell and passed 461

Public Documents: resolution directing him to report list of books, documents, etc., published by War Department since 1789, offered by Mr. Cockrell and passed. 41

Senate. *See also* OFFICERS OF SENATE.

Employés of: resolution to give them one month's additional pay, offered by Mr. Dawes and referred to Committee on Contingent Expenses..... 461

reported back with an amendment 465

laid on table 471

Hour of meeting: order passed fixing at 12 m..... 4

Organization of: incidental remarks on right of Vice-President to vote to decide questions relating to....33, 436

Salaries: resolution authorizing payment for current month on adjournment of special session, offered by Mr. Jonas and passed 471

Special sessions of: opinion of Vice-President that petitions for legislation cannot be received at..... 4

——— remarks on transacting legislative business in 35–40, 409–411, 462

——— precedent for electing officers of Senate at..... 77

——— decision of Vice-President that rule relating to morning hour does not apply to 211

Senators. *See* DEATHS; RESIGNATIONS.

PAGE

Sewell, *William J.* (*a Senator from New Jersey*)

Attended..... 2

Appointed on standing committees: Manufactures; Military Affairs; Railroads 33

Appointed on select committee on Epidemic Diseases.... 34

Votes of, on

Adjournment: motions for 26, 27, 28, 29, 30, 97, 98, 99, 111, 114, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201, 273, 274, 311, 342, 439, 440, 441

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 32

——— resolutions of Mr. Anthony for appointment of.....33, 35

Executive session: motions for. 18, 26, 29, 30, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 288, 310, 311, 328, 335, 342, 439, 453, 469

Officers of Senate: motions to lay on table resolution for election of 98, 122, 188, 191, 194, 311, 336

——— motion to indefinitely postpone resolution for election of 340

Recess: motion for 190

Votes paired or absent, on

Adjournment: motions for 43, 55, 71, 72, 73, 74, 75, 81, 84, 177, 246, 308, 309, 366, 405, 406, 408, 409, 413, 414, 430, 454

Executive session: motions for..... 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 226, 236, 246, 262, 263, 273, 287, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 454

Officers of Senate: motions to lay on table resolution for election of 44, 67, 73, 77, 377, 397, 403, 407, 412, 413

Recess: motions for..... 405

Sharretts, *G. E. W.*

Leave to withdraw his papers: resolution offered by Mr. Hoar and passed..... 5

Sherman, *John* (*a Senator from Ohio*)

Attended..... 2

Appointed on standing committees: Library (chairman); Finance; Rules; Privileges and Elections..... 33

Motions made by

Executive session: for..... 469

Extra pay: to refer to Committee on Contingent Expenses resolution to allow Senate employés..... 461

Inter-Oceanic canals: to postpone Mr. Morgan's resolution declaratory of control of U. S. over..... 462

Remarks by, on

Committees: resolution for appointment of..... 9, 11

Debt of United States..... 446

Executive Departments: resolution calling for information in relation to employés of 456, 465, 467, 468

Inter-Oceanic canals: resolution declaratory of control of U. S. over 462

Mahone, Senator William: political position of 237, 238

North Carolina: debt of.....233, 234

Officers of Senate: resolution for election of..... 203, 204, 207, 208, 218–223, 379 381, 382–384

Question of order: transacting legislative business in special executive session 36, 40

Virginia: debt of.....220, 221, 443, 446, 450, 451

Resolutions offered by

Committee on Library Accommodations: authorizing employment of clerk by. Passed 35

Votes of, on

Adjournment: motions for..... 26, 27, 28, 29, 43, 71, 72, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 188, 189, 190, 191, 193, 200, 201, 246, 311, 366, 413, 414, 454

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 32

——— resolutions of Mr. Anthony for appointment of...33, 35

Executive session: motions for..... ..18, 26, 29, 30, 42, 43, 44, 63, 67, 68, 71, 76, 77, 79, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 310, 311, 328, 335, 364, 365, 366, 376, 397, 412, 413, 414, 453, 454, 469

Officers of Senate: motions to lay on table resolution for election of 44, 67, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 412, 413

——— motion to indefinitely postpone resolution for election of 340

Recess: motion for 190

Votes paired or absent, on

Adjournment: motions for.....30, 55, 73, 74, 75, 177, 273, 274, 308, 309, 342, 405, 406, 408, 409, 430, 439, 440, 441

Executive session: motions for 55, 73, 75, 80, 246, 262, 263, 273, 287, 288, 342, 402, 403, 406, 408, 430, 439

Officers of Senate: motions to lay on table resolution for election of 73, 403, 407

Recess: motion for 405

PAGE

Ship Canals. *See* INTER-OCEANIC CANALS

Slater, *James H.* (*a Senator from Oregon*)
Attended 2
Appointed on standing committees: Agriculture; Pensions; Indian Affairs 33
Motions made by
Adjourn: to 188
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 81, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 366, 408
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
——— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 364, 365, 366, 376, 397, 406, 408
Officers of Senate: motions to lay on table resolution for election of 43, 67, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 407
Recess: motion for 190
Votes paired or absent, on
Adjournment: motions for 75, 84, 98, 99, 342, 405, 406, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for 75, 342, 402, 403, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 73, 403, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for 405

Smith, *Thornton*
Leave to withdraw his papers: resolution offered by Mr. Saunders and passed 376

Smithsonian Institution
Regents of: Mr. Hill of Colorado and Mr. Maxey appointed 469

Soldiers' Home, Washington, D. C.
Resolution directing Committee on Military Affairs to investigate affairs of, offered by Mr. Logan and passed. 471

South Carolina
Debt of: remarks of Mr. Hampton and Mr. Hoar on 100
Elections and political affairs in: remarks of Mr. Butler on 348, 349, 417
——— remarks of Mr. Frye on 348, 349
——— remarks of Mr. Hale on 428
——— remarks of Mr. Hampton on 348, 355, 372, 373
Financial frauds in: extracts from ex-Governor Chamberlain on 429
Senators from, attended: M. C. Butler, Wade Hampton .. 2

State Debts. *See* DEBTS OF STATES.

Stockings
Circular from Treasury Department with decision of Supreme Court defining tariff laws in relation to 328
Letter from J. W. Busiel & Co. in relation to tariff on ... 329

Suffrage
In Connecticut: remarks of Mr. Brown on 303
——— remarks of Mr. Call on 250
——— remarks of Mr. Hawley on 307
In Maine: remarks of Mr. Butler on 418–421
——— remarks of Mr. Hale on 427, 428
In Massachusetts: remarks of Mr. Beck on 174
——— remarks of Mr. Brown on 299, 306, 307, 353, 358
——— remarks of Mr. Call on 242–245, 247–250, 336–339, 370
——— remarks of Mr. Dawes on 242–245, 249, 250, 253, 370, 371
——— remarks of Mr. Hoar on 174, 243–245, 248, 257, 306, 307, 357, 358
In New Hampshire: remarks of Mr. Brown on 303
In Pennsylvania: remarks of Mr. Call on 250
In Rhode Island: remarks of Mr. Beck on 173–176
——— remarks of Mr. Brown on 303
——— remarks of Mr. Burnside on 175
——— remarks of Mr. Call on 250, 251
In Vermont: remarks of Mr. Call on 250
Statistics comparing proportion of voters to male inhabitants over twenty-one years of age in different States. 339

PAGE

Sunderland, *Rev. Byron*
Resolution that he be elected Chaplain of Senate, offered by Mr. Dawes. *See* OFFICERS OF SENATE 41

Teller, *Henry M.* (*a Senator from Colorado*)
Attended 1
Appointed on special committee to notify President 4
Appointed on standing committees: Pensions (chairman); Railroads; Privileges and Elections; Claims 33
Appointed on select committee on Epidemic Diseases ... 34
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 81, 84, 97, 98, 99, 111, 114, 121
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
——— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 76, 77, 80, 83, 97, 121, 122, 136, 178, 246
Officers of Senate: motions to lay on table resolution for election of 44, 77
Votes paired or absent, on
Adjournment: motions for 71, 72, 73, 74, 75, 98, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for 67, 68, 71, 73, 75, 79, 84, 106, 110, 129, 149, 151, 154, 156, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 67, 73, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

Tennessee
Debt of: statement from Census Bureau giving history of, and remarks of Mr. Harris on 309
Senators from, attended: Isham G. Harris, Howell E. Jackson 2

Texas
Elections and political affairs in: remarks of Mr. Coke on 349, 359–361
——— remarks of Mr. Frye on 349, 350
——— remarks of Mr. Logan on 170, 171
——— remarks of Mr. Maxey on 170, 171
Schools, railroads, commerce, products, and prosperity of: remarks of Mr. Coke on 361–363
Senators from, attended: Richard Coke, Samuel B. Maxey. 2

Trichinæ in Swine
Resolution to print 4,300 copies of report of Secretary of Treasury on, offered by Mr. Cockrell and referred to Committee on Printing 455
reported back and passed 455

Turkey. *See* OTTOMAN EMPIRE.

Union Pacific Railroad
Letter from Auditor of Railroad Accounts concerning its debt on account of subsidy bonds. *See* CENTRAL PACIFIC RAILROAD 463

Van Wyck, *Charles H.* (*a Senator from Nebraska*)
Attended 2
Appointed on standing committees: Mines and Mining; Improvement of the Mississippi River and Tributaries; Agriculture; Public Lands 33
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 81, 99, 193
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 32
——— resolutions of Mr. Anthony for appointment of 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 63, 67, 76, 77, 79, 80, 178, 192, 193, 194, 212, 226, 246, 469
Officers of Senate: motions to lay on table resolution for election of 43, 67, 77, 194
Votes paired or absent, on
Adjournment: motions for 55, 71, 72, 73, 74, 75, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454

PAGE

Van Wyck—*Continued.*
Votes paired or absent, on
Executive session: motions for 30, 55, 68, 71, 73, 75, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 200, 201, 202, 225, 236, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454
Officers of Senate: motions to lay on table resolution for election of 73, 98, 122, 188, 191, 311, 336, 377, 397, 403, 407, 412, 413
Officers of Senate: motion to indefinitely postpone resolution for election of 340
Recess: motions for 190, 405

Vance, *Zebulon B.* (*a Senator from North Carolina*)
Attended 2
Appointed on standing committees: Audit and Control the Contingent Expenses of the Senate; Privileges and Elections; Naval Affairs; District of Columbia .. 33
Motions made by
Extra pay: to consider resolution allowing Senate employés 471
Remarks by, on
Debt of North Carolina 224, 226–229, 230–235
Resolutions offered by
Boyton, Michael: requesting information from President concerning imprisonment by Great Britain of. Passed. 263
Rank in Navy: directing Secretary of Navy to report alterations made in relative rank of naval graduates since 1870. Passed 263
Votes of, on
Adjournment: motions for 26, 27, 28, 188, 189, 190, 191, 193, 200, 201, 273, 274, 308, 309, 405, 406, 408, 409, 413, 414, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 288, 397, 402, 403, 406, 408, 412, 413, 414, 439, 453, 454
Officers of Senate: motions to lay on table resolution for election of 188, 191, 194, 397, 403, 407, 412, 413
Recess: motion for 405
Votes paired or absent, on
Adjournment: motions for 30, 43, 55, 71, 72, 73, 74, 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 246, 311, 342, 366, 430
Executive session: motions for 30, 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 287, 310, 311, 328, 335, 342, 364, 365, 366, 376, 414, 430, 469
Officers of Senate: motions to lay on table resolution for election of 44, 67, 73, 77, 98, 122, 311, 336, 377
—— motion to indefinitely postpone resolution for election of 340

Vermont
Senators from, attended: Justin S. Morrill 2
George F. Edmunds 6
Suffrage in: remarks of Mr. Call on 250

Vest, *George G.* (*a Senator from Missouri*)
Attended 2
Appointed on standing committees: Public Buildings and Grounds; Territories; Commerce 33
Motion made by
Adjourn: to 74
Remarks by, on
Debts of States and repudiation 258–261
Officers of Senate: resolution for election of 70, 71, 257–261
Resolution offered by
Mexico: requesting President to communicate documents and correspondence during 1859 to 1861 relating to negotiations for a treaty with. Passed 29
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 71, 72, 73, 74, 193, 200, 273, 274, 439, 441
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
—— resolutions of Mr. Anthony for appointment of ... 33, 35
Executive session: motions for 18, 26, 29, 30, 42, 43, 44, 54, 63, 71, 73, 75, 76, 77, 154, 156, 190, 192, 193, 194, 200, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 439, 453, 469
Officers of Senate: motions to lay on table resolution for election of 43, 77, 194
Recess: motion for 190

PAGE

Vest—*Continued.*
Votes paired or absent, on
Adjournment: motions for 75, 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 440, 454
Executive session: motions for 67, 68, 75, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 178, 187, 188, 191, 201, 202, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 454
Officers of Senate: motions to lay on table resolution for election of 67, 73, 98, 122, 188, 191, 311, 336, 377, 397, 403, 407, 412, 413
—— motion to indefinitely postpone resolution for election of 340
Recess: motion for 405

Vice-President of United States. *See also* PRESIDENT OF UNITED STATES.
Attended 1
Thanks to: resolution of thanks for manner of discharging duties of President of Senate during special session, offered by Mr. Pendleton and passed 471
Voting by: incidental remarks on his right to vote to decide questions relating to organization of Senate .. 33, 436

Virginia
Debt of: remarks of Mr. Bayard on 216, 217
—— remarks of Mr. Camden on 254, 451, 452
—— remarks of Mr. Dawes on 180–182, 447, 448, 451
—— remarks of Mr. Davis, of West Virginia, on . 221, 442–450
—— remarks of Mr. Hawley on 209, 210, 221
—— remarks of Mr. Hoar on 448, 450
—— remarks of Mr. Johnston on 55–63, 178–185
—— remarks of Mr. Kellogg on 221, 443, 448–452
—— remarks of Mr. Mahone on 85–97
—— remarks of Mr. Sherman on ... 220, 221, 443, 446, 450, 451
—— remarks of Mr. Vest on 258, 259
—— statements of debt and of investments of State on January 1, 1861 444
Elections in: remarks of Mr. Johnston on 182
—— remarks of Mr. Morgan on 295
Ostracism in: letter in relation to, and remarks of Mr. Cameron, of Pa., on 341
Senators from, attended:
John W. Johnston 2
William Mahone 5
Western judicial district: resolution directing Attorney-General to furnish copies of reports relating to operations and conduct of marshals and officers of U. S. courts in, offered by Mr. Johnston and passed 6
report of C. C. Lancaster, special agent, transmitted by Attorney-General, and ordered printed. (Ex. Doc. 1). 35
resolution directing Attorney-General to furnish copies of papers from district attorney in relation to Lancaster's report, offered by Mr. Johnston and passed ... 309
report transmitted by Attorney-General and ordered printed. (Ex. Doc. 1, part 2) 397, 409
resolution directing Attorney-General to furnish copy of answer of marshal to Lancaster's report, offered by Mr. Mahone and passed 430
report transmitted by Attorney-General and ordered printed. (Ex. Doc. 1, parts 3, 4) 454, 459

Voorhees, *Daniel W.* (*a Senator from Indiana*)
Attended 1
Appointed on standing committees: Library; Transportation Routes to the Seaboard; Finance 33
Appointed on joint select committee on additional accommodations for Library of Congress (chairman) 34
Motions made by
Adjourn: to 28
Remarks by, on
Committees: resolution for appointment of 27, 28
Louisiana: denying political outrages in 169
Mahone, Senator William: political position of 174–177
Question of order: transacting legislative business in special executive session 35–40
Resolutions offered by
Marshals: directing Attorney-General to report names of U. S. marshals appointed for election in October, 1880, in Indiana. Passed 20, 28
National Banks: that their opposition to refunding the national debt is injurious and alarming 35, 36
Votes of, on
Adjournment: motions for 26, 27, 28, 29, 30, 43, 55, 84, 99, 111, 114, 121, 150, 152, 311, 342, 366, 405, 408, 409, 413, 414, 439, 440, 441, 454

PAGE

Voorhees—*Continued.*

Votes of, on

Committees: motion to indefinitely postpone Mr. Pendleton's resolution for the appointment of 33
——— resolutions of Mr. Anthony for the appointment of. 33, 35
Executive session: motions for..... 18, 26, 29, 30, 42, 43, 44, 54, 76, 77, 79, 80, 83, 84, 106, 110, 121, 122, 129, 149, 151, 156, 311, 342, 364, 365, 366, 376, 402, 408, 412, 413, 414, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 43, 77, 122, 311, 377, 403, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motion for 405

Votes paired or absent, on

Adjournment: motions for ... 71, 72, 73, 74, 75, 81, 97, 98, 99, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 406, 430
Executive session: motions for 30, 63, 67, 68, 71, 73, 75, 97, 136, 154, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 328, 335, 397, 403, 406, 414, 430
Officers of Senate: motions to lay on table resolution for election of 67, 73, 98, 188, 191, 194, 336, 397, 407
Recess: motions for 190, 405

Walker, *James D.* (*a Senator from Arkansas*)

Attended 1
Appointed on standing committees: Civil Service and Retrenchment; Public Lands; Indian Affairs 33

Votes of, on

Adjournment: motions for 26, 27, 28, 43, 55, 81, 84, 97, 98, 193, 273, 274, 413, 414, 439, 440, 441, 454
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of 33
——— resolutions of Mr. Anthony for appointment of... 33, 35
Executive session: motions for... 18, 26, 29, 30, 42, 43, 44, 54, 63, 67, 76, 77, 79, 80, 83, 84, 97, 106, 192, 193, 194, 212, 226, 246, 262, 263, 273, 328, 376, 397, 402, 403, 412, 413, 414, 439, 453, 454, 469
Officers of Senate: motions to lay on table resolution for election of 43, 77, 98, 194, 377, 397, 403, 412, 413

Votes paired or absent, on

Adjournment: motions for 30, 71, 72, 73, 74, 75, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 200, 201, 246, 308, 309, 311, 342, 366, 405, 406, 408, 409, 430
Executive session: motions for. 30, 68, 71, 73, 75, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 200, 201, 202, 225, 236, 287, 288, 310, 311, 335, 342, 364, 365, 366, 406, 408, 414, 430
Officers of the Senate: motions to lay on table resolution for election of..... 67, 73, 122, 188, 191, 311, 336, 407
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for..... 190, 405

War Department

Appointments in: resolution directing Secretary of War to report those made from December 1, 1879, to March 15, 1881, offered by Mr. Ingalls..... 55
amendment to resolution, offered by Mr. Plumb..... 76

Washington, *D. C.*

Public buildings in: resolution that Committee on Public Buildings and Grounds report a general plan to provide those necessary for present and future needs of general government, offered by Mr. Davis of West Virginia 29
River front: resolution instructing Committee on Commerce to investigate condition of Potomac River front, offered by Mr. Ransom and passed..... 29, 455

West Virginia

Debt of: (*See also* VIRGINIA.)
——— remarks of Mr. Camden on..... 254–256
——— remarks of Mr. Davis of West Virginia on..... 221, 257, 442–450
Senators from, attended: Johnson N. Camden, Henry G. Davis 2

PAGE

Wetmore, *Henry S.*

Leave to withdraw his papers: resolution offered by Mr. Rollins and passed..... 5

Williams, *John S.* (*a Senator from Kentucky*)

Attended..... 1
Appointed on standing committees: Manufactures; Patents; Civil Service and Retrenchment; Railroads... 33

Votes of, on

Adjournment: motions for 26, 27, 29, 30
Committees: motion to indefinitely postpone Mr. Pendleton's resolution for appointment of..... 33
——— resolutions of Mr. Anthony for appointment of.... 33, 35
Executive session: motions for..... 18, 26, 29, 30

Votes paired or absent, on

Adjournment: motions for..... 28, 43, 55, 71, 72, 73, 74, 75 81, 84, 97, 98, 99, 111, 114, 121, 150, 152, 177, 188, 189, 190, 191, 193, 200, 201, 246, 273, 274, 308, 309, 311, 342, 366, 405, 406, 408, 409, 413, 414, 430, 439, 440, 441, 454
Executive session: motions for 42, 43, 44, 55, 63, 67, 68, 71, 73, 75, 76, 77, 79, 80, 83, 84, 97, 106, 110, 121, 122, 129, 136, 149, 151, 154, 156, 178, 187, 188, 190, 191, 192, 193, 194, 200, 201, 202, 212, 225, 226, 236, 246, 262, 263, 273, 287, 288, 310, 311, 328, 335, 342, 364, 365, 366, 376, 397, 402, 403, 406, 408, 412, 413, 414, 430, 439, 453, 454, 469
Officers of Senate: motion to lay on table resolutions for election of..... 44, 67, 73, 77, 98, 122, 188, 191, 194, 311, 336, 377, 397, 403, 407, 412, 413
——— motion to indefinitely postpone resolution for election of 340
Recess: motions for..... 190, 405

Windom, *William* (*a Senator from Minnesota*)

Attended..... 2
Resigned 6

Wisconsin

Carpenter, Matthew H.: resolutions of Legislature on death of..... 35
Senators from, attended:
Philetus Sawyer 2
Angus Cameron..... 14

Withdrawal of Papers

Baratier, Jules 454
Boston, George H 454
Boyd, Augustus 35
Burnett, Ward B 461
Clendennin, George..... 29
Clift, William B..... 225
Conger, Omar D..... 4
Dodge, William C..... 192, 461
Evens, David 452
Glover, Townsend 461
Graffam, George W..... 35
Hamilton, Schuyler..... 35
Hertford, Joseph 36
Hunter, John..... 5
Link, John 452
Loveless, Thomas 452
McDougall, Charles..... 376
Otis and Ferguson..... 461
Pitcher and Hayford 461
Sharretts, G. E. W..... 5
Smith, Thornton 376
Wetmore, Henry S..... 5

Young, *James R.*

Resolution that he be elected Principal Executive Clerk of Senate, offered by Mr. Dawes. *See* OFFICERS OF SENATE 41

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SPECIAL SESSION OF THE SENATE

OF THE

FORTY-SEVENTH CONGRESS.

NAMES AND POST-OFFICE ADDRESSES

OF

SENATORS AND OFFICERS OF THE SENATE

IN THE

SPECIAL SESSION OF THE FORTY-SEVENTH CONGRESS.

DAVID DAVIS, President *pro tempore* of the Senate, Bloomington, Illinois.

Name.	Post-office address.	Name.	Post-office address.
Aldrich, Nelson W	Providence, Rhode Island.	Johnston, John W	Abingdon, Virginia.
Allison, William B	Dubuque, Iowa.	Jonas, Benjamin Franklin	New Orleans, Louisiana.
Anthony, Henry B	Providence, Rhode Island.	Jones, Charles W	Pensacola, Florida.
Bayard, Thomas F	Wilmington, Delaware.	Jones, John P	Gold Hill, Nevada.
Beck, James B	Lexington, Kentucky.	Kellogg, William Pitt	New Orleans, Louisiana.
Blair, Henry W	Plymouth, New Hampshire.	Lamar, Lucius Q. C	Oxford, Mississippi.
Brown, Joseph E	Atlanta, Georgia.	Lapham, Elbridge G	Canandaigua, New York.
Butler, Manning C	Edgefield, South Carolina.	Logan, John A	Chicago, Illinois.
Call, Wilkinson	Jacksonville, Florida.	Mahone, William	Petersburgh, Virginia.
Camden, Johnson N	Parkersburgh, West Virginia.	Maxey, Samuel B	Paris, Texas.
Cameron, Angus	La Crosse, Wisconsin.	McDill, James W	Afton, Iowa.
Cameron, James D	Harrisburgh, Pennsylvania.	McMillan, Samuel J. R	Saint Paul, Minnesota.
Cockrell, Francis M	Warrensburgh, Missouri.	McPherson, John R	Jersey City, New Jersey.
Coke, Richard	Waco, Texas.	Miller, John F	San Francisco, California.
Conger, Omar D	Port Huron, Michigan.	Miller, Warren	Herkimer, New York.
Davis, Henry G	Piedmont, West Virginia.	Mitchell, John I	Wellsborough, Pennsylvania.
Dawes, Henry L	Pittsfield, Massachusetts.	Morgan, John T	Selma, Alabama.
Edgerton, A. J	Kasson, Minnesota.	Morrill, Justin S	Strafford, Vermont.
Edmunds, George F	Burlington, Vermont.	Pendleton, George H	Cincinnati, Ohio.
Fair, James G	Virginia City, Nevada.	Platt, Orville H	Meriden, Connecticut.
Farley, James T	Jackson, California.	Plumb, Preston B	Emporia, Kansas.
Ferry, Thomas W	Grand Haven, Michigan.	Pugh, James L	Eufaula, Alabama.
Frye, William P	Lewiston, Maine.	Ransom, Matt W	Weldon, North Carolina.
Garland, Augustus H	Little Rock, Arkansas.	Rollins, Edward H	Concord, New Hampshire.
George, James Z	Jackson, Mississippi.	Saulsbury, Eli	Dover, Delaware.
Gorman, Arthur P	Laurel, Maryland.	Saunders, Alvin	Omaha, Nebraska.
Groome, James B	Elkton, Maryland.	Sawyer, Philetus	Oshkosh, Wisconsin.
Grover, La Fayette	Salem, Oregon.	Sewell, William J	Camden, New Jersey.
Hale, Eugene	Ellsworth, Maine.	Sherman, John	Mansfield, Ohio.
Hampton, Wade	Columbia, South Carolina.	Slater, James H	La Grande, Oregon.
Harris, Isham G	Memphis, Tennessee.	Teller, Henry M	Central City, Colorado.
Harrison, Benjamin	Indianapolis, Indiana.	Vance, Zebulon B	Charlotte, North Carolina.
Hawley, Joseph R	Hartford, Connecticut.	Van Wyck, Charles H	Nebraska City, Nebraska.
Hill, Benjamin H	Atlanta, Georgia.	Vest, George G	Kansas City, Missouri.
Hill, Nathaniel P	Denver, Colorado.	Voorhees, Daniel W	Terre Haute, Indiana.
Hoar, George F	Worcester, Massachusetts.	Walker, James D	Fayetteville, Arkansas.
Ingalls, John J	Atchison, Kansas.	Williams, John S	Mount Sterling, Kentucky.
Jackson, Howell E	Jackson, Tennessee.		

OFFICERS OF THE SENATE.

Francis E. Shober	Acting Secretary	Salisbury, North Carolina.
Henry E. Peyton	Executive Clerk	Waterford, Virginia.
Richard J. Bright	Sergeant-at-Arms	Indianapolis, Indiana.
Isaac Bassett	Assistant Doorkeeper	Washington, District of Columbia.
W. P. McMichael	Postmaster	Bordentown, New Jersey.

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-SEVENTH CONGRESS.

SPECIAL SESSION OF THE SENATE.

SENATE.

MONDAY, *October* 10, 1881.

In pursuance of the proclamation of September 23, 1881, issued by President Arthur (James A. Garfield, the late President of the United States, having died on the 19th of September, and the powers and duties of the office having, in conformity with the Constitution, devolved upon Vice-President Arthur) the Senate convened to-day in special session at the Capitol in the city of Washington.

PRAYER.

Rev. J. J. BULLOCK, D. D., Chaplain to the Senate, offered the following prayer:

Almighty God, our heavenly Father, in obedience to the call of the President of the United States, we have met together this day. We meet under circumstances of the greatest solemnity, for since our last meeting it has seemed good unto Thee in Thine inscrutable wisdom to permit the messenger of death to remove from this world by the hand of violence the distinguished head of this nation.

We mourn also the death of a Senator greatly beloved and honored; and the respected Secretary, and other officers of this body. We would bow submissively to Thy will, beseeching Thee to sanctify to us these solemn events. Deeply impress upon our minds a sense of our mortality, of the shortness and uncertainty of life; and may we so live as ever to be ready for our departure when it shall be Thy will to call us hence.

We pray for the bereaved family of the deceased President of these United States. Sustain and comfort them in the time of their severe affliction.

Most Gracious God, we offer up our sincere and earnest prayers for Thy servant who has been called in Thy providence to succeed to the Chief Magistracy of this great people. May he be plenteously endued with heavenly grace and wisdom to aid him in the discharge of the high trust which has been committed to his hands. Make him a blessing to the whole country and to the world.

And now, our Heavenly Father, we invoke Thine especial blessing upon the Senate now assembled. Preside over their deliberations, guide their councils, and lead them to such action as shall redound to Thy glory and to the best interests of our common country.

Most Merciful God, we implore Thy grace and the forgiveness of all our sins. These and all other blessings we ask in the name of Christ, our Divine Redeemer. Amen.

SENATORS PRESENT.

The following Senators were present:

From the State of—

Alabama—John T. Morgan and James L. Pugh.
Arkansas—Augustus H. Garland and James D. Walker.
California—James T. Farley and John F. Miller.
Colorado—Nathaniel P. Hill and Henry M. Teller.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Florida—Wilkinson Call and Charles W. Jones.
Georgia—Joseph E. Brown and Benjamin H. Hill.
Illinois—David Davis and John A. Logan.
Indiana—Benjamin Harrison and Daniel W. Voorhees.
Iowa—William B. Allison and James W. McDill.
Kansas—John J. Ingalls and Preston B. Plumb.
Kentucky—James B. Beck and John S. Williams.
Louisiana—Benjamin F. Jonas and William Pitt Kellogg.
Maine—William P. Frye and Eugene Hale.
Maryland—Arthur P. Gorman and James B. Groome.
Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—Omar D. Conger and Thomas W. Ferry.
Minnesota—Alonzo J. Edgerton and Samuel J. R. McMillan.
Mississippi—James Z. George and Lucius Q. C. Lamar.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Alvin Saunders and Charles H. Van Wyck.
Nevada—John P. Jones.
New Hampshire—Henry W. Blair and Edward H. Rollins.
New Jersey—John R. McPherson and William J. Sewell.
North Carolina—Matt. W. Ransom and Zebulon B. Vance.
Ohio—George H. Pendleton and John Sherman.
Oregon—La Fayette Grover and James H. Slater.
Pennsylvania—James Donald Cameron and John I. Mitchell.
Rhode Island—Henry B. Anthony.
South Carolina—M. C. Butler and Wade Hampton.
Tennessee—Isham G. Harris and Howell E. Jackson.
Texas—Richard Coke and Sam. Bell Maxey.
Vermont—George F. Edmunds and Justin S. Morrill.
Virginia—John W. Johnston and William Mahone.
West Virginia—Johnson N. Camden and Henry G. Davis.
Wisconsin—Angus Cameron and Philetus Sawyer.

Mr. HARRIS. I have been requested by a number of Senators on both sides of the Chamber to call the Senate to order. If there be no objection, I will do so in order that we may proceed with the business for which the Senate is convened. [Taking the chair.] The Senate will please come to order, and the Chief Clerk will report to the Senate the proclamation of the President convening this session of the Senate.

The Chief Clerk (Mr. FRANCIS E. SHOBER) read the following proclamation:

By the President of the United States of America.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at an early day to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Chester A. Arthur, President of the United States, have considered it to be my duty to issue this, my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on Monday, the 10th of October next, at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 23d day of September, in the year of our Lord one thousand eight hundred and eighty-one, and of the Independence of the United States the one hundred and sixth.

[SEAL.] CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE, *Secretary of State.*

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. PENDLETON. Mr. President, I offer the following resolution, and ask for its immediate consideration.

The PRESIDING OFFICER, (Mr. HARRIS.) The Senator from Ohio offers a resolution, for which he asks present consideration. The Chief Clerk will report it.

The Chief Clerk read as follows:

Resolved, That THOMAS F. BAYARD, a Senator from the State of Delaware, is hereby chosen President *pro tempore* of the Senate.

Mr. EDMUNDS. Mr. Chairman, I of course do not object to the present consideration of that resolution, but under existing circumstances I think it to be a duty, in accordance with the rules of the Senate, to present the credentials of Mr. Warner Miller and Mr. E. G. Lapham, Senators elected from the State of New York to fill the vacancies occasioned by the resignation of Senator Conkling and Sen-

ator Platt, from that State, and also the credentials of Mr. Nelson W. Aldrich, of Rhode Island, elected as a Senator by the Legislature of that State, in conformity with law, to fill the vacancy occasioned by the death of our late associate, Senator Burnside.

In order that my friend from Ohio [Mr. PENDLETON] and the other Senators may not think that this is an inappropriate time to do this thing, I beg to read from the rule of the Senate on that subject. It is the seventh rule:

> The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of by the Senate.

I therefore, sir, send these credentials to the Chair and ask that they be read respectively.

The PRESIDING OFFICER. If there be no objection, the credentials will be reported to the Senate. The Chair hears no objection, and he instructs the Chief Clerk to report the credentials to the Senate.

The Chief Clerk read the credentials of Nelson W. Aldrich, chosen by the Legislature of Rhode Island a Senator from that State to fill the vacancy caused by the death of Ambrose E. Burnside in the term ending March 3, 1887.

The PRESIDING OFFICER. These credentials will lie upon the table. The Chief Clerk will now report the credentials of Mr. Lapham.

The Chief Clerk read the credentials of Elbridge G. Lapham, chosen by the Legislature of New York a Senator from that State to fill the vacancy caused by the resignation of Roscoe Conkling in the term ending March 3, 1885.

The PRESIDING OFFICER. These credentials will lie upon the table. The Chief Clerk will now report the credentials of Mr. Miller.

The Chief Clerk read the credentials of Warner Miller, chosen by the Legislature of New York a Senator from that State to fill the vacancy caused by the resignation of Thomas C. Platt in the term ending March 3, 1887.

The PRESIDING OFFICER. The credentials will lie upon the table.

Mr. EDMUNDS. These credentials having been read, and the gentlemen named therein being now present ready to take the oath of office, I move, in accordance with the precedents of the Senate, that the oath of office to these Senators be now administered by Hon. HENRY B. ANTHONY, the oldest member of the Senate in continuous service.

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] moves that the oath of office be administered to the Senators-elect by Senator HENRY B. ANTHONY, the senior Senator of the body. Is the Senate ready for the question?

Mr. PENDLETON. I move that the motion of the Senator from Vermont do lie upon the table.

The PRESIDING OFFICER. It is moved by the Senator from Ohio that the motion of the Senator from Vermont lie upon the table.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. PLATT, (when his name was called.) I am paired with the Senator from Nevada, [Mr. FAIR.] This pair was arranged by my friends, who had authority to make it, at a time when it was supposed it would be inconvenient for me to attend the session of the Senate; and I shall recognize and respect the pair.

The roll-call having been concluded, the result was announced—yeas 36, nays 34; as follows:

YEAS—36.

Bayard,	Farley,	Jackson,	Pugh,
Beck,	Garland,	Johnston,	Ransom,
Brown,	George,	Jonas,	Saulsbury,
Butler,	Gorman,	Jones of Florida,	Slater,
Call,	Groome,	Lamar,	Vance,
Camden,	Grover,	McPherson,	Vest,
Cockrell,	Hampton,	Maxey,	Voorhees,
Coke,	Harris,	Morgan,	Walker,
Davis of W. Va.,	Hill of Georgia,	Pendleton,	Williams.

NAYS—34.

Allison	Edmunds,	Jones of Nevada,	Rollins,
Anthony,	Ferry,	Kellogg,	Saunders,
Blair,	Frye,	Logan,	Sawyer,
Cameron of Pa.,	Hale,	McDill,	Sewell,
Cameron of Wis.,	Harrison,	McMillan,	Sherman,
Conger,	Hawley,	Miller,	Teller,
Davis of Illinois,	Hill of Colorado,	Mitchell,	Van Wyck.
Dawes,	Hoar,	Morrill,	
Edgerton,	Ingalls,	Plumb,	

ABSENT—3.

Fair,	Mahone,	Platt.

So the motion to lay on the table was agreed to.

Mr. EDMUNDS. Mr. President, I had supposed that some conclusive and overpowering reason would have been given by my honorable friend from Ohio for asking a majority of this body to refuse to admit the Senators from two States lawfully elected, whose credentials had been read and against whom no objection had been interposed, the right to take the oaths of office and to participate in the first as well as the later deliberations of this body. None was given, and therefore there was no opportunity after the motion to lay upon the table was made for any reasoning or discussion upon such a subject, if there could be any possible for man to conceive.

Now, in order to have the opportunity to again test the sense of the Senate and to endeavor to find out what it means upon this subject, I move to amend the resolution offered by the Senator from Ohio by striking out all after the word "Resolved" therein, and inserting what I send to the Chair. I hardly think that will go to the table.

The PRESIDING OFFICER. The Senator from Vermont will please suspend until the Chair inquires if there is objection to the present consideration of the resolution of the Senator from Ohio.

Mr. EDMUNDS. I stated that there was none at all.

The PRESIDING OFFICER. The Chair hears no objection to the present consideration of the resolution, and therefore the amendment of the Senator from Vermont will now be reported to the Senate.

The CHIEF CLERK. The proposed amendment is to strike out all after the word "Resolved" and to insert:

> That the credentials of Messrs. Warner Miller and Elbridge G. Lapham, Senators-elect from the State of New York, and of Nelson W. Aldrich, a Senator from the State of Rhode Island and Providence Plantations, elected to fill the vacancy caused by the death of the late Senator Ambrose E. Burnside, having been read, be placed on the files of the Senate, and that the oaths prescribed by the Constitution and laws be administered to said Senators by Mr. HENRY B. ANTHONY, the senior Senator in service.

Mr. BAYARD. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Vermont, upon which the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, I should certainly have expected, as I remarked a little while ago, that any member of this body, not to say a majority of the members who are now sworn in, would hardly fail, when endeavoring to exclude the Senators from sister States from participation in the body, to give some very conclusive reason for it. None has been given; it seems that none is proposed to be given; and now I will take the liberty of stating the reason for it, if, as I said before, there need be any statement in advance of a reason for it.

It is true that we have met under extraordinary circumstances occasioned by events the consequences of which may have put it within the legal, technical power of a bare majority of the States conditionally to provide for the presidential succession, when, if their sister States were consulted, a different provision might be made—to provide for it under circumstances when, in order to make the provision they may desire, it is necessary that other States whose relations to the Union and whose right to representation appear in your own records now upon your table, and whose chosen representatives stand here ready to do their duty, shall be excluded in order that a minority of the forces in this Government may accomplish a grave purpose which they could not accomplish were the voices of all the States ready to be taken and entitled to be taken consulted.

I state this proposition, sir, in the simplest possible language, certainly without exaggeration and certainly without epithet or unkind comment. There is the fact, if the indication we have had by the previous vote of the Senate is to be taken as evidence that this course is to be persisted in, the same course with equal constitutional and legal propriety,—no more, no less,—may be continued for the whole of the number of years that each one of the three Senators whose credentials have been read is entitled to fill a seat in this body; and it would seem logically that the only ground upon which such a course of exclusion could be discontinued would be that there was nothing else to be gained by persistence, and that the sovereign States in this Union of States, whose equality of voice and representation the Constitution took pains to declare should never be diminished or excluded without their own consent in this body (even by an amendment of the Constitution) are to depend upon the political idea of what is expedient for a temporary majority as to whether they shall have places at all, and if they are to have places at all they are not to have them until purposes can be accomplished that could not be accomplished were their lawful voice heard.

Is that the case? I only put it interrogatively. I should not dare to suspect that there could be such a case if I had not seen the evidence of this vote and I have been unable to comprehend upon what principle such a vote could have been given.

Somebody has said—I have seen it stated in the newspapers; it has not been stated here—that the law of Congress requires that the oath of office of a Senator-elect should be administered by the President of the Senate, either the Vice-President, the constitutional President of the Senate, or the President *pro tempore* acting in his absence, and that this law is an exclusive law, by implication forbidding any other administration of such an oath, and hence that it is impossible legally to admit these gentlemen until there shall be a President *pro tempore* who can fulfill the statute and administer the oath. I must suppose (because, as I said, I must disarm myself from suspicion of political views) that to be the reason which actuated my honorable friend in moving to lay upon the table the resolution that I had the honor to offer.

I wish to say in the briefest possible manner that if my friend will look at the act of 1789 he will see that it was passed by a Senate and signed by a President *pro tempore* of the Senate, not one of whom had taken the oath prescribed by the Constitution. I do not speak of that as showing that the act is not a valid act; far from it; I speak of it as showing that when the just exigency of the case

arises, this body as well as every other parliamentary body is entitled to receive members who otherwise are a part of it, and to act, if there be no means of acting otherwise, on the very first question as well as the last one that may be presented to the body, without taking an oath at all.

I repeat that for weeks and weeks the first Senate of the fathers, who had built the Constitution, did not find it inappropriate to admit Senators from all the States and to proceed to business, merely from the circumstance that there did not exist an officer who by law could administer an oath. My friends on the other side may say, "That is this case now; there is no officer who by law can administer the oath." Are we to be wiser or more critical than the fathers? If there be no officer to administer this oath, are we to say that two States—it might be seventeen States or it might be twenty-seven States, taking the constitutional term and the accidents of life—are to be excluded from any voice respecting the selection of the presiding officer of this body because the particular mode that a statute has pointed out cannot be effectuated? I do not think so, Mr. President.

There was a time, something like the present perhaps, when a great and controlling party in this country possessed members whose memories now, though they are gone, have lent a splendor to the history, legal as well as political, of this country, who did not feel that they were violating the Constitution of the United States by doing precisely what I have proposed and now propose here.

On the 4th of March, 1853, the Senate of the United States met on the special call of the President of the United States in what is called an executive or senatorial session. There was no President *pro tempore* in the chair. There was one at the session before, who undoubtedly might have taken the chair and administered the oath to Senators-elect. For some reason, perhaps of personal delicacy, certainly none that I know of that is open to any criticism, he did not. What then? Did the Senate, at whose head then as oldest in service stood Lewis Cass of Michigan, and whose honorable coadjutors were Mr. Badger of North Carolina, Mr. Gwin and Mr. Weller of California, Mr. Houston and Mr. Rusk of Texas, Messrs. Dodge and Jones of Iowa, Messrs. Mallory and Morton of Florida, Mr. Borland and Mr. Sebastian of Arkansas, Messrs. Atchison and Geyer of Missouri, Mr. Hamlin of Maine, Mr. Fitzpatrick of Alabama, Stephen A. Douglas of Illinois, a name still bright with real democratic fame; that great and patriotic soldier James Shields; Messrs. Chase and Wade of Ohio, Messrs. Benjamin and Soulé of Louisiana, Mr. Jones of Tennessee, Messrs. Dawson and Toombs of Georgia, and a long list of others from all the Northern and Eastern States whom I might name—did they feel that this act of 1789 was to exclude a single man whose credentials were presented and regular in form from taking part in the election of a President *pro tempore* of the Senate? Not at all. On that occasion, with this statute before their eyes, the Senate being called to order as it was on this occasion, with the single exception that it was called to order by the oldest Senator in service, but called to order as it has been wisely and properly on this occasion by one of our own number, no matter who—

On motion by Mr. Badger, and by unanimous consent,

Resolved, That the oath prescribed by the Constitution be administered to the new members of the Senate by the Hon. Lewis Cass, the oldest member of the Senate—

I read from the Journal—

The credentials of the following Senators having been heretofore read,—

As is now this case—

the oath prescribed by law was administered to them by the Hon. Lewis Cass, and they took their seats in the Senate, namely:

Mr. Atherton from New Hampshire, Mr. Benjamin from Louisiana, Mr. Clayton from Delaware, Mr. Evans from South Carolina, Mr. Everett from Massachusetts, Mr. Houston from Texas, Mr. Hunter from Virginia, Mr. Jones from Iowa, Mr. Sebastian from Arkansas, Mr. Stuart from Michigan, Mr. Thompson from Kentucky, Mr. Thomson from New Jersey, Mr. Toombs from Georgia, Mr. Wright from New Jersey, and Mr. Douglas from Illinois. That having been done—

Mr. Shields submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved unanimously, That the Hon. David R. Atchison continue President of the Senate *pro tempore*.

You will see, therefore, Mr. President, that although it is true that often and often when the mere convenience of the moment made it more agreeable and when nothing was in question about which Senators might be divided Presidents *pro tempore* have been elected and then administered the oath, yet here the Senate of the United States, composed of men who at that time, in that period, probably were as eminent, as wise, as scrupulously careful of the Constitution as any that had preceded them, (it would perhaps not be parliamentary for me to say any who have succeeded them,) thought it was their duty, before they proceeded to the disposition of the question of the presiding officer of the Senate, to swear in the new Senators, and to swear them in in that way.

How did they get over the statute? somebody will ask. It is not to be supposed that they thought they were violating it, for if they were violating a lawful and constitutional statute they were violating their own oaths, for they had all sworn that they would support the Constitution of the United States, and I take it nobody will dispute that an oath to support the Constitution of the United States binds the conscience of every man who takes it to support every constitutional law of the United States, which becomes a part of it. They thought, and so they acted, that this act of 1789 had received its own construction by the very body that passed it, and that was that it was that directory provision for the convenient and orderly administration of the Government, which the two Houses of Congress were expected to follow, unless the absence of the convenient means of following it would put them back upon their own inherent powers. I need not tell my honorable friend from Ohio, and I need not read to him the authority to show it, that by the ancient constitution of all parliamentary bodies the power to administer oaths respecting their own proceedings (I limit it to that, of course) is inherent, and part of their power and existence as a body. And so on this occasion those gentlemen were sworn in.

Why should not these gentlemen therefore be sworn in now? Do you say the statute forbids it? I deny it. Do you say it is not according to the course of precedent? I deny it, for whenever it has been proposed it has always been done. And I do not believe that if there were not some question ulterior to this mere one a single Senator would lift up his voice to say no to the proposition that these gentlemen should be now sworn in, for who would doubt the power of the Senate to direct under existing circumstances that any Senator, the oldest preferably as a matter of courtesy, should administer the oath? I should be glad to hear from my learned friend from Ohio, who I must suppose has some controlling reason in his own mind, what this means.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont to the resolution offered by the Senator from Ohio. Is the Senate ready for the question?

Mr. GARLAND. Mr. Chairman, I will not detain the Senate for any length of time in discussing the points presented by the Senator from Vermont, for really I think the question is one that is narrowed down to a very small compass. I will not undertake to make any response to the assertion of the Senator from Vermont that possibly there was some ulterior motive on the part of the Senator from Ohio, or any other Senator, or all the Senators on this side of the house, in proposing the proceeding which we now ask to be adopted. Believing as I do, and believing as the Senators on this side do, that we are simply following the law in this case, we have no apologies to make to the Senator from Vermont or to any other person or body of persons. If we are mistaken in the course that we propose to adopt here, then it is a mistake which both we and the country will regret; but I am satisfied, for one, after a most painful investigation of this matter with a desire to arrive at a proper conclusion, if ever I had a sincere desire on any subject, that we propose to follow the law in this case; and that I will proceed to show.

What, Mr. Chairman, are we here for to-day? What is the purpose of convoking this assembly at this time? What was the object of the Senate being called together and the only object, so far as the country knows and so far as the world knows? It was to place some one between this Government and possible anarchy in case of the death or the taking away by any other means of the present President of the United States, and that is the person of a President *pro tempore* of the Senate to be elected here now. That was the object of this meeting, and it is for that purpose that this great concourse of people is here to-day, and for no other purpose. We propose, then, at once to discharge the duty that is imposed upon us by the law of the land, moved and incited thereto by the proclamation of the President of the United States.

The Senate is a continuing body. It has members enough whenever it may meet, in legal contemplation, to transact its business; and it is not so much the purpose, it is not so much the intention of the calling of the Senate together to provide a mere temporary President, or President for the time being, as it is to fill up that possible gap which there may be in the administration of this Government. Hence it is a high duty, it is a great duty, that precedes all others in importance, that precedes all others in the law and under the law of the land. It precedes the question of the swearing in of a Senator in this body; it precedes all other questions in this country, according to my judgment, and it is a question that has never before been presented to this country. It is an anomalous occasion that calls us here. We propose decently and in order and according to law, on our interpretation of it, to fill that possible gap at the earliest practicable moment that we can.

Now let us go to the law; and, for one, I never want to be wiser or more virtuous than the law. I am willing always to stand upon that, and if it is a bad law, an inconvenient law, or an unjust one, woe to those who have provided it; our duty is to obey it. The second section of the act of 1789 is:

That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the Clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat.

The President of the Senate *pro tempore*, or "for the time being," is to administer the prescribed oath. No one will contend that the Senate would not have power perhaps to displace that by making some other provision by unanimous consent. The statute I have

just read is a part of the law of the land carried into the Revised Statutes of the United States and recognized and solemnly adopted by Rule 63 of the Senate, which is a law to this body. That rule declares:

The oath or affirmation required by the Constitution and prescribed by the act of June 1, 1789—

What oath? The oath to all these officers, to the members of the House and Senators, that oath which the law prescribes shall be administered by the President of the Senate *pro tempore*—

shall be taken in open Senate by each Senator before entering upon his duties.

Thus the Senate has recognized this statute and has prohibited positively the taking of the oath anywhere else than in the open Senate. There is law enough to suit almost any person, I think. There is the statute passed in June, 1789; there is Rule 63 of this body that recognizes that statute and makes a further provision as to where that oath shall be taken.

But is it a matter of fact under the usual parliamentary law, Mr. Chairman, that this is obligatory upon us? I suppose nobody will controvert the position assumed by the Senator from Vermont that this oath can be administered under the arrangement of the body to which these gentlemen come. It can be administered by a Senator here under a resolution unanimously agreed to—be administered by yourself, sir; but is it an inexorable rule; is it a rule without change; is it an unbending rule that this oath must be administered as contended for by the Senator from Vermont? Let us see what the authorities on the subject say. Cushing's Parliamentary Law, pages 106 and 107, says:

The three essential parts of an organization are the qualification of the members, and the choice of the presiding and recording officers. In some of our legislative bodies the speaker or president is first chosen, then the members are qualified, and lastly the clerk or secretary is chosen; in others, the members are first qualified, then the clerk elected, and lastly the presiding officer; and, in others, again, the members being first qualified, the election of the speaker or president precedes that of clerk.

We are left to take either one of these courses under the parliamentary law as we see proper in the order named; but unless we agree on all sides to one of them, where are we remitted? We are remitted back to the act of 1789. For the convenience of the Senate I admit they may by consent adopt a different rule. They may call upon the senior or the junior member of the body; that has suited the convenience of the Senate repeatedly; there is no question about that; but that did not fix a law nor could it fix a law in the teeth and face of the statute of 1789 if any Senator had objected. That proceeding was by unanimous consent, nobody objecting. We frequently, by common or unanimous consent, do things here otherwise than is prescribed by law or rule, and they go forth as legal. But if those things had been questioned by any Senator at the time, they would not have been done. In other words, the fact that we do not adhere to the law on all occasions is no reason why the law should not be enforced and complied with when it is invoked. And so I might concede here for the present that we may by unanimous consent do otherwise than the law requires in our proceedings and for the time make a law for ourselves, yet when that law is asked to be enforced by even one Senator it must be complied with. Our rules require that a bill shall have three readings on three separate days; and yet how often do we see a bill read twice and referred to a committee in one day because no Senator objects?

In the present anomalous condition of affairs here, we choose to stand upon the statute of 1789 in proceeding to the important duty of filling up the possible gap between us and anarchy in this Government.

Now, Mr. Chairman, it is not the question of an accidental majority; it is not the question of exercising a power which we have by accident; that cannot be charged to this side of the House. We saw here last spring two honorable Senators on the other side of the Chamber voluntarily return their high trust from the State of New York to the people who had given it to them. Certainly that was not the fault of our side, nor was it instigated by this side. We sought to take no advantage of it then; everything moved along in its regular course as though this had not occurred. Providence has seen fit to strike down an honored and honorable member on the other side of this Chamber, one who was beloved by us all, and whose loss was sincerely mourned by the country. These are not circumstances that can be charged to this side of the Chamber. We cannot be held up before the country as taking advantage of accidental circumstances. If these events had been brought about by any action, direct or indirect, of this side of the Chamber, I would die in my tracks before I would lend my voice to take advantage of them; and such I believe is the sentiment of every Senator on this side of the Chamber.

Our position is that as the oath of membership must be administered by a President *pro tempore* of this body, we must elect that officer first, so that there may be some one to swear in the new Senators, and this we offer to do. The requirement of the act of 1789 may by unanimous consent on various occasions to suit the convenience of Senators have been displaced by administering the oath as stated by the Senator from Vermont, [Mr. EDMUNDS,] but we are guilty of no shortcoming when we say that we will follow the law and the law is the proper exponent of our duty. I am always satisfied as long as I can hold myself and my party friends within the portals of the law.

Mr. EDMUNDS. Mr. President, the question seems to be reduced, then, as it truly should be, to the mere choice of the body. I am gratified to have heard my honorable friend from Arkansas [Mr. GARLAND] admit, with the candor that is characteristic of his career, that the Senate has a lawful and constitutional right to direct at this moment that the oath of office shall be administered to the representatives of these two States, and that they therefore would be lawfully and justly entitled to participate in the action of their sister States in choosing a provisional President of the United States. I of course do not speak technically when I say "provisional President," but in the common language of men. I think my friend did say, however, that these events took place on former occasions by unanimous consent; but I am sure he cannot mean that unanimous consent can change the binding obligation of a law. Unanimous consent can change the law of this body, because the unanimous consent makes it another law of the body; but a constitutional act of Congress, I take it, could hardly be changed or dispensed with by the unanimous consent of the Senate.

What I understand him to mean, therefore, is what I stated before, what is clearly the law, that it is within the lawful and constitutional and regular competence of this body now, before it has a President *pro tempore*, to do as it did in 1853, when this same law was in force and before the election of a President *pro tempore*, to swear in the Senators entitled to seats in order that the voices of their States may be heard with their sisters in the selection of a presiding officer of this body. To be sure, then, Mr. President, the prize—if we can speak of this vacancy as a prize won in the lottery of assassination—the prize was not the conditional power in a contingency to administer the office of President of the United States; it was the prize of honorable mention, the prize of a duty chiefly consisting of drudgery and work. That was all.

Does my honorable friend mean to say that if the voice of the eight or ten States whose Senators were then sworn in was to have been exercised upon a matter of consequence to their States and to the general welfare they would have been excluded? I should have supposed that the greater the consequence to follow the first act of the Senate in electing a President *pro tempore*, the greater the importance and the duty of having every State exert its voice and express its opinion upon that question. There is no denying that. And therefore it appears to me, in the course this argument has taken, to resolve itself into this: that while it is admitted to be perfectly competent and right for the Senate of the United States to swear these gentlemen in now, it will not do it because they having been sworn in a question of great importance might be differently decided to what it may be if they are not sworn in! If that be so, sir,—and I regret extremely to be forced by the apparent logic of this situation to believe it—where is our fidelity to the Constitution of our common country, and to the common equality and right of every State in it? If this were to go on, in the change of events in 1883 it may happen that the outgoing Senators will leave here a clear and decided majority of one party—I do not mind which—which clear and decided majority of one party if the incoming Senators were sworn in would be overturned, and it would be largely the other way. If this be a right precedent, why will it not be right then for those who hold over to hold on and accomplish all the acts of legislation that they think are desirable to their ends before they admit their fellow-Senators from other States, and so on, and so on? The fact that there are only three Senators now in the question does not change it. As I said before, it might be thirty-three. Where is your Government then, sir? Why, Mexico or the unhappy republics of South America would be far preferable to this. The Constitution would be the emptiest urn, held in the withered arms of some coming man in this country, with the sacred ashes of its life torn in the winds of party acrimony. I shall not believe it possible, sir, until I see it by a vote of this body, that, admitted as it now is that it is lawful to swear these men at this time, this body will refuse to do it before it proceeds to any other business whatever.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Vermont to amend the resolution of the Senator from Ohio. Is the Senate ready for the question?

Mr. EDMUNDS. I call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. ANTHONY. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be again reported.

The CHIEF CLERK. The amendment is to strike out all after the word "Resolved" in the original resolution and insert:

That the credentials of Messrs. Warner Miller and Elbridge G. Lapham, Senators-elect from the State of New York, and of Nelson W. Aldrich, a Senator from the State of Rhode Island and Providence Plantations, elected to fill the vacancy caused by the death of the late Senator Ambrose E. Burnside, having been read, be placed on the files of the Senate, and that the oaths prescribed by the Constitution and laws be administered to said Senators by Mr. HENRY B. ANTHONY, the senior Senator in service.

The PRESIDING OFFICER. The question is on this amendment, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MCPHERSON, (when his name was called.) On this question I am paired with my colleague, [Mr. SEWELL,] who has been unexpectedly called away.

Mr. WALKER, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. HILL.] If he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 33, nays 34; as follows:

YEAS—33.

Allison,	Edmunds,	Kellogg,	Rollins,
Anthony,	Ferry,	Logan,	Saunders,
Blair,	Frye,	McDill,	Sawyer.
Cameron of Pa.,	Hale,	McMillan,	Sherman,
Cameron of Wis.,	Harrison,	Mahone,	Teller,
Conger,	Hawley,	Miller,	Van Wyck.
Davis of Illinois,	Hoar,	Mitchell,	
Dawes,	Ingalls,	Morrill,	
Edgerton,	Jones of Nevada,	Plumb,	

NAYS—34.

Bayard,	Farley,	Jackson,	Ransom,
Beck,	Garland,	Johnston,	Saulsbury,
Brown,	George,	Jonas,	Slater,
Butler,	Gorman,	Jones of Florida,	Vance,
Call,	Groome,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	
Davis of W. Va.,	Hill of Georgia,	Pugh,	

ABSENT—6.

Fair,	McPherson,	Sewell,	Walker.
Hill of Colorado,	Platt,		

So the amendment was rejected.

Mr. EDMUNDS. Mr. President, I hope I shall now have the happiness to command the votes of honorable Senators who have voted against the proposition that I have just submitted. Nobody, I believe, has expressed a disposition to exclude these Senators from every deliberation and act of the Senate to which they can be properly admitted, and the objection made to the amendment I had the honor to offer before was that the present acting majority of this body thought proper to follow the law and to have these oaths administered by the President *pro tempore* of the Senate. As the majority has so thought, I am bound to yield my acquiescence to that course; and in order to accomplish that purpose and at the same time not to stifle the voice of these two States in our deliberations, I move to amend the resolution now pending by adding at the end of it the words "for this day;" so that it will read:

That THOMAS F. BAYARD, a Senator from the State of Delaware, is hereby chosen President *pro tempore* of the Senate for this day.

That, Mr. President, will fulfill the most extreme Mosaical view of the law. We come up to the statute; we embrace it, and if our object be to follow the law we follow it, and if we have left any reverence for the Constitution in allowing every State lawfully here by its members to speak, we can follow the Constitution too.

My learned and honorable friends might think, perhaps, that this is a novel motion, and that as the Constitution says that the Senate may elect a President *pro tempore*, he must be elected a President *pro tempore* simply and purely, neither more nor less, without any limit to the duration of his career other than the will of the Senate. If any man's mind should be discomposed upon such a question, I beg leave to refer to another notable and honorable precedent of a democratic majority of the Senate of the United States in the year 1854. When the Senate met on the 4th day of December of that year there were two Senators-elect who had not been sworn in. That makes it different from this case, because there are three here. I mention that so that anybody who wishes to make a point of it may have the advantage of it. The Senate having been called to order and the fact that the President *pro tempore* of the Senate was not present having been communicated—

On motion by Mr. Hunter, and by unanimous consent,
Resolved, That the Hon. Lewis Cass be President of the Senate *pro tempore* for this day.
On motion by Mr. Broadhead,
Ordered, That the Secretary inform the House of Representatives, &c.

That being done, then—

Mr. Foot presented the credentials of Hon. Lawrence Brainerd, chosen a Senator by the General Assembly of the State of Vermont to fill the vacancy occasione by the death of Hon. William Upham; which were read, and the oath prescribed by law was administered to Mr. Brainerd, and he took his seat in the Senate.

And I think there was another Senator sworn in, but I will not take the trouble to look; I said two a moment ago, but that is of no consequence. And I believe, Mr. President, that only a session or two ago, while the late Senator from Ohio, Mr. Thurman, was occupying the office of President *pro tempore* of this body and was unable to be present on one occasion and, therefore, his office legally would fall and a new presiding officer would be elected, it was moved that Hon. Mr. Eaton (if I recollect the Senator aright) be made President *pro tempore* for that day, and that was done. Indeed I need not take time, I think, to discuss a proposition so plain.

I repeat, we can have a President *pro tempore* for this day and for this occasion. We can follow the law and call or rather admit to their just seats in the deliberations of this body the representatives of two States, and then proceed to-morrow to determine who shall be President *pro tempore* for that day or any other. Unless, I repeat, we desire to prevent those States from taking part in an important act belonging to this body we can permit them to exert their lawful rights conformably to the Constitution, conformably to the letter of the law which my learned friend from Arkansas desires to follow, conformably to the gracious precedents of democratic Senates. Will we do it? Let us see.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont.

Mr. BECK. Mr. President, I desire to say that the law of 1789 and the rules of this Senate require that a President *pro tempore* be elected by the Senate prior to the swearing in of new members, and that the oath shall be administered by him to them in the open Senate. That it is proposed to do; no more, no less.

Why the President *pro tempore* should be elected for this day and then have another election again, when the occupancy of the chair by the President *pro tempore* of the Senate is always in the power of the Senate and in the power of a majority of the Senate, I am not quite able to comprehend. I am always afraid of mischief from modifying resolutions of this character. I have seen very modest words accomplish great results when they were said to be very innocent at the time they were inserted. I remember the "if any" of the Electoral Commission law that cut a tremendous figure in that great fraud and deprived several States of their rights in that electoral count within a very recent period. When we stand by the law as it is, and leave the whole question hereafter in the power of the majority of the Senate, there can be no wrong done to anybody. As was well suggested by the Senator from Arkansas, if the present President of the United States, then the President of the Senate, at the last session of this body had followed the precedents which had been usual and almost universal before, and allowed this Senate to elect a President *pro tempore*, there would have been no necessity for his convening us in session now. When the Senators from New York saw fit to resign, I suppose he did not vacate his seat and give the Senate a chance to elect its own President *pro tempore* for some reason satisfactory to himself and to his party friends, and hence we are called together.

Now we propose to stand by the law and by that alone, and not to accept any modification such as is now proposed. Nobody denies that unanimous consent can do almost anything here. The simple thing is that we do not propose to give unanimous consent to any proposition except to carry out the law of the land. Men can be sworn in otherwise; unanimous consent can do nearly anything in the Senate; and we are taunted with seeking to do indecent things because we do not give unanimous consent to propositions made in contravention of the law of the land.

That is all there is of the case, and I think this side of the Chamber do not propose to give unanimous consent to anything, except in an orderly way to execute the law as it stands upon the statute-book. If that law is a bad one, change it.

I ask for the yeas and nays on the amendment now offered.

The yeas and nays were ordered.

Mr. GARLAND. Mr. Chairman, one word. According to my version of the law, while the Senate has the power to do what the Senator from Vermont suggests in his amendment, it is entirely unnecessary to do so because the tenure of office of the President *pro tempore* has been distinctly defined by a resolution of this body which I believe now receives the approbation of every person—a resolution adopted January 12, 1876, in these words:

Resolved, That the office of President *pro tempore* is held at the pleasure of the Senate.

So that after Mr. BAYARD shall have been elected President of the Senate *pro tempore* a majority may any day elect somebody else so that he can return thanks and retire. That is already the tenure of office, as everybody understands, and it would be just exactly like incorporating this construction in the resolution expecting the Senator from Delaware to follow it up by saying that he holds his office at the pleasure of the Senate. That is the legal interpretation of the amendment offered by the Senator from Vermont, so that it calls upon us to do an entirely unnecessary thing.

Mr. EDMUNDS. Mr. President, I beg to assure my distinguished friend from Kentucky that no gentleman on this side has asked unanimous consent to do anything. We have so far, those of us who merely by grace apparently continue to occupy seats—for the majority of this body might if it found sufficient motive for it (I do not know how great and extensive that motive would be) could by a simple resolution declare that our credentials were invalid and out we should go; that does not appear to have been thought necessary yet,—we have not asked unanimous consent for anything. But we who, by grace, or law, or whatever, are yet entitled to represent our States in this body, are endeavoring to understand, and are endeavoring, I confess, to have the people of the United States understand, upon what ground it is that two States whose relations to the Union and to this body are unquestioned, that three Senators whose credentials are unassailed, now on your table and standing here ready to be sworn, shall not be. That is what we intend shall be understood, and in doing that we ask no consent. We follow the law, we follow democratic precedent, which down to this time whenever it has been desired either for convenience or for right has sworn in Senators of both parties before it proceeded to the election of an indefinite President *pro tempore*. If it be thought that some patriotic impulse inspires you to reverse that and to accomplish what you know cannot be accomplished without the exclusion of these States, do it.

There is an ancient saying that has proved true forever that they who take the sword will perish by it; and I think if we believe at

all in free institutions with orderly government, (and I do,) that they who by methods and by will achieve advantages by the exclusion of their equals from the conference out of which they are to come will reap bitter fruit in the end.

I think that whatever fruit is gained from that will be ashes of the bitterest description. But that is for the future. For the present it is our mission to appeal to you Senators by the precedents of your own party, by the conduct of your own honorable predecessors, by the spirit and the letter of the Constitution, in this way that does comply with the law in every particular, letter and spirit, to give your sister States the right that you are to exercise yourselves of choosing the presiding officer of this body.

My learned friend from Arkansas says, "Why, you can turn him out to-morrow." True; but why do we shut our eyes, when the eyes of all the world are open elsewhere, to the fact that apparently, probably it may be, you are to achieve this thing and put it out of the power of these Senators whom you deny a voice now to overturn your resolution? That is what it is. It is somewhat bare, therefore, of reason to say, "Exclude these gentlemen now because having come in they can participate in the rectification of the error, if it be an error that we are now to commit by electing the wrong gentleman President of the Senate." No, Mr. President, it stands upon that deeper, broader ground that if by any possible expedient of this body it can be avoided, no State, great or small, is to be excluded from the first as well as the last act that this body is to do, whether it be trifling or whether it be important, for among equals all are equal, and if the voice of equals is to be heard the voice of all the equals is to be heard at the same time if it can be done consistently with law. You admit that it can be done consistently with law; you admit that this present proposition follows the very statute upon which you stand. Why will you not do it? Do you think that Lewis Cass and James Shields and David R. Atchison and that great array of names appearing in the Journal of 1854 committed a mistake when they provided that there should be a President *pro tempore* for one day in order that the new Senators to come in (as I must suppose) should be sworn and then participate on the next day in the choice of a President *pro tempore* to hold indefinitely at the will of the Senate? Do you think that they mistook the meaning of the Constitution and that just regard for the rights of their equals to speak as well as they? It may be that you do. I must suppose that you think so, and that the shades of Cass and Shields and all the others are roaming uneasily in whatever departed good land they may be, as they now hear, as we may hope, our deliberations, at the mistake they had committed which their wiser children are about to avoid. There used to be an old phrase, Mr. President,

O Shame, where is thy blush?

but I believe that, like the methods of the fathers, like the practice of Cass and his associates, has gone by, and our modern shame, if such a thing exist, has lost her blush and that it has come to be a fixed purpose of any temporary and accidental power in this body growing out of the constant changes of Senators by expiration of terms or death or resignation to exclude their fellows and their equals until they can grasp something that if their fellows and equals were present they could not grasp. Well, as I say, sir, the future will rectify it if it be done.

Mr. MORGAN. Mr. President, notwithstanding the great misfortunes that have befallen the Senate and the country, we still have something left upon which to congratulate ourselves; and that is the exhibition in the Senate this morning of the fact that the Senator from Vermont, after having by his vote and voice frequently participated in excluding sovereign States from a voice in this Senate, has at last come to the conclusion that they must be admitted whenever the credentials of Senators are presented, without investigation and without inquiry even on the part of the Senate or of Senators. The country is evidently progressing towards a better condition, towards a state of relief from that very stringent rule which has been applied so frequently to members of the Senate on this side of the Chamber by which they were compelled, though having full and lawful credentials, to stand knocking at the door of the Senate for days and weeks and months and years, barred out by the vote of the Senator merely because he desired to have inquiry made before our credentials were permitted to have their full legal weight in this body. The examples stand around me so thick to-day of the injustice inflicted upon States of the American Union by this course of procedure, that it would seem almost unnecessary that I should mention the names of States that have been deprived of their suffrage in this body.

Here is the State of South Carolina that was kept out for months and years. The State of Louisiana was disbarred her right to come into the Senate of the United States upon proper and lawful credentials. The State of Mississippi was compelled to stand here when the honorable Senator who now occupies the seat in my rear [Mr. LAMAR] brought lawful credentials from a lawful Legislature, presented them to this body, and without reasonable excuse he was delayed in his admission for two days. The State of Alabama in the person of the Senator who now addresses the body was in like manner excluded. And never did the Senator from Vermont rise upon the floor to demand that these Senators should have their right to a voice and their "suffrage" according to the language of the Constitution in this body.

Pending these exclusions from the Senate the gravest matters of public interest were enacted by this body; you entered into legislative sessions; you pursued the even tenor of your way in imposing laws upon our States to which the people were bound to yield obedience, and yet you silenced the suffrage of Alabama and Mississippi and South Carolina and Louisiana in this body without remorse and without the slightest appearance of sympathy or of feeling. You entered into executive session and confirmed nominations, often of men who exercised the functions of their offices within these several States, and yet no voice was raised even to intimate that these States were the equals of other States in this Union and should be admitted to their suffrage in this body. Now there appears to be a purpose sufficiently urgent to animate the honorable Senator from Vermont to a very earnest advocacy of the doctrine we then contended for, and which we yet admit to be just and true. Not content, however, with an urgent and vehement presentation of this doctrine, the honorable Senator from Vermont even taunts this side of the Chamber because we are not willing to abdicate a solemn and sworn duty to obey the laws and Constitution of this country in the organization of this august body. There seems to be in the contemplation of the Senator some great crime which we are about to perpetrate, because we follow the mandate of the laws.

Let us inquire, Mr. Chairman—suppose it had turned out that the Senate of the United States had by the Constitution the duty devolved upon it in last February of the election of a Vice-President of the United States, in case the electoral college had failed to make a choice, who would become President of the United States in the event of no election by the House. At the time of the count of the electoral votes there was a majority I believe of seven democrats in this body. Suppose that this duty had been devolved upon the Senate when we had seven majority, would any man have expected the democratic party in this body to have elected a republican to that office? Why surely the world would have considered that we had abdicated the most solemn duty that rested upon us with reference to our relations to the States and people that sent us to this body. Precisely in that very light does the question stand to-day. Here we are by law, and not by our act, placed in a majority of this body, and is it expected of us that, representing the States that sent us here, we shall do otherwise than we would have done last February when our majority was seven members in this body? The parallel is so plain in reference to the obligations of our duty that it seems to be impossible to disregard the conclusions to which it leads.

A State of this Union by the act of both its Senators retired from this body during the last called session. That State, so far as the Senators could affect its relations to the Senate of the United States, seceded from this body. They were not provoked to that by any conduct on the part of the democrats in the Senate. It was their own act of voluntary imprudence or impropriety. We had then no responsibility resting upon us, and we have none now, for the withdrawal of the State of New York from this body.

Then it was our right and it was our duty, if the opportunity had been allowed us, to have selected a President *pro tempore* of the Senate who, according to all the laws and rules governing in such cases, would have entered on the duties and functions of his office without the necessity of this second called session of the Senate. What has made it necessary that the President of the United States should assemble this Senate to-day in extraordinary session? Nothing but the fact that that same gentleman while occupying the office of Vice-President and presiding in the Senate chose not to follow the almost unbroken traditions of this body in withdrawing from it and allowing a President *pro tempore* to be elected. He was sustained in that course of conduct, doubtless, by his party. Then it was apprehended, I dare say, as it is now, that we would elect a distinguished and worthy democrat to fill that office, and we would have voted on that occasion to elect a democrat, and would have been bound in honor as democrats to have done so, as was conceded virtually by the fact that the Vice-President declined to yield the chair according to the custom and allow us to elect. So to-day finding ourselves here with a majority capable of electing a President of the Senate, it seems to me to be an interference in the freedom of our will for Senators on the other side to demand that we should yield the power which they have thus placed in our hands and allow them to elect a republican President of the Senate.

That is the situation now, so far as the facts are concerned. This body met here this morning, and is now in session in what capacity? Not as an organized Senate; I scarcely know how to designate it, but perhaps the idea of a grand committee is the most appropriate with which to signify or to express the view that I entertain of the present condition of this body. Convoked by the President of the United States, Senators met here, and by unanimous consent the honorable Senator from Tennessee [Mr. HARRIS] called the body to order; he now occupies the chair, and we are proceeding with the necessary legal steps to organize a legal, constitutional Senate. The Senators are here; motions and resolutions are pending, and we are discussing them under this consent with the view to the organization of a lawful, constitutional Senate. We could not at this moment of time, for instance, send a message to the President of the United States that the Senate is organized and ready to receive from him any communication he might choose to send to us, the reason being that we are not yet a Senate. Then comes the law of the land, enacted in the very

beginning of the Government, which prescribes that the President of the Senate shall administer the oath of office to Senators, and then comes the rule of the Senate which prescribes that in addition thereto this oath shall be administered in the open Senate, and by the President of the Senate. Now, we are endeavoring to follow this law and this rule so as to execute the law in obedience to what we conceive to be our sworn duty as Senators.

As to where the choice shall fall, that is a matter of little consequence compared with the great duty that is devolved upon us by the Constitution and laws of this country. We are now proceeding to execute that law, and the honorable Senator from Vermont arises and reads a precedent, and he invites us by following that precedent to abandon our duty under the law. He cites us to the fact that some of the most eminent democrats in the country on one occasion felt themselves at liberty in their own consciences to abdicate a duty under the law. The ready reply to that is that the more steadily and uniformly and consistently we observe the laws of the land the better and higher example we set to the people and all other departments of this Government, and we can find no excuse in following a precedent which Senators must logically concede is contrary to and in violation of law. That is enough for us; it surely is enough for me. My conduct will be governed and guided strictly by that consideration.

The honorable Senator from Arkansas [Mr. GARLAND] perhaps might have conceded—I believe he did not intend to do so—that by unanimous consent the Senate of the United States could prescribe a method of admission to this body which would not be in conformity to the statute law. I would not go so far; I do not think that is a proper interpretation of the law or the Constitution nor of our duties under them. The rule of law prescribed in the statute of 1789 and in the sixty-third rule of the Senate relates not to the "qualifications" of a Senator, but it relates to the method of his induction into office. The qualifications of a Senator are prescribed by the Constitution of the United States, and a man who comes within the range of those qualifications so as to fulfill them is a Senator whenever he is inducted into his office in the manner prescribed by law, and not before. The qualifications of the President and Vice-President of the United States are also prescribed by the Constitution, but no man can be considered as otherwise than a mere *de facto* officer, he surely cannot be considered a *de jure* officer, until he has taken the oath prescribed by the Constitution of the United States and has thereby been inducted into the office. The Congress of the United States, exercising a power its right to exercise which has never been disputed, has prescribed the law and the Senate has prescribed the rule to which allusion has been made several times this morning. Now, we must obey that law and obey that rule, or else disobey them. That law and that rule do not fix the qualifications of Senators, as to which a great deal is left to the judgment of the Senate; but they do fix a method of induction into office which cannot be disregarded.

I will suppose that lacking one qualification, once required by a statute of the United States to be expressly stated in what is called the iron-clad oath, I had been elected to the Senate of the United States, and I had chosen to take some other form of oath than that, and before a magistrate outside the walls of this Chamber and not in the presence of the Senate, and I had come in here with my credentials and a certified copy of that oath and had demanded admittance to this body: it could not be argued that the Senate of the United States could have admitted me to a seat in this body under those circumstances without violating the law of the land, without nullifying the law enacted by Congress and approved by the President of the United States.

What composes a quorum of the Senate of the United States? Senators on the other side of the Chamber found themselves compelled a few years back, in order to account constitutionally and legally for the absence of many excluded States, my own among the number—eleven I believe it was at the time were excluded—to adopt this rule, the first rule in the book:

> The presiding officer having taken the chair, and a quorum (which shall consist of a majority of the Senators duly chosen and sworn) being present, the Journal of the preceding day shall then be read, and any mistake made in the entries may be corrected.

There in prescribing what was a quorum of the Senate you adopted a rule that it should be a majority of those Senators who had been duly chosen and sworn, and in another rule you prescribed the manner in which they should be sworn. Both by rule and by statute has that particular duty been especially guarded. Why has the Congress of the United States and the Senate of the United States given so much attention to a matter which may be frittered away by a bare majority vote of the Senate alone whenever it sees proper to do it? Why has the Congress of the United States prescribed the form of oath and prescribed the manner of its being given and the officer by whom it shall be given and the place at which it should be given, if all this is to stand subject to the mere caprice of the Senate which by a majority may set aside the rule and repeal the law at the same time and admit a man contrary to the rule and contrary to the law? I can scarcely suppose that so much time and care was wasted on a subject of this kind.

The honorable Senator from Vermont said that he had not heard it stated or even intimated that any Senator on this side of the Chamber had any substantial objection to the admission of the Senator from Rhode Island and the two Senators from New York. It is not for me to say whether such substantial objections exist or not; but quoting, not literally, but according to the general tenor of what has been said, from the great leading republican journals of the State of New York, it might well be supposed that Senators on this side of the Chamber would desire at least a brief moment of examination before they concluded to take Senators from a Legislature one member of which stands indicted for bribing another in reference to the election of a Senator, and which attained to such ignoble reputation among the leading republican journals of the State of New York as that it became the subject of reproach throughout the whole civilized world as to the corruption which stained that body. Perhaps we shall be pardoned even in this great exigency, for which we are not responsible and which has compelled the calling of this Senate together, if we should lend an attentive ear to the complaints that have been made by the republican party against the conduct of a republican Legislature in New York. But the Senator from Vermont would crowd these credentials upon us and have these Senators admitted even when constitutional questions are urged in reference to the fact of their lawful election to this body. Why is this done unless the Senator desires to escape from the investigation which it may be necessary to institute and conduct, and to find a summary remedy for the evils and difficulties which have been brought upon the country solely by the action of the party which he leads so splendidly here?

I repeat, sir, we are not responsible for this called session of this body. I repeat, sir, that if Mr. Arthur had retired from that chair during the last extra session and after the Senators from New York had withdrawn, the country would not have been disturbed and burdened with the necessity of having this body called together now; and as to all of this anxiety and fear of whatever may follow, our garments are clean. You of the republican party are responsible for it.

Mr. BECK. Will the Senator from Alabama allow me a moment?

Mr. MORGAN. I will.

Mr. BECK. I wish to say one word, Mr. President, having the record now before me. Some stress seems to be now laid on the fact that we are exercising power when a republican President is dead and a republican Vice-President has been called upon to fill his office; and it is said to be anomalous that in such a state of affairs we should seek to elect a democrat as President *pro tempore* of the Senate. The record shows that on the 9th day of July, 1850, General Taylor, who was elected as a whig by over 140,000 popular majority, died and Millard Filmore became President of the United States the same day. On the 11th of July, on motion of Mr. Dickinson, of New York, William R. King, of Alabama, a democratic Senator, was elected President *pro tempore* and held until another democratic President *pro tempore* was elected, so that where the death of a whig President occurred and the Vice-President assumed his place, the Senate having a democratic majority filled its chair, as we propose to fill it now, by a democratic President *pro tempore*.

Mr. EDMUNDS. Will the Senator from Alabama allow me a moment?

Mr. MORGAN. Certainly.

Mr. EDMUNDS. I thank my friend from Alabama for his courtesy. Will the Senator from Kentucky be kind enough to tell us whether on that occasion, the real division of parties being equal, the party that happened to have a technical majority on the morning of that day refused to admit three Senators with regular credentials in order to accomplish their purpose of electing Mr. King?

Mr. BECK. I will answer that. The democratic party has a majority to-day, not accidental, except as caused by the wrongful conduct of the then Vice-President in failing to vacate his seat, and the foolish conduct of two Senators from New York in throwing up their credentials. [Applause in the galleries.] The legitimate majority caused by these follies proposes to execute the law.

The PRESIDING OFFICER. The Senator from Kentucky will suspend. The Chair takes occasion to warn the galleries that if there is another exhibition of approval or disapproval from them the Chair will take the responsibility of ordering the galleries to be cleared. The Senator from Kentucky will proceed.

Mr. BECK. Only one other word. Having that majority, as I said, the fact that the President is dead and that the Vice-President is now acting as such makes it precisely a parallel case to what occurred in 1850. When General Taylor died then Millard Fillmore became President, and the democrats having a majority then, as we have it now, elected William R. King, of Alabama, President *pro tempore*, not for an hour, nor for a day, but President *pro tempore*, subject to the will of the Senate.

Mr. EDMUNDS. May I have the permission of my friend from Alabama to say a word?

Mr. MORGAN. Certainly.

Mr. EDMUNDS. I am not surprised at the manifestation of the galleries. It adds a certainly graceful keeping to the drama that goes on. To be sure, it is contrary to the rules of the Senate; but it is true that the rules of the Senate, its standing orders, require the Sergeant-at-Arms to arrest such persons and bring them before the Senate for punishment. But if the Senator says that two States in this Union are now, and I do not know but forever hereafter, to be excluded from representation because the Vice-President of the United States in the opinion of that Senator has failed to do something that he ought to have done, or because some former Senators

from the State of New York have resigned when they ought not to have resigned, it is not strange to me, as it sometimes happened I believe in the Roman forum when causes of justice were being decided, that the populace should add their constitutional views to such an occasion and such an argument.

But are we to be told, sir, seriously that any want of proper conduct—and I am far from believing there was any although I know nothing about it, having been ill and absent at the time—in the Vice-President of the United States, or supposing that the Senators from the State of New York betrayed their trust—and I have no right or authority or wish to express any opinion upon the subject; they certainly did not betray it for they had a right to surrender it; or suppose they did anything that was unfair and not right, is that a reason why the people of the great State of New York and under the Constitution the equally great State of Rhode Island, who fail to be represented for a different cause, are to be punished for that, and now when we have met as we are and their newly chosen representatives are here that you are to refuse to allow them to participate in our proceedings? My friend's case would have been a precedent, a bad one it is true, but it would have been a precedent if on that occasion to which he refers three Senators' credentials had been presented and the ruling majority had refused to allow them to be sworn until those who were in should have chosen a President *pro tempore* whom they hoped when the others did come in could not be ousted from his office. Then it would have been a case in point, not now.

Mr. MORGAN. Mr. President, I deny that this side of the Chamber have refused to admit Senators from New York or the Senator from Rhode Island said to be elected to this body. That subject has not been considered. If they have been denied admission into this body now, it is because the body is not in legal position to admit them. The officer prescribed by the law and the rule of the Senate is not yet in existence who has authority to admit them into office by administering to them the required oath of office. We follow the law and support and sustain it in its refusal to admit these gentlemen as members of this body until they can come in regularly as all other members of this body are required to do, and as, doubtless, the good of the country requires that they should do. Otherwise we should not find, as I have before observed, such stringent guards in the statutes and in the rules of the Senate restricting their induction into office. That is the fair statement of the situation so far as they are concerned.

I might retort upon the honorable Senator and say to him that he exhibits remarkable anxiety, and I think very great haste, in undertaking to sweep from the statute-book laws that are binding upon us, and from the rules of the Senate rules which have been acted upon for many years here, in order that he may have some support in doing what? As far as I know, in bringing the Senate again into a disgraceful deadlock. Perhaps it might turn out otherwise; I venture no prediction upon that subject; but for nearly two months of this year we have found the Senate of the United States with equally divided parties unable to execute any of the business of the country because of such condition.

Mr. EDMUNDS. Will the Senator allow me to ask him why it was unable?

Mr. MORGAN. I think it was because the Senator from Vermont or those with whom he is acting, having first made an arrangement with a Senator elected as a democrat and for the election of somebody to the minor offices of the Senate, concluded that it was the duty of the republican party on that side by any means, whether sustained by law or morals it made no difference, to break down the party on this side and build up the party on that. That is my conviction about it. The Senator asks for an opinion.

Mr. EDMUNDS. The Senator will allow me to say that, according to the best of my knowledge, information, and belief, he is mistaken first as to his fact, as to any arrangement whatever. Second, if he will allow me to say it in his time, through his kindness, he is mistaken as to his second proposition that a deadlock was occasioned. The fact that the Senate failed to pass a particular resolution, which was a lawful and orderly one, grew out of the circumstance that a body of Senators in this Chamber—and ten could have done it as well as thirty-seven—obstructed and prevented the Senate from coming to any vote upon it, as any Senators can do on this now from this time until December.

Mr. MORGAN. Educated to that particular science of tactics and strategy by some ten or twelve days of obstruction in which the Senator from Vermont—not he, but his party in the Senate—led the way.

Mr. EDMUNDS. I think the Senator is again mistaken.

Mr. MORGAN. They set up a pretense of high moral, political, and constitutional duty for obstructing the proceedings of the Senate until men could be elected by Legislatures or appointed by governors, in order to fill up the Senate and create a majority of this body. Perhaps we might say that "honors were easy" on that occasion so far as the practice of the two parties in the Senate was concerned. The honorable Senator asked me why I had come to certain conclusions or made certain statements here, and in answer to that I stated my own convictions on the subject drawn from the facts as they presented themselves to my mind. Perhaps I am wrong; I hope that I am, but I do not believe it.

Now, Mr. President, I say that I could retort upon the honorable Senator from Vermont that he is pushing us to conclusions with extraordinary rapidity, not only at the expense of the law of the land and the rules of the Senate, but, as we fear very much, at the expense of real substantial justice to this body and to the country. These credentials have only been read this morning, and there is perhaps not a Senator here who has retained in his mind a thorough understanding of what they certify to. I dare say that the eye of a democratic Senator has never rested upon the papers which have been presented. Certainly no opportunity of investigation whatever has been accorded to us. It has been intimated that not only frauds prevailed in the Legislature of New York, but it also has been strongly intimated and urged that there was a want of constitutional power in that Legislature under the Constitution of the United States and of the State of New York to elect these Senators at the time they were elected. Are we to have no moment of time for the consideration of these grave questions, and are we to admit Senators here when, perchance, it may afterwards turn out that we violate the Constitution in admitting them, because they were not elected by bodies having authority to elect? Let us take matters a little more quietly, a little more sedately; let us observe the law of the land in the method of organizing this body, and we shall give to ourselves and to the country far more satisfaction than we should if from any motive, it makes no difference how good it might be, we should undertake to treat the laws on the statute-book with disdainful and contemptuous scorn upon the idea that they were interrupting the Senate in the discharge of its duty.

One more word, Mr. Chairman. The amendment which is now pending proposes to limit the tenure of office of the President *pro tempore* to one day, to this day. If we have a right to prescribe that tenure by a resolution of the Senate to the office of President *pro tempore* of this body, we have an equal right to prescribe a year. Whenever you assume to yourselves the right and power to prescribe the tenure of that office you thereby assume the right to forestall the Senate in setting aside or disregarding the tenure which you have established by your resolution, so that it must follow legitimately and legally that if we can say that the President *pro tempore* to be elected shall be chosen only for a day we should have an equal right to say he should be chosen only for an hour, and an equal right to say that he should be chosen for a year, or during the whole presidential term of Mr. Arthur. And yet here stands the action of the Senate of the United States matured in its wisdom, and I believe taken from a report of a committee, the chairman of which was Hon. Oliver P. Morton, in which it was solemnly decided—the honorable Senator from Arkansas [Mr. GARLAND] read the resolution—that the office of President *pro tempore* of the Senate is always under the control of this body. Now, sir, when we have adopted this resolution suppose this session lasts until midnight.

Mr. VEST. I think it was the Senator from Vermont who reported that resolution.

Mr. MORGAN. If so, the argument would be only the stronger.

Mr. EDMUNDS. My friend is mistaken. I think that resolution was reported from the Committee on Privileges and Elections, of which I was never a member to the best of my knowledge and belief.

Mr. MORGAN. That was my impression.

Mr. VEST. I think it came from the Judiciary Committee, of which the Senator was chairman.

Mr. EDMUNDS. Mr. Morton was never a member of the Judiciary Committee in my time.

Mr. VEST. It was a resolution of the Senator from Vermont, I think.

Mr. MORGAN. That resolution is just as thoroughly the law of this Senate as any resolution ever adopted.

Mr. EDMUNDS. There is no doubt of its correctness. It is perfectly clear.

Mr. MORGAN. And it subjects the office of President *pro tempore* of the Senate to the will and pleasure of the Senate at all times without exception. If, then, we prescribe that the President of the Senate *pro tempore* to be elected to-day shall be elected only for this day, it must follow, as a matter of course, that, after that resolution has been adopted and has passed beyond the period of reconsideration, it must stand as the law of the Senate until it is repealed by some other resolution. So that the Senate of the United States is now called upon to violate its own solemn declaration, its own traditional policy, its own avowal of its right under the Constitution, and for this special occasion to limit itself to a particular line of action and the office of President *pro tempore* to a certain fixed tenure. The Senator from Vermont might do as has been heretofore done on one occasion, offer a resolution that the President *pro tempore* of the Senate shall be elected and take his seat for the purpose only of qualifying Senators, by administering the oath to them. Perhaps the Senator from Vermont may yet come forward with an amendment of that kind. I do not know how far his genius and enterprise may lead him in arranging propositions for the purpose of defeating the law of the land and the rules of the Senate as they are laid down and prescribed in the book.

But we should have just as much right to say that the President *pro tempore* of the Senate should be chosen for the sole purpose of swearing in the Senators from New York and Rhode Island as we should have to say that he should be elected only for to-day. Suppose that after we had elected him for to-day the President of the United States

should become disabled for the discharge of his duties, what would then be the condition of affairs? Perhaps, without the will of the three Senators who are not yet admitted, the gentleman whom we might select would become instantly the acting President of the United States, and that beyond the power of the Senate to undo him, because they had elected him for to-day and that means under the Constitution, as I construe it, for the full time until a President of the United States is elected or until the disability is removed.

Mr. EDMUNDS. That is not the law.

Mr. MORGAN. That is my view of the law in reference to the devolution of the office or the duties of the office of President of the United States upon the President *pro tempore* of the Senate.

Mr. Chairman, I would gladly yield to the other side of this Chamber the responsibility of what they now so urgently and so earnestly demand; I would gladly yield it, looking to the interests of the democratic party, and looking to the gratification of my own feelings; but, sir, we are here for the purpose of executing the laws of this land, and I do not understand that I have any authority otherwise than by the regular course of legislative proceedings to repeal and to nullify or annul those laws. While they stand on the statute-book they must be followed by me.

Mr. VEST. Mr. President, I have no disposition to enter into a partisan discussion at any time, and especially at a time like the present. Certainly the question before us, however, presented by the Senator from Vermont, is one on which I think there need be very little debate. When that Senator uses the expression that the democratic party now seeks to take advantage of assassination I conceive it unworthy a discussion of this kind. I might say to that Senator that the blow which struck down the late President of the United States had no aspiration in it for democratic success, but it was for a faction of the republican party. If there be responsibility, direct or indirect, it rests there and not on us. I charge it not, but I repeat that the intimation, the suspicion that the democracy of this country have anything else but tears to shed for that terrible event, and anything but execration for that miserable offender, is utterly unfounded and cruelly unjust.

But, Mr. President, we are told now, as the shadows of the immortal dead are invoked, that the democratic party seeks to exclude from the deliberations of this Hall two sovereign States of this Union without law and without excuse. I might again retort, when did the republican party learn to confine themselves within the letter of the law where partisan advantage was sought to be obtained? But, sir, I am willing to stand in the presence of the immortal dead and try this question. The Senator from Vermont has invoked the shade of my illustrious predecessor upon this floor, that gallant man who illustrated his valor and his fidelity to the American flag on many a bloody battle-field—James Shields. I stand here and make my argument before his spirit and the other illustrious dead who are now with him in the land of shadows.

On the congressional records of this country are nine instances parallel with the case now before the Senate. I say now to the Senator from Vermont, and I challenge contradiction, that in some of these instances Senators from sovereign States were compelled to stand outside of this Chamber while a President *pro tempore* was elected in order to administer to them the oath. I challenge contradiction from the whole republican press of this country and the representatives of the republican party upon this floor when I state that it is shown by the records of the country that seven times out of nine the Senators here by an overwhelming majority decided that the new Senators before being sworn in should stand aside until a President *pro tempore* of this body was elected in order to administer to them the oath of office.

Mr. EDMUNDS. As my honorable friend challenges contradiction will he yield to me to make it?

Mr. VEST. Certainly.

Mr. EDMUNDS. Then I do contradict it, and I say there is no instance in the history of the country in which any Senator-elect has been compelled to stand aside, as his phrase was, until a President *pro tempore* was elected. There is no instance until this one to-day in which when it was proposed to swear in the new Senators before a President *pro tempore* was elected, it was not done.

Mr. VEST. With all respect to the Senator from Vermont, that is an evasion of the question and of my argument. When Clay, Calhoun, Webster, and Benton stood upon this floor and saw fourteen new Senators waiting at that door to be sworn in, and determined that they should not enter until a President *pro tempore* was elected, does the Senator pretend to say that they thought sovereign States were being excluded from their privileges upon this floor?

Mr. EDMUNDS. But, may I ask my friend, if he will allow me——

Mr. VEST. Certainly.

Mr. EDMUNDS. Did they determine that they should stand aside until then? Did a single Senator propose that they should be sworn in? Did they ask it themselves?

Mr. VEST. They did determine it by the most solemn official action, under their oaths of office.

Mr. EDMUNDS. Will the Senator kindly refer us to the instance?

Mr. VEST. I will, with pleasure, sir. Upon November 5, 1792, a President *pro tempore* was elected before new Senators were sworn in. Upon March 4, 1841, fourteen new Senators stood outside of this Chamber until a President *pro tempore* was elected. Upon March 5, 1849, the same thing occurred; and upon March 4, 1857; upon March 4, 1863; upon March 5, 1877; upon March 4, 1837; and in only two instances in the history of this country has the oath of office ever been administered to new Senators by a Senator upon this floor instead of a President *pro tempore*.

Mr. EDMUNDS. If the Senator will permit me——

Mr. VEST. Certainly.

Mr. EDMUNDS. The Senator is perfectly correct in his history, but his statement, as it appears to me, with great respect, differed a little from the history. He said it was determined that they should not be sworn in until a President *pro tempore* was elected. I differ with him. No question was raised, no application was made, and, I repeat, in the two instances that he names which are the only ones that exist where any Senator proposed that that should be done, inasmuch as parties stood so that it would make no difference, it was done.

Mr. VEST. Yet the Senator from Vermont assumes that Clay, Calhoun, Webster, Benton, Shields, Collamer, the great constitutional lawyers of that day, the defenders of popular rights and the sovereignty of States, were ignorant of the rights of Senators and the laws of the land. Sir, I deny it in defense of the memory of these great men. I say no man raised the question until 1853. The act of Congress was passed June 1, 1789; and the precedents are unbroken down to 1853; and I make the statement now in regard to that case to relieve the conscience of the Senator from Vermont. On December 20, 1852, David R. Atchison, of the State of Missouri, was elected President *pro tempore* of the Senate in place of William R. King, the President *pro tempore* at that time of the Senate, who resigned and went to Cuba on account of ill-health. At the succeeding session of the Senate in March, 1853, the question was mooted whether Mr. Atchison continued to be President *pro tempore* of the Senate, that session having expired, or whether he was out of office by virtue of the expiration of the session. Some of the best lawyers then upon this floor and in the Union held to the opinion, as the Senator from Vermont very well knows, that with the expiration of the session the incumbent of the office of President *pro tempore* went out of office. Mr. Atchison, in view of this extraordinary contingency and this novel question, submitted, as he should have done in all delicacy and fairness, the question to his brother Senators. I know from information derived from him (for in the providence of God he is yet an honored citizen of the State of Missouri) that his motive was in delicacy and fairness to ascertain beyond any question what the real legal status of the case was at that time. A compromise was the result, a compromise by which it was determined, by general and universal consent, that the oldest Senator should swear in the new Senators. That is the whole of it, and that is the instance which the Senator from Vermont invokes here to-day to break down the law of Congress, the rule of the Senate, and the unbroken precedents of this country since 1792.

Sir, we can afford to submit any such case to the people of these United States. We can afford to go to the country and let them say whether the democratic party seeks arbitrarily to wrest power and to rob sovereign States of their equal rights under the Constitution.

Mr. President, if the democratic party were the party of vandals and robbers described on this floor, where would be the majority of the Senate to-day? Where would be the power accidentally now in the hands of the Senator from Virginia [Mr. MAHONE] if eight democrats upon this side of the Chamber had not been actuated by their own conscientious convictions against partisan policy, against spoils, against plunder, when they had beyond question the undisputed majority on this floor? Yet in the very teeth of that action of the democrats, when we had eight majority and gave up the supremacy in this Chamber because eight of us—not myself but eight others—believed the Constitution and the law required the keeping of the Senator from Louisiana [Mr. KELLOGG] the sitting member now upon this floor, we are taunted with being a party of vandals, spoliators, and robbers, who seek to get all they can and hold it afterwards without law and without right.

At the last session of the Senate if we heard one thing more than any other, and from high and distinguished authority, it was that the voice of a constitutional majority is the voice of God. Sir, I invoke the voice of the Deity to-day. I invoke the dogma announced then by the republican party upon this floor. Where is "the constitutional majority?" It happens to be with the democratic party, but it is hardly a divine utterance, I take it now. By a party movement of a portion of the republican party, and by the act of Providence which struck down the generous and brave Senator from Rhode Island, it happens, without any act on our part, that we to-day hold the majority under the Constitution. In the debate in the Forty-fourth Congress, upon the very question which has been alluded to to-day, whether the President *pro tempore* is removable at the option of the Senate, the Senator from Vermont [Mr. EDMUNDS] gave us certain advice which I propose to follow. I read from an authority so distinguished and so disinterested. Said that Senator then:

One fit occasion—

For the election of a President *pro tempore*:

One fit occasion would be the absence of the President *pro tempore*. Another fit occasion might be his becoming unfit to discharge the duties of his office. Another fit occasion might be as I should say instead of being contrary to propriety, in all propriety the case that was mentioned the day before yesterday, when the

parties of this body being responsible for the exercise of governmental powers and for the course of legislation should change; and when parties should change and one party should find itself brought into power with a President *pro tempore* of the other party in the chair, exercising the great powers that the President of the Senate does exercise, I should say it would be the duty of that party, instead of a wrong, to change the President *pro tempore*, because he is the organ of the responsible body, and without his being in harmony with the political views of the gentlemen in the majority their will might often be frustrated. He appoints special committees; he does a thousand things which are of the greatest importance to the political interests of the country; and to say that one party may saddle another for the time being with a President *pro tempore*, and that that other party, when the times shall change, and they become responsible for the administration of affairs, cannot oust him and have a presiding officer of their own, would, in my opinion, be contrary to the principles of republican government. A party cannot get on that way, and it ought not to get on that way.

And I say "amen" to the declaration.

Mr. EDMUNDS. So do I.

Mr. VEST. Sir, if we are in the majority, even if for but ten minutes, we are responsible, and it is our duty and our right under the Constitution and under the law to choose our own officers.

Mr. President, this is a mandatory statute so far as our duty here to-day is concerned. We seek to wrest nothing from the republican party; we seek simply to meet the responsibility placed upon us by the law of the land, the rule of the Senate, the public sentiment of the country, and as I honestly believe by the dictate of conscience and of duty.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] to the resolution of the Senator from Ohio, [Mr. PENDLETON,] on which the yeas and nays have been ordered.

Mr. SAULSBURY. Let the amendment be reported.

The PRESIDING OFFICER. The Chief Clerk will report the amendment.

The CHIEF CLERK. At the end of the resolution it is proposed to add the words "for this day;" so as to read:

Resolved, That THOMAS F. BAYARD, a Senator from the State of Delaware, is hereby chosen President *pro tempore* of the Senate for this day.

The PRESIDING OFFICER. Is the Senate ready for the question upon the amendment?

The Chief Clerk proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) Upon this question I am paired with the Senator from Delaware who sits nearest me, [Mr. BAYARD.]

Mr. MCPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.] I make the statement once for all.

The roll-call was concluded; and the result was announced—yeas 33, nays 34; as follows:

YEAS—33.

Allison,	Ferry,	Kellogg,	Rollins,
Blair,	Frye,	Logan,	Saunders,
Cameron of Pa.,	Hale,	McDill,	Sawyer,
Cameron of Wis.,	Harrison,	McMillan,	Sherman,
Conger,	Hawley,	Mahone,	Teller,
Davis of Illinois,	Hill of Colorado,	Miller,	Van Wyck.
Dawes,	Hoar,	Mitchell,	
Edgerton,	Ingalls,	Morrill,	
Edmunds,	Jones of Nevada,	Plumb,	

NAYS—34.

Beck,	Garland,	Johnston,	Saulsbury,
Brown,	George,	Jonas,	Slater,
Butler,	Gorman,	Jones of Florida,	Vance,
Call,	Groome,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Farley,	Jackson,	Ransom,	

ABSENT—6.

Anthony,	Fair,	Platt,	Sewell.
Bayard,	McPherson,		

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the resolution proposed by the Senator from Ohio, [Mr. PENDLETON.]

Mr. EDMUNDS. Mr. Chairman, the edict having been registered, in some other place, I fear, that these two States shall go unrepresented at this moment, and that the Senate by its present majority will proceed to elect a President *pro tempore* indefinitely, it is my next duty to move to strike out the name of Senator BAYARD and insert the name of Senator ANTHONY; and so I move to strike out the words, "THOMAS F. BAYARD, a Senator from the State of Delaware," and insert the words, "HENRY B. ANTHONY, a Senator from the State of Rhode Island and of Providence Plantations," to be exact about it; and on that I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS,] upon which the yeas and nays are demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 34; as follows:

YEAS—32.

Allison,	Ferry,	Jones of Nevada,	Morrill,
Blair,	Frye,	Kellogg,	Plumb,
Cameron of Pa.,	Hale,	Logan,	Rollins,
Cameron of Wis.,	Harrison,	McDill,	Saunders,
Conger,	Hawley,	McMillan,	Sawyer,
Dawes,	Hill of Colorado,	Mahone,	Sherman,
Edgerton,	Hoar,	Miller,	Teller,
Edmunds,	Ingalls,	Mitchell,	Van Wyck.

NAYS—34.

Beck,	Garland,	Johnston,	Saulsbury,
Brown,	George,	Jonas,	Slater,
Butler,	Gorman,	Jones of Florida,	Vance,
Call,	Groome,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Farley,	Jackson,	Ransom,	

ABSENT—7.

Anthony,	Davis of Illinois,	McPherson,	Sewell.
Bayard,	Fair,	Platt,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the resolution proposed by the Senator from Ohio, [Mr. PENDLETON.]

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 32; as follows:

YEAS—34.

Beck,	Garland,	Johnston,	Saulsbury,
Brown,	George,	Jonas,	Slater,
Butler,	Gorman,	Jones of Florida,	Vance,
Call,	Groome,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Farley,	Jackson,	Ransom,	

NAYS—32.

Allison,	Ferry,	Jones of Nevada,	Morrill,
Blair,	Frye,	Kellogg,	Plumb,
Cameron of Pa.,	Hale,	Logan,	Rollins,
Cameron of Wis.,	Harrison,	McDill,	Saunders,
Conger,	Hawley,	McMillan,	Sawyer,
Dawes,	Hill of Colorado,	Mahone,	Sherman,
Edgerton,	Hoar,	Miller,	Teller,
Edmunds,	Ingalls,	Mitchell,	Van Wyck.

ABSENT—7.

Anthony,	Davis of Illinois,	McPherson,	Sewell.
Bayard,	Fair,	Platt	

So the resolution was agreed to.

The PRESIDING OFFICER. The Chair appoints the Senator from Rhode Island [Mr. ANTHONY] and the Senator from Ohio [Mr. PENDLETON] to escort the President *pro tempore* of the Senate elect to the chair.

Mr. BAYARD was escorted from his seat by Mr. ANTHONY and Mr. PENDLETON, and upon taking the chair as President *pro tempore* of the Senate said:

SENATORS: I fully appreciate the honor paid me by this expression of your confidence, and in assuming the duties of President *pro tempore* of the Senate in obedience to law and in accordance with the rules of this body and vote of the majority, I should have greater misgivings of fulfilling acceptably the requirements of the post were it not for the assurance, that so long as I shall continue to exercise its duties I shall receive your co-operation and friendly aid,—which I now earnestly and confidently ask at your hands.

We are all painfully mindful of the unusual circumstances under which we meet, and of the national bereavement which has caused this special session of the Senate.

May it not be hoped that, touched by a sense of common sorrow and chastened by a grief that penetrates every household in our great family of States, our proceedings shall be marked by a spirit of concession and harmony,—a generous consideration for mutual differences of opinion, a softening of partisan asperities, and a high intent to perform our duties in a manner responsive to the demands of the occasion and the best interests of our common country.

With such hopes and in such a spirit I now assume and shall endeavor to perform the duties of the high position to which your favor has assigned me.

CREDENTIALS.

Mr. EDMUNDS. Mr. President, I again rise to a question of the highest privilege. Upon the credentials now lying on your table I move first that Hon. Nelson W. Aldrich, Senator-elect from the State of Rhode Island and Providence Plantations, be now sworn into office.

Mr. PENDLETON. In order that we may have an opportunity of examining the credentials of the Senator-elect whom it is now proposed to swear in, and the credentials laid upon the table of the two Senators-elect from New York, I move that the Senate adjourn until to-morrow at twelve o'clock.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] has moved that the oath of office be administered to the Senator-elect from Rhode Island, and pending the consideration of that motion the Senator from Ohio [Mr. PENDLETON] has moved that the Senate do now adjourn, and upon that the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

The name of Mr. ALLISON was called, and he answered in the negative.

Mr. HOAR. I ask leave before the motion is put to inquire of the Senator from Ohio if it has ever been known——

The PRESIDENT *pro tempore*. The Senator will pause. Is there unanimous consent to the remarks of the Senator from Massachusetts?

Mr. HOAR. I wish to put merely an inquiry with reference to the courtesy due under our customs to another branch of the Government, whether it has ever been known that the Senate organized and adjourned without first communicating the fact of its organization to the President of the United States?

Mr. PENDLETON. It was with no disposition to prevent a notification to the President of the United States of the organization of the Senate that I proposed a motion to adjourn in order to prevent the swearing in of the Senators-elect without an opportunity of examining their credentials. With the unanimous consent of the Senate I will withdraw the motion to adjourn that the President of the United States may be notified of the organization of the Senate. I had some doubt of its propriety.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal by the Senator from Ohio of his motion to adjourn, the Chair understanding that the roll-call had commenced and that one Senator had already answered to his name?

Mr. PENDLETON. The withdrawal will only be for the purpose of entertaining a motion to notify the President of the organization of the Senate.

Mr. EDMUNDS. That being the purpose, I feel obliged as a matter of higher privilege than notifying the President of the United States to insist upon the right of these States to be first tried and either let in or excluded.

Mr. PENDLETON and others. Let the roll be called.

The PRESIDENT *pro tempore*. The call of the roll on the motion to adjourn will proceed.

The question being taken by yeas and nays, resulted—yeas 35, nays 34; as follows:

YEAS—35.

Bayard,	Farley,	Jackson,	Ransom,
Beck,	Garland,	Johnston,	Saulsbury,
Brown,	George,	Jonas,	Slater,
Butler,	Gorman,	Jones of Florida,	Vance,
Call,	Groome,	Lamar,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	

NAYS—34.

Allison,	Edmunds,	Jones of Nevada,	Plumb,
Anthony,	Ferry,	Kellogg,	Rollins,
Blair,	Frye,	Logan,	Saunders,
Cameron of Pa.,	Hale,	McDill,	Sawyer,
Cameron of Wis.,	Harrison,	McMillan,	Sherman,
Conger,	Hawley,	Mahone,	Teller,
Davis of Illinois,	Hill of Colorado,	Miller,	Van Wyck.
Dawes,	Hoar,	Mitchell,	
Edgerton,	Ingalls,	Morrill,	

ABSENT—4.

Fair,	McPherson,	Platt,	Sewell.

So the motion was agreed to; and (at two o'clock and fifty-eight minutes p. m.) the Senate adjourned until to-morrow at twelve o'clock.

TUESDAY, *October* 11, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

SWEARING IN OF SENATORS.

Mr. EDMUNDS. Mr. President, as a question of the highest privilege under the rule that I read yesterday, I ask that the oaths of office be administered to Mr. Aldrich, and I shall follow that, it being disposed of, with asking the same thing as to the other Senators-elect.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the oaths of office be administered to the Senator-elect from Rhode Island. The question is on that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator-elect will please come forward for the purpose named.

Mr. ALDRICH advanced to the Vice-President's desk, escorted by Mr. ANTHONY, and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, having been administered to him, he took his seat in the Senate.

Mr. EDMUNDS. Mr. President, I now move that the oaths of office be administered to the two Senators-elect from the State of New York, Mr. Miller and Mr. Lapham, who are present.

Mr. MCPHERSON. Pending that question, I rise to present a petition. I hold in my hand a petition, or rather a paper, affecting the motion of the Senator from Vermont. It is a communication signed by certain members of the Legislature of the State of New York, alleging certain reasons why Hon. Warner Miller and Hon. Elbridge G. Lapham are not entitled to seats in this body. With respect to the allegations I know nothing, and I have not the personal acquaintance of any of the gentlemen who have signed the petition. I do not offer it now with any desire to delay action upon the administering of the oath to the gentlemen named.

Mr. EDMUNDS. May I ask the Senator to whom the paper is addressed?

Mr. MCPHERSON. It is addressed to the Senate of the United States.

Mr. EDMUNDS. It is then a petition or memorial?

Mr. MCPHERSON. And in deference to the right of petition I have deemed it my duty to present it. I therefore offer the petition with the statement that at the proper time I shall move to refer it to the appropriate committee.

Mr. EDMUNDS. As the petition bears or purports to bear upon the propriety of the swearing in of these gentlemen, I think it right, within the spirit of the rule which I have stood upon, not to object to its reception in connection with this question, and I do not object.

The PRESIDENT *pro tempore*. Is there objection to the reception of the petition pending the motion of the Senator from Vermont? ["None."] The Chair hears none and the petition is received and will lie upon the table. The question is upon the motion of the Senator from Vermont, that the Senators-elect from the State of New York be now sworn into office. [Putting the question.] The "ayes" have it. The Senators-elect will step forward to the desk and take the oaths of office.

Mr. LAPHAM and Mr. MILLER advanced to the Vice-President's desk, escorted respectively by Mr. EDMUNDS and Mr. SHERMAN, and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, having been administered to them, they took their seats in the Senate.

NOTIFICATION TO THE PRESIDENT.

Mr. PENDLETON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee, consisting of two Senators, be appointed to wait on the President of the United States and inform him that a quorum of the Senate has assembled, and that Hon. THOMAS F. BAYARD, a Senator from the State of Delaware, has been chosen President *pro tempore* of the Senate, and that the Senate is ready to receive any communication he may be pleased to make.

The PRESIDENT *pro tempore*. How shall the committee be appointed?

Mr. COCKRELL and others. By the Chair.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will appoint the Senator from Ohio [Mr. PENDLETON] and the Senator from Rhode Island [Mr. ANTHONY] as such committee.

HOUR OF MEETING.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be twelve o'clock meridian, until otherwise ordered.

RECESS.

Mr. HARRIS, (at twelve o'clock and fifteen minutes p. m.) I move that the Senate take a recess for one hour.

Mr. DAVIS, of Illinois, and others. Say half an hour.

Mr. HARRIS. At the suggestion of several Senators around me I will modify my motion and say a recess of half an hour instead of an hour.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee, that the Senate take a recess for half an hour.

The motion was agreed to; and at the expiration of the recess (at twelve o'clock and forty-five minutes p. m.) the Senate reassembled.

STANDING COMMITTEES.

Mr. EDMUNDS. Mr. President, I offer the following resolution:

Resolved, That the standing committees of the Senate as they were constituted at the close of the last session of the Senate be continued for the present session, and that the President *pro tempore* be authorized to fill up any vacancies now existing in said committees respectively.

Mr. HARRIS. Mr. President, let that resolution go over.

The PRESIDENT *pro tempore*. Under the rule the resolution will lie over.

COMMUNICATION WITH THE PRESIDENT.

Mr. PENDLETON and Mr. ANTHONY, the committee appointed to wait upon the President of the United States and notify him of the organization of the Senate, appeared below the bar.

Mr. PENDLETON. Mr. President, the committee appointed to wait upon the President of the United States and inform him that a quorum of this body is present, and that it is organized by the election of Mr. BAYARD as President *pro tempore*, has performed that duty and received from the President an answer that he would communicate with the Senate in writing to-morrow morning.

ACCOUNTS OF SECRETARY BURCH.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a communication from the financial clerk and have it read.

The Chief Clerk read as follows:

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
Washington, October 10, 1881.

SIR: The death of Hon. John C. Burch, late Secretary of the Senate, on the 28th of July, 1881, having rendered impossible my compliance with section 62 of the Revised Statutes, I have the honor to submit herewith directly to the Senate a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining on hand from July 1, 1880, to July 3, 1881.

Also, a statement of balances on hand, amounts drawn, and the disposition made of such funds from the 4th of July, 1881, to the 6th of August, 1881, accompanied

by letters from the First Comptroller and Register of the Treasury certifying that the accounts of Hon. John C. Burch, deceased, are balanced and closed on the books of the Treasury Department.

I also submit a full and complete account of all property belonging to the United States in the possession of the late Secretary of the Senate on the 28th of July, 1881.

Very respectfully, your obedient servant,

R. B. NIXON, *Financial Clerk.*

HON. T. F. BAYARD,
President of the Senate pro tempore.

Mr. EDMUNDS. I move that the letter and accompanying papers be printed and lie on the table.

The motion was agreed to.

ADJOURNMENT.

Mr. GARLAND. Mr. President, if there be no further business I move that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and forty-nine minutes p. m.) the Senate adjourned.

WEDNESDAY, *October* 12, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

VICENZO REBELLO.

Mr. KELLOGG. I offer the following resolution and ask for its present consideration:

Resolved, That the Secretary of State be directed to transmit to the Senate all papers on file in his office relating to the seizure of one Vicenzo Rebello, an Italian, in the city of New Orleans, in June, 1881, by one James Mooney, under a warrant of arrest issued by John A. Osborn, United States commissioner in and for the city of New York, of date June 17, 1881, running in the "name of the President of the United States" and addressed to "any marshal of the United States or his deputy or other officer in any State, district, or Territory within the jurisdiction of the United States, to James Mooney," and also all papers relating to the subsequent extradition of said Vicenzo Rebello.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I think it had better go over. I know the subject ought to be inquired into; but I am a little afraid that the resolution is so broad as to call for diplomatic papers between the two countries which it might not be suitable to submit. Therefore it strikes me that the resolution either ought to be modified to some extent, or be addressed to the President, requesting him "if in his judgment compatible with the public interests;" and therefore I ask that the resolution may go over for consideration.

The PRESIDENT *pro tempore*. Under the rule, the resolution will lie on the table and be printed.

STANDING COMMITTEES.

Mr. EDMUNDS. Mr. President, I move that the Senate proceed to the consideration of the resolution that I offered yesterday concerning the committees.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, that the Senate do now proceed to the consideration of the resolution offered by him yesterday relating to the standing committees of the Senate.

Several SENATORS. Let it be read.

The Chief Clerk read the following resolution yesterday submitted by Mr. EDMUNDS:

Resolved, That the standing committees of the Senate as they were constituted at the close of the last session of the Senate be continued for the present session, and that the President *pro tempore* be authorized to fill up any vacancies now existing in said committees respectively.

Mr. GARLAND. Mr. President, I request the Senator from Vermont to permit the resolution to lie over, at any rate until we receive some communication from the Executive, and I will give my reasons to the Senator and to the Senate for making the request.

It is very evident that we cannot do any legislative business at this extra session of the Senate. We can only perform executive business. It is also evident—we all know it to be a fact—that the committees appointed at this extra session will only live during the lifetime of the session; they will expire when this session passes out. We have some thirty-six or more standing committees under the rule; and it is certainly true that at this session it will not be necessary to organize even a fourth of those committees. Of course I could not, nor could any other Senator, say definitely what committees just now would be necessary; but we can safely assume that there will not be needed possibly over seven or nine of the standing committees to transact the business of this extra session. Under the resolution the others would be organized with the attachés and employés of those committees, simply as a mere matter, I suppose, of ornament to this extra session, with no labors to perform, but at an expense to the Government. When the President communicates to us what he wants us to do in executive session we shall then know what committees should be appointed in order to consider and report upon the executive business.

I think, with due respect to the Senator from Vermont and everybody else, that the committees which will be necessary to transact this work, and they alone, should be organized at this session of the Senate. I say this with utter indifference, so far as I am concerned. For one I am utterly indifferent as to how the membership of the committees shall be distributed at this short extra session; but I do think that the standing committees provided for under the forty-seventh rule should be appointed and organized now only so far as may be necessary for the purpose of doing the business which we are called to do, and the extent of which we can only know from the communications of the Executive. I make this suggestion to the Senator from Vermont with a view of expediting the business of the Senate.

Mr. EDMUNDS. The resolution that I had the honor to offer yesterday is precisely the resolution that the Senate has invariably adopted on occasions like this. At the beginning of a Congress when there is a called session of the Senate and when theoretically there is one-third of the whole body of Senators new—although not always so in fact—the committees have been reorganized with a view to the adjustment of personal duties among the whole body of Senators; but at called sessions of the Senate like this one, not at the beginning of a Congress, and when if there be any new Senators the number is always as in this instance extremely small, I repeat that it has been, I think, the invariable practice to pass just such a resolution as I have had the honor to offer.

I am not unmindful of the fact that now (however differently it may have been two or three days ago) the political strength of this body is in the neighborhood, I will say, of an equipoise. I do not wish to speak with precision about such nice matters, and so I will say "in the neighborhood of an equipoise"—"there or thereabouts," as the witnesses in horse-suits say. I do not forget that; and were this a session where there was to be a long continuance of duties of all kinds, it would be worthy of consideration, particularly in view of what has already taken place, how far the committees should be adjusted in order to have them represent as far as they might all the political forces in the body. About that I express no opinion further than I have already done; but I do say, that it appears to me that for the purpose of disposing of the executive business which I hope may be disposed of by Saturday or Monday, if we are diligent and desire to do it, the question of the reorganization of the committees, more or less, with a view to rectifying any supposed inequalities that may now exist in regard to chairmanships or whatever, would be a very trivial work.

It does not appear to me that I should feel, (although nobody can say until he has tried,) if I occupied the position of my friend from Arkansas in reference to the committees at this moment, that it was any part of my Republican mission to insist upon a reorganization of the committees if they were constituted at this moment of all Democratic chairmen, on the theory that we are to stay here only a very few days to do this little work. But however valuable it might be, the profit, to use a mercantile phrase, would not pay the expense of the performance, because that requires a readjustment among gentlemen of all sides of their personal views and wishes, and consultations which are not political ones in the sense in which I was speaking just a minute ago, but the convenience of Senators on all sides and their views as to the places where they think they can do best for the public business on committees.

Now I do not think it would be practicable to undertake to do that on this occasion; and inasmuch as the session is to be so short, it did not appear to me that any gentleman on the other side of the Chamber would think that the circumstance that the chairmanships of most of the committees are now held by Republicans would be of sufficient consequence for this very short period of time to make any suggestion about it.

Of course, gentlemen have a right to make the suggestion and to try the question by the Senate, and I concede it freely; but I only make these suggestions as to the way it appears to me. I think it will be found in respect of executive business that nearly every committee will have more or less of work to do, because I think I may say without violating the rules in regard to executive sessions that we find, taking the general run of two or three hundred nominations, that they naturally, from the nature of the service for which the various people are named in these nominations, would go to a very large number of committees, and we cannot tell to which ones until we get them, and if we get a batch to-day we cannot tell what will come to-morrow.

But as my friend from Arkansas desires that this matter should not be pressed at this time, I will withdraw my motion with pleasure, sir.

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont, to proceed to the consideration of the resolution submitted by him, is withdrawn for the present.

MESSAGE FROM THE PRESIDENT.

At twelve o'clock and eighteen minutes p. m., Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared at the bar of the Senate and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate several messages in writing.

The messages having been delivered and laid on the desk of the President *pro tempore* were found to be of an executive character, with one exception.

INTERNATIONAL SANITARY CONFERENCE.

The PRESIDENT *pro tempore* laid before the Senate the following message; which was read, and ordered to lie on the table and be printed:

To the Senate of the United States:

I transmit herewith to the Senate a communication from the Secretary of State submitting the text in the English and French languages of the proceedings of the International Sanitary Conference, provided for by the joint resolution of the Senate and House of Representatives of the United States of America, held at Washington in the early part of 1881.

CHESTER A. ARTHUR.

WASHINGTON, *October* 12, 1881.

EXECUTIVE SESSION.

Mr. EDMUNDS I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session, the doors were reopened.

DEATH OF SENATOR BURNSIDE.

Mr. ANTHONY. Mr. President, I rise to perform a most mournful duty. I present certain resolutions passed by the city council of the city of Providence upon the death of my late colleague, AMBROSE EVERETT BURNSIDE. Contrary to my usual custom, I ask that they be read and that they be entered at length on the Journal.

The PRESIDENT *pro tempore*. The resolutions will be read at the desk.

The Chief Clerk read as follows:

THE CITY OF PROVIDENCE.

Joint resolutions of the city council.

Whereas General AMBROSE E. BURNSIDE, United States Senator for the State of Rhode Island, died September 13, 1881; and

Whereas his remains are to lie in state at the city hall in the city of Providence until the day of his funeral on Friday, September 16, 1881, at twelve o'clock noon: Therefore,

Resolved, That we, the city council of said city of Providence, representing the feelings of sorrow which our citizens share alike in the death of a brave and distinguished soldier, a high-minded legislator and citizen, do hereby recognize the great loss sustained by the nation, the State, and the city.

Resolved, That, as a mark of respect to the memory of the deceased soldier and statesman, the city hall be closed to the transaction of public business from eleven o'clock a. m. on Thursday, September 15, 1881, to the Saturday following, at nine o'clock a. m., and that the city council attend his funeral in a body.

Resolved, That the city clerk be hereby directed to transmit copies of the aforegoing to the family of General BURNSIDE and to the United States Senate.

Passed in common council, September 14, 1881; in board of aldermen same day.

Approved September 14, 1881.

WILLIAM S. HAYWARD, *Mayor*.

A true copy of record.

Attest: HENRY V. A. JOSLIN, *City Clerk*.

Mr. ANTHONY. Mr. President, the sad event which these resolutions deplore occurred at the country house of General BURNSIDE, near Bristol, on the morning of the 13th of September, by a disease so insidious and so rapid that it did not assume a threatening aspect until within an hour of its fatal termination.

This sudden and unexpected bereavement threw the State into mourning. Every man in it felt that he had lost a friend, a brother, a father, or a son. The governor, responsive to the general desire, ordered to his memory the honor of a public funeral and charged himself with the execution of the order. It was one of the most imposing and wonderful demonstrations of public respect and popular affection ever witnessed in the State. The officials and the chief dignitaries of the State participated in the solemn ceremonies. Distinguished personages from without the State, including members of both Houses of Congress, some from far distances, and at great personal inconvenience, attended to pay the last tribute of respect to Rhode Island's dead Senator.

The melancholy procession wound its slow way through streets lined with a sorrowing population and somber with the draperies of woe. Loving hands laid his form by the side of the bride of his youth; his old companions in arms discharged their farewell volleys over his grave.

Already measures have been inaugurated for the erection of a statue which shall attest to coming generations how dear he was to the people whom he served so well and so faithfully.

Such honors Ilion to her hero paid,
And peaceful slept the mighty Hector's shade.

At a future time, Mr. President, when the other House of Congress shall be in session to respond to the action of this, my colleague and myself will ask the suspension of public business, that the Senate may pay fitting tribute to the character, the virtues, and the services of General BURNSIDE.

I move, as a mark of respect to his memory, that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and forty-three minutes p. m.) the Senate adjourned.

THURSDAY, *October* 13, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

INTEROCEANIC CANAL.

Mr. LAMAR submitted the following resolution; which was read:

Resolved, That the President be requested, if not in his judgment incompatible with the public interest, to advise the Senate whether any action has been taken by the Government since the adjournment of the last Congress towards protecting the rights and interests of the United States in the projected interoceanic canal at Panama.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi ask for the present consideration of the resolution?

Mr. LAMAR. No, sir; let it lie on the table for the present, and I shall call it up to-morrow.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

STANDING COMMITTEES.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the resolution touching the continuation of the committees, which I had the honor to offer the other day.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of the resolution offered by him the day before yesterday relative to the election of the standing committees. Is the Senate ready for the question?

Mr. GARLAND. Let the resolution be reported.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read the resolution submitted by Mr. EDMUNDS on the 11th instant, as follows:

Resolved, That the standing committees of the Senate as they were constituted at the close of the last session of the Senate be continued for the present session, and that the President *pro tempore* be authorized to fill up any vacancies now existing in said committees respectively.

Mr. GARLAND. I beg leave to offer the following amendment to the resolution——

Mr. EDMUNDS. Is the resolution taken up, sir?

The PRESIDENT *pro tempore*. The question is on taking up the resolution.

Mr. GARLAND. I suppose there is no objection to taking it up.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the resolution will be considered as before the Senate. The Chief Clerk will now report the amendment offered by the Senator from Arkansas to the resolution of the Senator from Vermont.

The CHIEF CLERK. After the word "Senate," in line 2 of the resolution, it is proposed to insert the following:

Excepting the Committees on Privileges and Elections, Appropriations, Manufactures, Private Land Claims, Agriculture, Revolutionary Claims, Claims, the District of Columbia, Patents, Territories, Railroads, Mines and Mining, Revision of the Laws of the United States, Education and Labor, Civil Service and Retrenchment, the Contingent Expenses of the Senate, Engrossed Bills, Improvement of the Mississippi River and its Tributaries, and Transportation Routes to the Seaboard.

Mr. GARLAND. Mr. President, there is no disposition that I know of to delay the consideration of the resolution at all; but in keeping with the remarks that I submitted to the Senate yesterday it has occurred to me that ten committees are all that will be necessary to transact the business of the session. If the amendment which I have offered be adopted, it will leave the following committees organized as they were at the last session to do the work of this session: The Committees on Foreign Relations, Finance, Commerce, Military Affairs, Naval Affairs, Judiciary, Post-Offices and Post-Roads, Public Lands, Pensions, and Indian Affairs.

I offer this amendment for the purpose, as I conceive, of expediting the business of the Senate, with no disposition to delay the organization and being willing to submit to the organization as constituted now.

Mr. EDMUNDS. Mr. President, the resolution that I had the honor to offer was a resolution in the substantial form of all those that have been offered on similar occasions, from the time when we first began to have standing committees down to this time; and it has not been thought desirable on all these former occasions or any of them to make exceptions in respect of the temporary continuation of all the committees for the purposes of a short called session like this.

If there were any great object of economy to be attained by agreeing to the amendment proposed by my friend from Arkansas, I should certainly be glad to listen to it, and would listen to it with a strong inclination to support it; but I am not able to see it in that way. We do not know that the Committee on Privileges and Elections will not have something to consider at this present session, for to its keeping ordinarily is intrusted the regulation of the privileges of the Senate and their defense. We have on our table now a petition presented by the Senator from New Jersey, [Mr. MCPHERSON,] said to seriously affect the right of a Senator from the State of New York to a seat in this body; and every question of that kind, as we all agree, ought to be considered at the earliest possible moment after the election of a President *pro tempore*. There was a difference as to what ought to be done before that time, but after that we all agree that we ought to make haste to do justice.

Mr. BUTLER. The Senator from Vermont will pardon me. There is so much conversation going on in the Chamber that we cannot hear on this side at all.

Mr. EDMUNDS. I cannot hear myself even.

The PRESIDENT *pro tempore*. Senators will suspend conversation that interferes with debate.

Mr. EDMUNDS. It is not so much Senators, I suspect, as visitors, all of whom are undoubtedly here in accordance with the rules of the Senate!

I was saying, Mr. President, that the Committee on Privileges and Elections, which is the first exception proposed by my friend from

Arkansas, is a committee that ought to be organized and apparently ought to do something immediately, for on the theory of what was stated by the Senator from New Jersey [Mr. MCPHERSON] it may be that we have an intruder in this body; and it may be on the other hand that faction and malevolence and falsehood and contrivance have concocted something in the form of a petition to be presented to this body to affect a particular event that the authors of it would prefer should sleep rather than be investigated. In either case I think we ought to have a Committee on Privileges and Elections, and have it now.

The next exception is the Committee on Appropriations. Of course we understand that no appropriations can be made at this session of the Senate; but there are or there may be proposals of appointments that rightly and properly might be referred to such a committee. As to the Committee on Manufactures, I confess I do not know precisely what its duties are, but as a celebrated Kentuckian once said, about an institution that no longer exists in this country, "it has become hallowed by time." Then there is the Committee on Private Land Claims, which (as I have sometimes been a member of that, as you, Mr. President, are now its chairman) we all understand has constant work whenever its members can be here, and has an annual clerk for that reason, in the investigation of land titles, and we all know that sundry nominations go to that committee. The Committee on Agriculture is the next in these exceptions. There are offices in the governmental department of the United States the nominations for which would properly go to that committee.

The Committee on Revolutionary Claims I confess I do not feel so sure about, for I for one am not a revolutionary man. The Committee on Claims frequently has matters of consideration, nominations and others, at called sessions, as does the Committee on the District of Columbia, which is the next; as does the Committee on Patents, (for I will not waste time in going through these,) as does the Committee on Territories, and undoubtedly that committee will at this present session have duties to perform. The same as to the Committee on Railroads, in respect of which we know from public report and not from anything that has taken place in closed doors, that there has been an important officer suspended for some supposed failure to perform his duty, or other reason, and we know that by law it is required that such a suspension shall be reported to this body; and so on. To that committee that matter I suppose would naturally go.

As to the Committee on Mines and Mining, I am not advised. As to the Committee on the Revision of the Laws of the United States, I am not advised. The Committee on Education and Labor very naturally may have something to do at this session. The same is true of that on Civil Service and Retrenchment. That ought to have something to do at every session; and how we are to get on in this session without civil service and retrenchment, I am unable to see. The same of the Committee to Audit and Control the Contingent Expenses of the Senate. That is a committee which every day, in vacation as well as in session, has to pass upon vouchers; and I think it was continued during the recess in order to do that thing. The recess has ended——

Mr. GARLAND. I had thought of that in reference to the committee the Senator now speaks of, but my impression is, after examining the matter, that it is continued by a law. If such be not the case, of course I desire to include it in the committees to be continued.

Mr. EDMUNDS. I need not go through the two or three other cases in the list, because I think I have stated enough (and I state it in all candor) to my friend from Arkansas to lead him to consider whether there are not several at least of these committees in the list that undoubtedly will have special and particular duties connected with executive affairs to perform at this session.

Now as to the whole of them, although their continuance involves the expense undoubtedly of the *per diem* of the clerks of those of them not annual clerks, (as the clerks of the Committees on Appropriations and Private Land Claims are, and I do not know but some others, where it involves no expense at all,) I do submit to my friend from Arkansas and to all gentlemen on the other side and upon this side of the Chamber that considering the nature of the Senate and the nature of the duties of Senators, in undertaking to save the expense of one clerk who has to write letters or send documents for the members of one committee, if that committee has not anything to do at all, and to force the seven gentlemen, as nearly equally divided between the two parties as they can be, unless you can find a man who belongs to both parties alike,—to deprive these gentlemen of both parties of the advantage of being assisted in the duties that they have to do here during the week or ten days of our session in order to save the six dollars a day for this one young gentleman to attend to the business, to assist them, as it appears to me, is making an apparent saving of dollars at a great waste and injury of public interests.

I hope, therefore, sir, without enlarging upon it, that the Senate will not agree to the amendment offered by the Senator from Arkansas.

Mr. GARLAND. The statement of the Senator from Vermont, except as to two committees which were included in the exception, is one of conjecture. It may be that we shall have business for all these committees, and it may be that we shall not. After a careful revision of the whole subject it occurred to me and other Senators that ten committees would be sufficient, and upon the positive statement of the Senator from Vermont he has only added two to the number, which are the Committee on Privileges and Elections and the Committee to Audit and Control the Contingent Expenses of the Senate. From a statement just made to me by the Senator from New Jersey [Mr. MCPHERSON] I am satisfied there will be business for the Committee on Privileges and Elections, and in the doubt as to the Committee on Contingent Expenses of the Senate, I am willing to strike that out of the exceptions, as well, also, as the Committee on Privileges and Elections. That will make it twelve, and I ask to amend my amendment to that extent.

The PRESIDENT *pro tempore*. If there be no objection, the modification indicated by the Senator from Arkansas to his amendment will be made.

Mr. EDMUNDS. He has a right to modify it in its present stage.

The PRESIDENT *pro tempore*. The amendment will be modified to the extent stated by the Senator from Arkansas.

Mr. GARLAND. That being the case, I think we shall have by the amendment all the committees that will be necessary, if, in fact, we shall not have some that will not be necessary for the business of this session; but I want to state that if in the course of the business at any time it appears to the Senate that there is a necessity for any one of these committees, upon the motion of any Senator I should not object to its being organized as it existed at the last session; and I think that meets the whole case.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment offered by the Senator from Arkansas [Mr. GARLAND] to the resolution offered by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. TELLER. Let the amendment be read as modified.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert after the word "Senate," in line 2 of the resolution, the following words:

Excepting the Committees on Appropriations, Manufactures, Private Land Claims, Agriculture, Revolutionary Claims, Claims, District of Columbia, Patents, Territories, Railroads, Mines and Mining, Revision of the Laws of the United States, Education and Labor, Civil Service and Retrenchment, Engrossed Bills, Improvement of the Mississippi River and its Tributaries, and Transportation Routes to the Seaboard.

The PRESIDENT *pro tempore*. Is the Senate ready for the question? [Putting the question.] The Chair is unable to decide as to the result.

Mr. TELLER. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JOHNSTON, (after having voted in the affirmative.) I forgot at the moment when I voted that I am paired with the Senator from Massachusetts, [Mr. DAWES.] I withdraw my vote.

The result was announced—yeas 35, nays 37; as follows:

YEAS—35.

Bayard,	Farley,	Jackson,	Ransom,
Beck,	Garland,	Jonas,	Saulsbury,
Brown,	George,	Jones of Florida,	Slater,
Butler,	Gorman,	Lamar,	Vance,
Call,	Groome,	McPherson,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	

NAYS—37.

Aldrich,	Ferry,	Lapham,	Rollins,
Allison,	Frye,	Logan,	Saunders,
Anthony,	Hale,	McDill,	Sawyer,
Blair,	Harrison,	McMillan,	Sewell,
Cameron of Pa.,	Hawley,	Mahone,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Miller of Cal.,	Teller,
Conger,	Hoar,	Miller of N. Y.,	Van Wyck.
Davis of Illinois,	Ingalls,	Mitchell,	
Edgerton,	Jones of Nevada,	Morrill,	
Edmunds,	Kellogg,	Plumb,	

ABSENT—4.

Dawes,	Fair,	Johnston,	Platt.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the resolution of the Senator from Vermont.

Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. Mr. President, I was reminded a day or two ago by my distinguished friend from North Carolina [Mr. RANSOM] that there was one select committee of the Senate that had the special mission of seeing what could be done about the health of the city in connection with the Potomac River here, that ought to be continued; and I should be glad, that being the case, to add that committee to the standing committees.

Mr. RANSOM. Mr. President, I wish that my friend from Vermont was exactly correct in his statement. It is not a special committee. The committee to examine the question of the Potomac flats is the Committee on Commerce. That question was referred to the Committee on Commerce, and a sub-committee has been appointed under the Committee on Commerce to attend to that question. If the Committee on Commerce is revived, that revives the sub-committee.

Mr. EDMUNDS. It is all right, then.

The yeas and nays were taken.

Mr. JOHNSTON. I am paired with the Senator from Massachusetts, [Mr. DAWES.]

The result was announced—yeas 37, nays 35; as follows:

YEAS—37.

Aldrich,	Ferry,	Lapham,	Rollins,
Allison,	Frye,	Logan,	Saunders,
Anthony,	Hale,	McDill,	Sawyer,
Blair,	Harrison,	McMillan,	Sewell,
Cameron of Pa.,	Hawley,	Mahone,	Sherman,
Cameron of Wis.,	Hill of Colorado,	Miller of Cal.,	Teller,
Conger,	Hoar,	Miller of N. Y.,	Van Wyck.
Davis of Illinois,	Ingalls,	Mitchell,	
Edgerton,	Jones of Nevada,	Morrill,	
Edmunds,	Kellogg,	Plumb,	

NAYS—35.

Bayard,	Farley,	Jackson,	Ransom,
Beck,	Garland,	Jonas,	Saulsbury,
Brown,	George,	Jones of Florida,	Slater,
Butler,	Gorman,	Lamar,	Vance,
Call,	Groome,	McPherson,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	

ABSENT—4.

Dawes,	Fair,	Johnston,	Platt.

So the resolution was agreed to.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. LOGAN. Mr. President, I ask leave to present a resolution.

The PRESIDENT *pro tempore*. The Senator from Illinois offers a resolution, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That DAVID DAVIS, a Senator from the State of Illinois, is hereby chosen President *pro tempore* of the Senate.

Mr. LOGAN. I ask for the immediate consideration of the resolution, if there is no objection.

Mr. PENDLETON. I ask that the resolution lie over under the rule.

The PRESIDENT *pro tempore*. The present consideration of the resolution being objected to, it lies over under the rule.

Mr. LOGAN. Certainly.

EXECUTIVE SESSION.

Mr. SHERMAN. If there is no further business in open session, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session, the doors were reopened.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. PENDLETON. Mr. President, when the Senator from Illinois [Mr. LOGAN] offered his resolution for the election of a President *pro tempore* of the Senate, inasmuch as it was offered without previous notice, I objected to its immediate consideration. Since then, upon reflection and consultation with gentlemen upon this side of the Chamber, I have concluded to withdraw my objection to its immediate consideration, which I now do.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The objection of the Senator from Ohio interposed to the resolution offered by the Senator from Illinois is withdrawn. Is there other objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate and will be read.

The Chief Clerk read as follows:

Resolved, That DAVID DAVIS, a Senator from the State of Illinois, is hereby chosen President *pro tempore* of the Senate.

The PRESIDING OFFICER. Is the Senate ready for the question upon agreeing to the resolution?

Mr. JONES, of Florida. Mr. President, before this question is submitted to a vote of the Senate I for one wish to repeat a protest which I once made here on this subject by denying the power of the Senate to do this thing. I am not content to occupy my seat quietly and let this question pass by without saying a few words upon it.

It is true it may be said that this is no longer an open question, that a precedent was established in the Forty-fourth Congress by which the right of the Senate to change at will its presiding officer was affirmed. I hope that the action of the Senate at that time will not be considered as a precedent, because if there is one question upon which the great minds of this country were divided then it was this. We had an interesting debate upon it at one time and a good deal of light was shed.

Mr. President, Congress by an act passed in 1792 has declared that the presiding officer of the Senate shall succeed in a certain contingency to the office of President of the United States. The language of the Constitution does not say that the President *pro tempore* of the Senate is an officer of the Senate in the sense that the Sergeant-at-Arms or the Secretary or the Chief Clerk is. It declares that the Senate shall have the power to elect its own officers, and a President *pro tempore* during the absence of the Vice-President; and when a President *pro tempore* of the Senate is elected by that body during the absence of the Vice-President, the Constitution, in my judgment, has fixed the tenure of his office. You have filled the vacancy which the organic law has provided for, and you have no power, in my judgment, to undo it.

It has been said here time and again on former occasions that we had the same power over our presiding officer that the House of Representatives has over its Speaker, and analogies from the English system have been presented. What is the rule in the British Parliament to-day? Has it ever been the rule there that when a speaker was elected he was regarded as holding his office at the will of the body? He holds his office during a Parliament, and no change of majority in the house has ever been claimed to possess the power to unseat him.

There is no fixed tenure to the office of Speaker of our House of Representatives; still I do not know an instance where he has been changed. But an act of Congress has cast an important duty in a certain contingency upon this officer of the Senate. Congress has declared that the President *pro tempore* of the Senate in the case of the death or resignation or inability of both the President and Vice-President shall become President of the United States; and when the Vice-President is called from his chair to the executive office, you are required to fill the vacancy thereby occasioned, which you have done in this case; but now you turn around a few days after you have taken this action required by the Constitution and propose to undo your own work. Where would this lead? What did the Constitution mean when it declared that the office should be cast upon the officer designated by law? It did not mean that in any case the Senate of the United States should engage in a wrangle over the presidential office; it did not mean that the office should be cast upon a particular Senator or a particular man, but it contemplated that if such an unfortunate contingency should arise the office would fall upon the officer that had been designated to fill the permanent vacancy previous to the contingency which made it necessary for him to go into the first office.

Now, I do not wish to add to anything I have said hitherto on this subject, but I wish to read what Mr. Seward said in his day upon this question. In 1854 Mr. Seward said:

Before we proceed with this election, I should like to have the views of Senators in regard to the effect of the appointment—whether it is to be an absolute appointment of a President *pro tempore*, and what the tenure of his office is to be. I will state very freely my own opinion in going into this election, and it is this: that there can be but one person at the same time holding the office of President *pro tempore* of the Senate of the United States, and that that person will hold his office until it shall again constitutionally become vacant; so that in the case of a vacancy occurring in the office of the President of the United States the person now to be chosen to fill the office of President *pro tempore* of the Senate would succeed to that high trust and become the Chief Executive Magistrate of the United States.

In my judgment, a more unwise precedent, if precedent it is to be regarded, never was established by the Senate than when it declared that this body should have the power in case of anything unfortunately happening to the present incumbent of the executive office to enter into a contest for the Presidency of the United States. I shall do no more now than put on record my views as expressed to the Senate on the 10th of January, 1876:

Mr. JONES, of Florida. Mr. President, I agree in all that has been said by the committee in the report except what is stated in their last conclusion, and I concur entirely with the Senator from North Carolina [Mr. MERRIMON] in the views he has expressed in regard to this case.

Whatever might have been the construction of the Constitution before the act of March 1, 1792, was passed, it is very clear that that act must have great weight in the consideration of the question before us. It is not enough to show, therefore, by the terms of the Constitution, that the President *pro tempore* of the Senate is an officer of the Senate, and under those provisions alone would be removable at the pleasure of the Senate. It is possible that such a construction would have been warranted before the act of 1792 was passed; but the Constitution gave to Congress the right to say, and that body has said, what officers shall succeed to the office of President in the event of the death of the President and Vice-President. While it may be true, therefore, that the Constitution intended to place the President of the Senate under the control of this body and make him removable at its pleasure, if no legislation was had under the first section of the second article of the Constitution, which empowers Congress to provide for filling the office of President when the two first officers in the Government are dead or are removed, still, the last provision in the Constitution gives Congress the power to change the tenure of the office of the President of the Senate when it gives it authority to say that the person who fills it in a certain exigency shall be President of the United States.

If the power conferred upon Congress touching the filling of the office of President of the United States be in conflict with that which is supposed to exist on the part of this body to remove its presiding officer, then reasonable construction must decide the question at issue. It is not enough to say that the President *pro tempore* of the Senate, like the Sergeant-at-Arms of the Senate, is an officer of this body, and because the Sergeant-at-Arms may be removed by the Senate, so may the President *pro tempore* be removed. This mode of reasoning would be admissible if Congress under the Constitution had not pointed out duties beyond the Senate for the one officer in a certain contingency which it has not prescribed for the other.

This is the great point, in my opinion, upon which this debate must turn.

If Congress has the right (which no one will deny) to cast upon the President *pro tempore* of the Senate the office of President of the United States when the President and Vice-President are dead, and in order to guard against doubts and uncertainties is a matter of so much importance, it becomes necessary that the tenure of office of the President of the Senate should be fixed, can it be said that the right to remove such officer on the part of the Senate should supersede the right of Congress to designate him as heir expectant of the Presidency? Or, to put the proposition in another shape, if Congress under an express provision of the Constitution has the right to cast upon the President of the Senate duties and powers, either *in presenti* or in expectancy, which are in conflict, or which may come in conflict, with the right of the Senate to remove such officer, derived by implication, which power shall prevail? The right of this body to remove this officer is a right derived by implication, while the other right exercised by Congress is in virtue of an express power given by the Constitution. The Constitution made it the duty of Congress to declare by law what officer shall exercise the executive office of the nation when left vacant by both the President and Vice-

President. Congress accordingly has provided that in such a contingency the office shall be filled by the President of the Senate or the Speaker of the House for the time being. Congress was not invested with the general power to fill the office; but the Constitution requires that it shall provide by law what officer shall act as President in such an exigency. Law, as defined by a great master of jurisprudence, is a rule of action, prescribed by the supreme power in the state, commanding what is right and forbidding what is wrong. It is distinguishable from a sudden and transient order proceeding from the whims and caprices of despots. It implies permanency and uniformity, and is prescribed or published in order that all may know the duties it enjoins and the penalties which its violation will incur.

The law then designates the President *pro tempore* of the Senate as the officer who shall succeed to the Presidency in the contingency mentioned. How will this law operate with the right asserted in behalf of this body to remove that officer at its pleasure? Remember that the law provides that if there be no President *pro tempore* of the Senate the Speaker of the House shall act as President. All experience teaches us that nothing is more dangerous to the peace and security of nations than those conflicts which arise out of disputes about the right to the chief office in the State.

Nothing can be more important to the safety of the Republic and liberties of the people than the removal of all doubt, or the means of creating doubt, as to the persons entitled to the office of President of the United States. Persons with doubtful titles may, and often do, get into the local or subordinate offices; but let any man enter into the office of President of the United States whom a majority of the people of this country believe is not entitled to it, and they would be tempted to remove him by force. There was a time in the history of the country when it was not considered sound to reason from the existence of a power to the abuse of it. We have all seen enough in our day and time to convince us that the only real danger to which this grand fabric of government is exposed is the excitement, passion, and conflicts resulting from party spirit.

I am not unaware that as a member of the minority of this body, entertaining hopes that a change will take place in the political complexion of the majority, my interest and the interests of those with whom I act here lies in a different direction from the one in which my argument leads me; but, sir, while feeling, as all do, the influence of party attachment and principles, I think, sir, I feel more strongly at this time the necessity of using the little power at my command in strengthening every rampart which the Constitution has erected for the protection and security of our liberties. This body we know is subject to change. It has changed in the past and it will change in the future. It has never yet happened, I believe, that a President of this body was called to the office of President; but it may happen at any time. True wisdom requires that we should always be prepared for what is possible to occur.

We know that occasions may arise when this body and the other House will feel the force of excitement sure to result from a vacancy in the executive office. We are without a Vice-President to-day. There is but one step from the chair of the Senate to that of the nation. Who can tell what a day may bring forth? There is no greater security for the life of a prince than exists for the life of a beggar.

> Within the hollow crown
> That rounds the mortal temples of a king
> Keeps Death his court; and there the antic sits,
> Scoffing his state and grinning at his pomp;
> Allowing him a breath, a little scene
> To monarchize, be fear'd, and kill with looks;
> Infusing him with self and vain conceit,—
> As if this flesh, which walls about our life,
> Were brass impregnable; and humor'd thus,
> Comes at the last, and with a little pin
> Bores through his castle wall, and—farewell king!

With the absolute power of removal over the officer who is designated by law to fill the office of President, if the occasion should arise, which I pray it may not, for putting in practice this part of our Constitution, to what intrigue and political excitement would not this power lead in the Senate when it was within its competency to designate the man who should occupy the first place in the nation! The power given in the Constitution to the Senate to choose its own President would in that event be converted into a power to elect a President of the United States. But, sir, this is the body which has the power to remove from office by impeachment. A large partisan majority here and in the other House may remove both the President and Vice-President, and they may be prompted to do this by the hope of getting some favorite into the presidential office. Mark you, that in case of the removal of both the President and Vice-President the Senate, under the rule insisted upon on the other side, would elect the President. Is it wise to give to that tribunal which alone has the power under the Constitution of removing the President and Vice-President absolute power to name their successor? Need it be said, sir, that little checks like the one we advocate in this case might prove sufficient to save the State? This very power of the Senate to elect or remove a President at pleasure might lead to combinations and conspiracies to promote the fortunes of particular men. I do not argue now from the virtues or vices of any party, but I argue from the known passions, weaknesses, and imperfections of human nature itself. True, there are some powers I would not give to any party, and all that I say on this subject I intend to apply to all political organizations.

Why is it that the question now under debate has been brought before us? No complaint has ever been made against the gentleman in the chair on account of the manner in which he has performed his duties. No one supposes that this subject would now be agitated had we not lost the Vice-President. And what does this show? It shows that the Senate is looking beyond the office of President of the Senate, and, recognizing the uncertainties of life, is anxious about the person who might be called to the first office in the Government. And this, in my opinion, is not what the Constitution intended. It did not mean that the Senate should say who should be President in the exigency stated. If it did, very strange language has been employed to convey this meaning. But the Constitution gave Congress the power to decide this question, and that body has designated the officer. According to our view the President of the Senate, selected without reference to any higher duties than belong to that office, would in the emergency mentioned succeed to the Presidency. In the other case the Senate would have the power while complying with the letter of the law, and furnishing an officer for the vacancy filling the description in the statute, to exercise in its choice as to the person who should be placed at the head of the Government. Let the present situation illustrate the question. The present presiding officer was elected at a time when no thought was entertained of the death of the Vice-President. He was liable to be superseded at any moment by the latter officer. If during the absence of the Vice-President he and the President died, were removed, or resigned, Mr. FERRY would have become President. In that case there would have been no opportunity for the Senate to engage in a contest about the succession under one view of the law. But how would the case stand under the other view? Should sickness or accident imperil the life of the Chief Magistrate, then the Senate would have the power to exercise a choice as to the person who might be called to the Presidency. The selection of a President *pro tempore* of the Senate under such circumstances would become a selection of a President of the United States. And will any man say, or can he say, that with such a momentous issue cast upon this body there would not be much of the feeling, the acrimony, passion, and excitement, and with them much of the danger attending an ordinary election for that high officer?

But, sir, this is not all. As I said awhile ago, the Constitution provides that if there be no President *pro tempore* of the Senate the Speaker of the House, in the emergency stated, shall act as President. Remember now that while this body may bind its own members by its decision respecting the capacities and powers of its own presiding officer, so far as these relate to his ordinary duties in this body, it cannot claim the right to bind, and it cannot bind by any decision it may make, the other House of Congress in regard to this right of removal, in so far as that right involves the question of title to the Presidency. The House of Representatives being equally interested in this question with the Senate, has a right to decide for itself. And while this body may confirm this report and affirm that the Speaker of the House is removable at the will and pleasure of that body, and that therefore the President of the Senate is removable at the pleasure of this. And I would say here, by way of parenthesis, that the conclusion arrived at is because the Speaker of the House is removable at the will and pleasure of that body the President *pro tempore* is likewise removable by this.

Mr. MERRIMON. What authority is there for saying that the Speaker of the House may be removed at the will of the House?

Mr. JONES, of Florida. None. The people's Representatives may possibly come to a different conclusion, and they may say, as they have the right to say, that their Speaker holds his office for two years and is not removable at pleasure, and that the presiding officer of this body holds his office by a like tenure. It is hardly necessary for me to say what conclusion this reasoning will justify. If the Senate should act upon the theory of this report and displace their President when in the judgment of the House they had no right to do so, and a vacancy occurred in the office of President, the House might be found claiming the office of President of the United States for their Speaker and the Senate for their President. This condition of things could never result from the law as we understand it; for, although the House might believe in the power of removal as set up in this report and the Senate in a fixed tenure of office, no harm could come from such a difference. This is all I have to say on this part of the case.

I contend that by the very words of the Constitution the power of removal does not exist. The Constitution gives to the Senate the right to elect a President *pro tempore* in the absence of the Vice-President. Upon the appearance of the latter officer the right of the former to the chair terminates. The language is:

"The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States."

The language in regard to the Speakership is:

"The House of Representatives shall choose their Speaker and other officers."

No one who has studied the Constitution can fail to detect the pointed difference in the language employed in the two cases. The Senate is not to choose their President *pro tempore* and other officers, but their own officers and a President *pro tempore*.

It is not denied in the report of the committee that the Vice-President, when presiding over the Senate, holds his position independent of our pleasure. He is not liable to be displaced at the will of a majority. He is entitled to preside as long as he holds his office. And who can say that the framers of the Constitution, in providing for a permanent presiding officer of this body, did not consider it important that he should be clothed with independence in that important station? Every parliamentary body is composed of partisans, and these are divided into a majority and minority numbers. The rules or constitution of all such bodies are intended in a great measure to protect the rights of the minority. The majority can always protect itself. Nothing is more important to the fair and just application or enforcement of these rules than a presiding officer who can hold with an even hand the scales of justice between the majority and the minority. He is to some extent a judge. He is expected to decide many questions affecting the parties in the house, and all agree that he ought to decide fairly. How is this object to be attained? or is it so unimportant that no provision should be made to secure it? If it is an end worthy of attention, can anything be more plain than that the complete independence of the presiding officer, if not absolutely essential, will contribute very greatly in securing fairness and impartiality in the discharge of his duties? This is the more important in the Senate because of the long tenure of our offices. Under our system the great corrective power is with the people, and in the other House if any man abuses his power he may be brought to account before his constituents in two years. But here it is necessary to have some safeguards for the rights of the minority outside of the people. In the case of the President of the Senate it is to be found in the independence with which he is clothed. If it is wise and proper that the permanent presiding officer of this body should be independent, is it not equally so that the President *pro tempore* should be? It is possible that an officer of the latter character might preside over this body for four years. A President *pro tempore* must preside when the Vice President acts as President, and this has already occurred more than once in our history, and for nearly the whole term of the office.

Mr. President, it is well known that there was but one parliamentary body in the world at the time of the adoption of our Constitution whose history was looked to as an example by the men who devised the organization of this and the other House of Congress. That was the English House of Commons. Upon this subject none of the ancient republics afforded any light. They were governed by no fixed laws; indeed they were rude democracies, where violence and tumult often reigned supreme. The English Commons was at that time a model parliamentary body. Some of the most extraordinary statesmen and orators of the world had, before the time I speak of, rendered it famous by the display of their genius and eloquence. Besides, it was the body in which the great questions that drove the American Colonies into revolution were discussed, and it attracted for many years the most intense interest on this continent. Throughout the Federalist it is constantly referred to, which shows that it had been well studied by the leading men of the revolutionary era. All the Colonial Legislatures were formed after this great model, and it can hardly be doubted that when this body and the other House were created it was expected that the powers and duties of the officers who should fill these respective offices would be similar to those of the officers of the English House. That body always had a speaker and a sergeant at-arms. The speaker was always elected from among the returned members. Our Constitution, in providing for the election of a Speaker, did not deem it necessary to say that he should be selected from among the members of the House. The English practice, like the great source of light in judicial difficulties, the common law, settled the question. Now what was the law governing the subject under debate in the English House of Commons at the time of the adoption of our Constitution? The report of the committee says that the Speaker of the other House holds his office at the pleasure of that body; and the same rule must prevail here in regard to the President *pro tempore*. The Constitution is silent upon the subject, and reason and authority are all that we have to guide us. The law in force in the House of Commons then and now is that the speaker shall hold his office during the whole Parliament, unless by resignation or death a vacancy arises.

One more point and I will conclude. The Constitution gives to the Senate the right to choose a President *pro tempore* in the absence of the Vice-President. This is an express power, limited to a particular case. From whence does the power of removal come? It is not written in the Constitution. Where does the Senate obtain the right to exercise an implied power, for such the power of removal is in this case? Are there any implied powers vested by the Constitution in Congress? Yes. But in whom or what department? The Constitution declares that—

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Congress, and Congress alone, is the authority which the Constitution has invested with the right to carry into execution all implied powers. And if Congress should say that the Senate might remove its President it would bind the other House, and thus avoid the difficulties pointed out in the forepart of my argument.—*Congressional Record*, volume 4, part 1, Forty-fourth Congress, first session, pages 314 and 315.

The PRESIDING OFFICER. Is the Senate ready for the question upon agreeing to the resolution of the Senator from Illinois?

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAYARD, (when his name was called.) Mr. President, I propose to withhold my vote upon this question. I have never obtained office by my vote, and I shall never retain it by my own vote. I am glad the question is taken to-day.

Mr. HOAR, (when the name of Mr. DAWES was called.) My colleague [Mr. DAWES] is paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. RANSOM, (when Mr. JOHNSTON's name was called.) It has already been stated, but I was requested by the Senator from Virginia [Mr. JOHNSTON] to announce that he was paired with the Senator from Massachusetts, [Mr. DAWES.]

The roll-call was concluded.

Mr. PLATT. I desire to announce that I am paired with the Senator from Nevada, [Mr. FAIR.]

The result was announced—yeas 36, nays 34; as follows:

YEAS—36.

Aldrich,	Ferry,	Kellogg,	Morrill,
Allison,	Frye,	Lapham,	Plumb,
Anthony,	Hale,	Logan,	Rollins,
Blair,	Harrison,	McDill,	Saunders,
Cameron of Pa.,	Hawley,	McMillan,	Sawyer,
Cameron of Wis.,	Hill of Colorado,	Mahone,	Sewell,
Conger,	Hoar,	Miller of Cal.,	Sherman,
Edgerton,	Ingalls,	Miller of N. Y.,	Teller,
Edmunds,	Jones of Nevada,	Mitchell,	Van Wyck.

NAYS—34.

Beck,	Garland,	Jonas,	Saulsbury,
Brown,	George,	Jones of Florida,	Slater,
Butler,	Gorman,	Lamar,	Vance,
Call,	Groome,	McPherson,	Vest,
Camden,	Grover,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Pendleton,	Williams.
Davis of W. Va.,	Hill of Georgia,	Pugh,	
Farley,	Jackson,	Ransom,	

ABSENT—6.

Bayard.	Dawes,	Johnston,	Platt.
Davis of Illinois,	Fair,		

The PRESIDING OFFICER. The resolution is agreed to. The Chair appoints the Senator from Delaware [Mr. BAYARD] and the Senator from Rhode Island [Mr. ANTHONY] to escort the President *pro tempore* elect of the Senate to the chair.

Mr. BAYARD and Mr. ANTHONY escorted Mr. DAVIS, of Illinois, to the chair.

Mr. DAVIS, of Illinois, on taking the chair as President *pro tempore*, said:

SENATORS: The honor just conferred upon me comes as the seat in this body which I now hold did, without the least expectation on my part. If it carried any party obligation, I should be constrained to decline this high compliment. I do not accept it as a tribute to any personal merit, but rather as a recognition of the independent position which I have long occupied in the politics of the country.

I am profoundly grateful for this mark of confidence, and it shall be my endeavor, as it will be my duty, to administer the trust with impartiality and with entire fairness.

Being untrained in parliamentary practice I shall rely on the indulgence of the Senate in this respect, and hope for generous co-operation from all sides.

The Senate will please come to order.

THANKS TO MR. BAYARD.

Mr. EDMUNDS. Mr. President, I think it not only a duty but a pleasure to move that the thanks of the Senate be expressed to the Hon. THOMAS F. BAYARD, the retiring President *pro tempore*, for the dignity and impartiality with which he has presided over this body during the short period that he has done so. I am sorry to see some Senators smile, because I am absolutely in earnest. The Senator from Delaware came to the chair under circumstances of excitement and trial; and although his career has been short, as one of his political adversaries, in all sincerity I wish to express my obligation to him for the entire impartiality with which, when partiality might have done injury, he has conducted the duties that were assigned to him. I make that motion, sir.

The PRESIDENT *pro tempore*. The Senate has heard the motion of the Senator from Vermont, that the thanks of the Senate are presented to Mr. BAYARD, the retiring President *pro tempore*, for the dignity and impartiality with which he has discharged the duties of his office.

The motion was unanimously agreed to.

NOTIFICATION TO THE PRESIDENT.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to wait on the President of the United States and inform him that Hon. DAVID DAVIS, a Senator from the State of Illinois, has been chosen President *pro tempore* of the Senate.

The PRESIDENT *pro tempore*. How shall the committee be appointed? ["By the Chair."] The Chair appoints the Senator from Illinois [Mr. LOGAN] and the Senator from Ohio [Mr. PENDLETON] as the committee.

VICENZO REBELLO.

Mr. KELLOGG. I offered a resolution yesterday calling upon the Secretary of State for certain papers in a recent extradition case. The Senator from Vermont [Mr. EDMUNDS] objected for the time being on the ground that the resolution was too broad. After consulting with the Senator from Vermont in regard to his objection, I have concluded to accept a suggestion made by him, which I think will obviate all objection from any quarter to the resolution; which is to strike out, after the word "the" in the first line of the resolution, the words "Secretary of State be directed" and insert "President be requested, if in his opinion it is not incompatible with the public interests," and to strike out the words "on file in his office" and insert "on file in the office of the Secretary of State." With these amendments I ask that the resolution be agreed to.

The PRESIDENT *pro tempore*. The question is, Will the Senate take up the resolution of the Senator from Louisiana?

Mr. GARLAND. Let it be reported.

Mr. KELLOGG. Here is the resolution as amended.

The PRESIDENT *pro tempore*. The resolution will be read, and then the amendments to it.

Mr. KELLOGG. I have modified the resolution, and ask that the resolution as modified be read.

Mr. HARRIS. I understand the Senator from Louisiana has a perfect right to modify his resolution.

The PRESIDENT *pro tempore*. He has, certainly.

The Chief Clerk read the resolution as modified, as follows:

Resolved, That the President be requested, if in his opinion it is not incompatible with the public interests, to transmit to the Senate all papers on file in the office of the Secretary of State relating to the seizure of one Vicenzo Rebello, an Italian, in the city of New Orleans, in June, 1881, by one James Mooney, under a warrant of arrest issued by John A. Osborn, United States commissioner in and for the city of New York, of date June 17, 1881, running in "the name of the President of the United States," and addressed "to any marshal of the United States, or his deputy, or other officer in any State, district, or Territory within the jurisdiction of the United States, to James Mooney," and also all papers relating to the subsequent extradition of said Vicenzo Rebello.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the resolution at the present time.

The motion was agreed to; and the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The Senator from Louisiana has modified the resolution, as he has a right to do, in the particulars mentioned.

Mr. KELLOGG. Now I ask the adoption of the resolution. I presume there will be no objection.

The PRESIDENT *pro tempore*. There being no objection, the Chair will submit the question on the resolution as modified.

The resolution as modified was agreed to.

GARFIELD MEMORIAL.

Mr. VOORHEES. Mr. President, my attention has been called to a subject on which we all feel alike, by an accomplished lady who has given much study to subjects of the kind, the result of which is that I offer the following resolution, to be accompanied by some other papers:

Resolved, That the Joint Committee on the Library of Congress be, and is hereby, instructed to inquire into the expediency and propriety of causing a medal to be made in gold commemorative of the tragic and most lamentable death of James A. Garfield, late President of the United States.

The letter which I hold in my hand was not written to me for publication, but it is so full of information and pertinent suggestion that I shall take the liberty myself of asking the Chief Clerk to read it for the information of the Senate, in connection with the resolution which I have offered.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

WASHINGTON, *October* 8, 1881.

SIR: It may not have occurred to any member of your honorable body to commemorate the sad death of our beloved President by introducing a resolution ordering a medal to be struck in his honor.

The Government of the United States has issued comparatively few national medals, (I do not now recall a metallic memorial upon the loss of a statesman or warrior ordered by Congress to be given occasionally to an eldest son.) Although we are culpably negligent in these observances, you and I know that no one has ever lived in this land who, by nature and through culture, would have more appreciated such a national recognition of a citizen's worth than James Abram Garfield. I have ventured upon a design which I herewith send, in a crude state, as suitable for the occasion, and when I see you will give my full meaning which will possibly be obscure on paper, yet all-sufficient on metal.

Should Congress pass a resolution ordering such a medal it will be a memorial more prized, more classic, more lasting than pillared temple or marble column. I would suggest that a medal, engraved by an American artist, be struck in gold, and with suitable resolutions be presented by a joint select committee to Henry Garfield, eldest son, and from him to descend forever to the eldest male representative of James Abram Garfield. Furthermore, let it be resolved that a medal from the same die be struck in bronze, and with resolutions of thanks, and recognition of the sympathy expressed by the different nations and rulers in our sorrow, be given to each of those nations and rulers; also that the same medal be given to the President of the United States and his Cabinet, to resident foreign embassadors and ministers, the Chief Justice and the associate justices of the Supreme Court of the United States, the

General of the Army, the Admiral of the Navy, to each Senator and Representative of the present Congress, and to the late President's corps of physicians.

The price of the bronze medals, (after the die has been made,) with handsome case of leather, and resolutions printed on silk, need not exceed $10, and the medal might be within the reach of any citizen. I have selected an artist to draw this design under my immediate direction. The portrait on the medal shall be approved by Mrs. Garfield.

Description of medal.—(Three and one-half inches in diameter.) Obverse: Profile bust of President Garfield.

Above bust to be inscribed "Filius Patriæ."

Inscription encircling "James Abram Garfield. Born November 19, 1831. Inaugurated President of the United States of America March 4, 1881. Died September 19, 1881."

Reverse: Legend—Thirty-eight stars. A promontory on which stands a flourishing oak tree, riven by a thunderbolt. Beside the tree is the figure of Columbia, with bowed head; one hand pointing to the tree. With the other she clasps to her bosom the staff of the flag of our country at half-mast. On the sea, in the distance, are sails, bearing messages of sympathy to us from foreign nations.

In exergue. The date of passing this resolution.

I have the honor to be, very respectfully,

ELIZABETH BRYANT JOHNSTON.

Hon. D. W. VOORHEES, *United States Senate.*

Mr. VOORHEES. I ask that the resolution and accompanying papers and design be referred to the Committee on the Library.

Mr. COCKRELL. Ought not the resolution to go to the Committee on Mines and Mining? That committee has more to do with the matter.

Mr. VOORHEES. I think not.

Mr. SHERMAN. I desire to take the opportunity, during the pendency of the resolution of the Senator from Indiana, to state that my colleague and I, Senators from the State in which General Garfield lived all his life, have deemed it advisable, with the concurrence of members of the Senate, not to make any formal announcement of his death to the Senate at this session, but to await the assembling of the two Houses of Congress at the regular session, when, no doubt, appropriate memorial ceremonies will be ordered by the two bodies.

The PRESIDENT *pro tempore.* The question is on agreeing to the motion of the Senator from Indiana, [Mr. VOORHEES,] to refer the resolution with the accompanying papers and design to the Committee on the Library.

The motion was agreed to.

APPOINTMENTS AT CINCINNATI POST-OFFICE.

Mr. VOORHEES submitted the following resolution; which was read:

Whereas certain rules and regulations of the post-office at Cincinnati, Ohio, have been approved by the Postmaster-General, among which occurs the following: "5. New appointments will be made to the lowest grade in the class where vacancies may occur, and no application will be entertained from any person under twenty or over thirty years of age;" and

Whereas this rule necessarily excludes from appointment all the Union soldiers who served in the war for the suppression of the rebellion: Therefore,

Be it resolved, That the Committee on Post-Offices and Post-Roads be, and is hereby, instructed to inquire by what law or authority such a rule has been approved by the Postmaster-General, and to report to the Senate the result of its investigation.

Mr. VOORHEES. I ask the reference of the resolution to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN. I do not know anything about the facts recited, and I think the resolution had better be referred without any formal adoption. That will bring the subject up before the committee.

Mr. VOORHEES. My motion is to have the resolution referred, and I make it at the suggestion of others about me, although I should be inclined to ask for its adoption. I wish to say by way of explanation that I hold in my hand the printed rules and regulations of the post-office at Cincinnati, approved by the Postmaster-General in 1879, among which is the rule I have set out in the resolution. If it be the pleasure of the Senate to have it referred to the committee for inquiry, I have no objection.

Mr. SHERMAN. I prefer that course. I do not want the resolution adopted.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Indiana.

Mr. HOAR. What is the motion? Let it be stated by the Chair.

The PRESIDENT *pro tempore.* The motion is to refer the resolution, which is one of inquiry.

Mr. SHERMAN. There is quite a difference between adopting the resolution and referring it without adoption. As I understand, the Senator from Indiana proposes to have the resolution referred without adopting it.

The PRESIDENT *pro tempore.* That is the motion which the Chair indicated.

Mr. VOORHEES. I think myself the better way would be to adopt it, but out of deference to the Senator from Ohio, as this is a post-office in his own State, I will follow his suggestion and let it be referred.

The PRESIDENT *pro tempore.* The question is on the motion to refer the resolution to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. HARRIS. There seems to be no other business before the Senate at this moment, in view of which fact I move that the Senate do now adjourn.

The motion was agreed to; and (at one o'clock and thirty-five minutes p. m.) the Senate adjourned.

FRIDAY, *October* 14, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMUNICATION WITH THE PRESIDENT.

Mr. LOGAN and Mr. PENDLETON, the committee appointed to wait upon the President of the United State and notify him of the election of Hon. DAVID DAVIS as President *pro tempore* of the Senate, appeared below the bar.

Mr. LOGAN. Mr. President, the committee appointed yesterday to inform the President of the United States that Hon. DAVID DAVIS, of Illinois, had been elected President *pro tempore* of the Senate, have performed that duty.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Attorney-General, transmitting, agreeably to Senate resolution of May 19, 1881, a list of the names of officers, clerks, and other employés borne upon the rolls of the Department of Justice, not required to be confirmed by the Senate; which, on motion of Mr. HARRIS, was ordered to lie on the table and be printed.

INTEROCEANIC CANAL.

Mr. LAMAR. I move that the Senate proceed to the consideration of the resolution touching the interoceanic canal which I had the honor to offer yesterday.

The PRESIDENT *pro tempore.* The Senator from Mississippi moves that the resolution submitted by him yesterday relative to the interoceanic canal be now taken up. It will be so taken up unless there be objection. The Chair hears none, and the resolution is before the Senate.

The resolution was considered and agreed to, as follows:

Resolved, That the President be requested, if not in his judgment incompatible with the public interest, to advise the Senate whether any action has been taken by the Government since the adjournment of the last Congress toward protecting the rights and interests of the United States in the projected interoceanic canal at Panama.

EXTRADITION OF FUGITIVES.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Judiciary Committee be instructed to inquire and report whether the proceedings for the extradition of one Vicenzo Rebello under the treaty with the Kingdom of Italy, have been proper under the treaty and in accordance with law; also to inquire and report whether the method of procedure in cases of the extradition of alleged fugitives from the justice of foreign countries under the treaties with such countries and the acts of Congress, has heretofore been such as sufficiently to protect alleged fugitives from injustice, and what further legislation, if any, is necessary for that purpose; and that the committee have power to send for persons and papers.

ALLEGED TREASURY IRREGULARITIES.

Mr. SHERMAN. I offer for adoption a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to transmit to the Senate a copy of the report of James F. Meline and others made to the Treasury Department during the recess of the Senate, and of any papers received by him based upon such report.

Mr. SHERMAN. I ask that the extract which I send to the Chair be read, as a reason why the resolution should be adopted.

The PRESIDENT *pro tempore.* The Chief Clerk will read the paper.

The Chief Clerk read as follows:

[From the New York Commercial Advertiser, October 11, 1881.]

TREASURY IRREGULARITIES—THE SUBJECT ATTRACTING MORE AND MORE ATTENTION—DEMANDS FOR THE SUPPRESSED REPORT.

WASHINGTON, *October* 11.

A great deal of speculation has been indulged in respecting the character of the report made during the summer by the committee which investigated the alleged irregularities in the Treasury Department. The report was understood to reflect upon custodian Pitney, and his discharge promptly followed. Whether the report really discloses any bad practices on the part of any others now or formerly in the Department is purely a matter of speculation, for the reason that Secretary Windom has persistently refused to make it public. It is considered very strange that Secretary Windom still persists in keeping the result of the committee's work a secret, and in some quarters it is believed that ex-Secretary Sherman is the moving spirit in having the evidence taken withheld from the public, in order that no reflections upon his administration can be made. It has become a well-known fact that there was looseness in the manner in which the contingent expenses of the Treasury Department were managed, and that small sums were diverted from their legitimate purposes to pay bills incurred in connection with Secretary Sherman's candidature for the Republican presidential nomination, but not with the consent or knowledge of that official. It is believed here that Secretary Sherman was as much shocked by the disclosures as must have been his successor, Mr. Windom, and that he naturally does not want any further publicity, and therefore is desirous that Mr. Windom shall not allow the report to get into the public prints.

In the mean time, however, two or three prominent Treasury officials have become objects of suspicion, and statements injurious to their official integrity have become extensively circulated. As long as the policy is pursued of locking up the report as though it was a charge of dynamite dangerous to friend and foe alike, the public will not be able to decide the officials who are subjected to suspicion are guilty or innocent of any of the scandalous practices so freely charged.

Mr. SHERMAN. Mr. President, the writer of this paragraph is very much mistaken in supposing that I have in any way sought or wished to withhold from the public the report referred to. I neither have nor will I oppose or delay any investigation of the Treasury De-

partment while I was its chief officer. The only wish I have is to see that every officer accused of improper conduct shall have a fair chance to defend himself, and then he must stand or fall according to the rectitude or wrong of his conduct.

The only doubt I have in calling for this report now is the fact that Mr. Windom did not order its publication lest injustice might be done to worthy and faithful officers who had no opportunity to cross-examine witnesses or answer charges made against them. I have no doubt that he either has given or will give them this opportunity. At all events the Senate can do so. I therefore offer this resolution and hope the Senate will promptly pass it.

Mr. EDMUNDS. I sympathize entirely with the personal wish of the Senator from Ohio to have brought to light any document which is alleged to reflect upon him; but the Senate ought to remember that in the operations of the Treasury Department, like those of the other Departments of the Government, it probably is not an exaggeration to say that every week reports are made to the head of the Department touching the transaction of its business that it would be highly injurious to public interest to make public. It might enable guilty parties to escape, and produce in a variety of ways that I need not take the time to state serious inconvenience to the public interest.

While I entirely sympathize with the feeling of the Senator from Ohio, I am very far from being sure that it is right to adopt the resolution without some reflection and some further information as to what may be the scope of this supposed report. Indeed the Senate does not know that there is any at all; and why should we make a direction of this kind upon the Secretary of the Treasury? Of course both Houses of Congress proceed upon the idea, and rightly, that there is no officer of the Government except the President of the United States who is not bound, when directed to do so, to lay every paper in his Department before either House of Congress, but whether it is wise for Congress always to call for every paper is another question.

I feel justified, then, against the wishes of my friend from Ohio, in asking that this resolution may lie over until we can consider about it. Probably it is of no consequence in this particular case; but as a precedent for calling out the reports of inquiries and investigations and other transactions in any of the Departments on the motion of any member without any particular knowledge of them, as a precedent, I say, it may be a very injurious one. I ask, therefore, that the resolution go over.

The PRESIDENT *pro tempore*. The resolution will go over under the rule.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened.

RECEPTION OF FOREIGN VISITORS.

On motion of Mr. EDMUNDS, it was

Ordered, That the Sergeant-at-Arms be authorized to carry out the provisions made for the reception of the national visitors to take place in the rotunda of the Capitol to-day.

On motion of Mr. ANTHONY, it was

Ordered, That the privileges of the floor of the Senate be extended to the national visitors.

RECESS.

Mr. HAWLEY, (at one o'clock and fifty minutes p. m.) I move that the Senate take a recess until half past two o'clock.

The motion was agreed to; and at the expiration of the recess (at two o'clock and thirty minutes p. m.) the Senate reassembled.

Mr. ANTHONY. I move that the recess be extended to three o'clock.

The motion was agreed to: and at three o'clock the Senate was again called to order by the President *pro tempore*.

SENATE DISBURSEMENTS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate a copy of any orders made by him since the 28th day of July, 1881, relating to the payment or disbursement of money from the Treasury appropriated for the payment of Senators, the officers, and employés of the Senate, and the contingent expenses of the Senate, together with any reports or decisions of the officers of the Treasury Department touching the power and duty of the Secretary in ordering such payments or disbursements.

RECEPTION OF FOREIGN VISITORS.

At three o'clock and fifteen minutes p. m. the representatives of the Government and people of France and the descendants of General La Fayette and of the Baron Steuben (invited under the joint resolution of February 18, 1881, to attend as the guests of the United States the Yorktown Centennial Celebration) entered the Senate Chamber, accompanied by the French and German ministers accredited to the United States, the Secretary of State, and other heads of Departments, with the assistant secretaries. The distinguished visitors having been seated in chairs provided for the purpose in the rear of the seats of Senators—

Mr. BAYARD. Mr. President, I beg leave to apprise the Senate of the presence upon the floor of this Chamber of certain distinguished officers and citizens of our sister republic of France, and also of certain other distinguished officers and citizens of the Empire of Germany, who have come hither for the purpose of joining with the people of the United States in celebration and commemoration of the great culminating victory to the arms of the United Colonies in their struggle for independence one hundred years ago—the joint victory of those colonies and their allies, their allies from that day to this.

I know that I speak the sentiment of every member of the American Senate when I say they are most welcome. And I now move that, for the purpose of each member having an opportunity to pay that respect which each and all feel for those who have so honored us by their presence, a recess of half an hour be taken to enable the presiding officer of the Senate and each one of its members to pay that respect to these guests of our whole people which represents not only our individual feelings, but the feelings of every State and of every man in every State of our Union of States. [Applause on the floor and in the galleries.]

The PRESIDENT *pro tempore*. Senators, you have heard the motion of the Senator from Delaware. Those who favor the motion will say "ay." [Putting the question.] It is adopted unanimously; and the Senate will take a recess of half an hour.

The Senate accordingly took a recess for half an hour, during which time the Senators paid their respects to the visiting guests. At the expiration of the recess (at three o'clock and forty-five minutes p. m.) the Senate was again called to order.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

SATURDAY, *October* 15, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT ON COTTON-GOODS TRADE.

Mr. MORGAN. I offer a resolution, and I ask for its present consideration.

The resolution was read as follows:

Resolved, That 2,500 copies of the report of the Secretary of State upon "The Cotton-Goods Trade of the World," just prepared, be ordered for the use of the Senate, and that the sum of $500 be, and is hereby, appropriated for that purpose; and that the same be distributed proportionately to Senators by the Department of State, as usual with the monthly consular reports.

Mr. MORGAN. I have asked that the Senate will allow that resolution now to come up and be adopted.

Mr. CONGER. I ask that the resolution be reported again. I was unable to hear a word of it. I desire to hear what is read from the Clerk's desk, if it is possible.

The PRESIDENT *pro tempore*. Gentlemen will please take their seats, and the resolution will be again read. The Chair would suggest to the Senator from Alabama whether the resolution does not have to go to the Committee on Printing, inasmuch as an appropriation is called for.

Mr. MORGAN. It would have to go to the Committee on Printing, I confess, under the rule, if this was not a publication that the Senate had ordered to be made; but under the circumstances of the case I think it would not. On that subject, however, I will submit to the opinion of some other Senators more experienced than myself.

Mr. HARRIS. I beg to suggest to the Senator from Alabama, as his resolution makes an appropriation, I think of $500, the propriety of modifying it so as to require the payment to be made out of the contingent fund of the Senate, or of striking that provision out altogether, as the Senate certainly has no power at this present session to make an appropriation from the Treasury.

Mr. MORGAN. I concur with the Senator in that view. I will state that the resolution was drafted at my request and hastily prepared, and as I only at this moment arrived in the Senate Chamber I had no opportunity of revising it.

Mr. ANTHONY. I think the Senator from Alabama will accomplish the purpose of his resolution by providing that 2,500 copies be printed for the use of the Senate.

Mr. MORGAN. That is the purport of the resolution.

Mr. ANTHONY. An appropriation would require the action of the other House, and there are ample facilities for distribution here.

Mr. MORGAN. I will modify the resolution in that respect. I at once saw the trouble after I offered the resolution, but did not have time to modify it.

The PRESIDENT *pro tempore*. The fifty-fourth rule would indicate that such a resolution making an appropriation must be referred to the Committee on Printing to consider the cost of the publication. Will the Senator modify his resolution?

Mr. MORGAN. Yes, sir; I will modify it. [A pause.] It will read now as follows:

Resolved, That 2,500 copies of the report of the Secretary of State upon "The Cotton-Goods Trade of the World," just prepared, be printed for the use of the Senate.

I desire to make a brief statement about this matter.

The PRESIDENT *pro tempore*. The Senator will allow the resolution to be read as modified so that all can understand it.

The Chief Clerk read the resolution as modified.

Mr. MORGAN. Mr. President, within a year past the Secretary of State sent out a circular letter to our consuls throughout the world asking them for detailed information in respect of the growth of cotton, its manufacture, and the markets for cotton fabrics and other textile fabrics, wool and cosmos or wild hemp, throughout the world. Forty-nine reports, I think, have been made to the State Department, and they have been accompanied with samples and exhibits of the cotton and cosmos and wool, and the productions manufactured in the various countries of the world from these staples. Finding them in the State Department, I ventured to request that the Secretary of State would send those samples, with copies of the consular reports, to the great cotton exposition at Atlanta. He very kindly consented to do so. Since that time the attention of several Senators upon this floor has been called to the exhibits and to the reports.

The Secretary of State addressed a letter, as was proper, to the Speaker of the House of Representatives, in which he set forth a summary of the information which had been gleaned from the forty-nine reports, showing, as I believe, the most important, the most accurate, and the most thorough exposition of the cotton manufactures and the manufactures of various other textiles that has ever come from the press, at least in the United States, and I dare say any where in the world.

The Secretary first in his letter makes a *résumé* of the results of this information gained from the consuls. He then submits in connection with each sample of goods the consular reports, showing what goods are manufactured in the various countries of the world, both by machinery and by hand. He then shows the markets of these different countries, the prices at which the goods can be sold there and are now being sold, and the cost of the goods at the place of their production. He shows all the various styles of goods that are made in the United States, and in Germany, and in France, and in England, for all the different markets of the world, exhibiting samples along with the statements of the consuls.

Then there is a comparative statement drawn from the reports of the consuls of the British Government, by which the reports of our consuls may be brought in contrast with those of other governments, and the spinner, the merchant, or the producer may have an opportunity of testing by these comparative examinations the accuracy of all these various reports.

The samples sent to the exposition at Atlanta have been numbered and the numbers correspond with the description contained in these consular reports.

Then in an appendix all the cotton tariffs of all countries of the world are given, and the money in which those tariffs are payable reduced to the standard of the United States; and so in like manner the weights are made to correspond with our standard of weights, so that an exporter, a spinner, a manufacturer, or any person interested in the subject, can at a glance determine the cotton tariff of any country in the world, whether it be an export or an import duty that is laid.

Take it altogether, Mr. President, I do not hesitate to say, in my humble opinion, that it is certainly the most instructive volume that has ever been issued by our Government in reference to this very great subject.

One important fact is disclosed in the letter of the Secretary, which is that to-day more goods are worn in the world that are manufactured out of cotton by hand than of the goods that are manufactured by machinery, showing thereby that the market of the world furnishes an unlimited opportunity for the increase of the cotton manufactures of the United States.

Then, again, the statement is made that four-fifths of the cotton that is spun in the world by machinery is exported from the United States. The fact appears there that the British Government in its efforts to introduce cotton growth in India has almost entirely failed, and the importations to India from the United States are increasing in a very large ratio annually of the raw cotton and also of cotton goods manufactured in the United States.

The volume contains somewhere about five hundred pages, and the information is so important that I think the Senate should increase the number which is provided for by the appropriation of the last Congress at least by this number of 2,500 copies, which I ask for in this resolution, and I shall be tempted at some subsequent day of this session again to ask the Senate to contribute another sum of money—$500 is the limit to which we can go in one order—to print 2,500 more copies. The work is now in press; nothing is to be done except the setting up of a few pages that have been distributed, fourteen or fifteen only; nothing else is to be done except to run the paper through the press; and it is for that reason that, at this executive session, I have thought it was my duty to ask the Senate to make this little contribution toward the publication.

The value of these consular reports I think every Senator has already learned to appreciate. They certainly have contributed most materially to the information of all classes, industrial and commercial, in this country who are concerned in all of those industries which we are seeking now to push forward into the various foreign markets of this world.

I hope that the Senate will adopt the resolution.

Mr. MORRILL. Mr. President, there is no sort of doubt about the importance of the document presented by the State Department, and I hope that we shall at least print it. As to whether the bulk may not be so great as to prevent our obtaining 2,500 copies within the limit prescribed by law to the Senate, I am a little in doubt. If it is a volume of five hundred pages, I am inclined to think that it cannot be printed for the sum to which the Senate is restricted, without the concurrence of the other House.

Mr. MORGAN. I will state to the Senator that I got the estimate yesterday from the Printing Office that 5,000 copies would cost $1,000, and so the State Department have informed me this morning.

Mr. MORRILL. Then, if the Senator is satisfied about that, I see no objection to his proposition.

Mr. MORGAN. There is no doubt about that.

Mr. MORRILL. The information which has been obtained through the State Department from our consuls abroad has been more valuable than almost anything else that we have been called upon to publish. There is one reform that ought to be instituted when these volumes are sent to Senators and members; they ought to be either in wrappers or envelopes so that Senators and members of the House may have nothing to do but to direct them. I understand the appropriation was so stinted that there have not been funds for the proper wrapping or inclosing of the documents ordered to be printed. As they are now sent out, I fear that very many of them are never distributed by members because they have not the proper envelopes or paper and paste and time to put them in shape to be sent out. I think that is a matter which should be reformed at the State Department, or they should be sent to the folding-rooms of the Senate and House so that they may be properly inclosed, leaving Senators and members nothing to do but to direct them.

I hope that the proposition of the Senator from Alabama will receive unanimous consent.

Mr. ANTHONY. The statute requires that the resolution should go to the Committee on Printing—not merely the rules of the Senate, but the statutes of the United States.

The PRESIDENT *pro tempore*. Does the Senator from Alabama object to such a reference?

Mr. MORGAN. I have no objection. I will only ask that the committee will be somewhat active in regard to it, because the printers are proceeding to distribute the type, and every day we delay will add to the expense of printing the additional copies.

Mr. ANTHONY. I have no disposition to take jurisdiction of the matter, but the law requires it, and therefore I made the suggestion.

Mr. MORGAN. I thought this an exceptional case, inasmuch as Congress had virtually ordered the publication of this document, and as all we had to do was to print so many numbers by merely running the paper through the press, I thought it would not fall within the rule.

Mr. ANTHONY. The Revised Statutes require that whenever extra copies are proposed to be ordered of any document, the resolution ordering them shall be sent to the Committee on Printing of the House in which the motion is made.

The PRESIDENT *pro tempore*. That is true.

Mr. HILL, of Georgia. Let the resolution go to the Committee on Printing.

Mr. MORGAN. Then I will ask the reference in the hope that the committee will act upon it promptly.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Printing.

The motion was agreed to.

Mr. ANTHONY subsequently reported the resolution from the Committee on Printing; and it was considered by unanimous consent, and agreed to.

ADJOURNMENT FROM MONDAY TO FRIDAY NEXT.

On motion of Mr. SHERMAN, it was

Ordered, That when the Senate adjourns on Monday it be to meet on Friday next.

EXECUTIVE SESSION.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at one o'clock and fifteen minutes p. m.) the Senate adjourned.

MONDAY, *October* 17, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

COMMITTEE SERVICE.

Mr. TELLER. I ask the Senate to relieve me from further service on the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that he be excused from service upon the Committee on Privileges and Elections.

The motion was agreed to.

ALLEGED TREASURY IRREGULARITIES.

Mr. SHERMAN. Mr. President, I ask the attention of the Senate to the resolution I offered on Friday last, if it is the pleasure of the Senate to consider it now.

The PRESIDENT *pro tempore*. The resolution will be taken up unless there be objection. The Chair hears none, and the resolution is before the Senate.

The Senate proceeded to consider the following resolution, submitted by Mr. SHERMAN on the 14th instant:

Resolved, That the Secretary of the Treasury is hereby directed to transmit to the Senate a copy of the report of James F. Meline and others made to the Treasury Department during the recess of the Senate, and of any papers received by him based upon such report.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution.

Mr. FARLEY. I ask the Senator from Ohio to postpone the consideration of the resolution at this time, saying to him that we shall be ready to take it up some time during the present session, probably by the latter part of the week. I am informed that this report is not a full report; and the question involved is one that the country, as well as those who instituted the investigation, is interested in. I ask the Senator to consent that the resolution go over temporarily.

Mr. SHERMAN. I do not think there is now the least objection to the passage of the resolution; but as a matter of course I do not wish to interpose an objection to postponing its consideration if that course is desired by the Senate. I will say to the Senator from California that the public interests will not be affected by the passage of the resolution.

Mr. FARLEY. I will say to the Senator from Ohio that at the meeting of the Senate after the recess, the latter part of this week, I shall interpose no objection to taking up the resolution; but at this time I ask him to consent to its going over.

Mr. SHERMAN. This report, as I understand, is a report made by a committee of subordinate officers to the Secretary of the Treasury containing information intended for his personal action, and he has acted upon the report; but the newspapers have in some way magnified the report, publishing various suspicions and conjectures and innuendoes. Under these circumstances I think it is but just to the officers who are referred to in the report that it should be published. However, if the Senator wishes to postpone the consideration of the resolution until Friday next, I can make no objection, but I see no reason for such postponement.

Mr. FARLEY. I make the motion to postpone the consideration of the resolution until Friday next.

The PRESIDENT *pro tempore*. The Senator from Ohio does not object, the Chair understands?

Mr. SHERMAN. No; if that is the desire of the Senator I have no objection, but I shall insist upon having the resolution acted upon at the present session.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and the Senator from California moves to postpone it until Friday next. The question is on agreeing to that motion.

The motion was agreed to.

REPORT ON COTTON-GOODS TRADE.

Mr. MORRILL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 2,500 additional extra copies of the report of the Secretary of State, now in press, upon "The Cotton-Goods Trade of the World," be printed for the use of the Senate.

STANDING COMMITTEES.

The PRESIDENT *pro tempore*. The Chair, in pursuance of the resolution of the senior Senator from Vermont, [Mr. EDMUNDS,] authorizing him to fill up vacancies upon the standing committees, makes the following announcement, which will be read.

The Chief Clerk read as follows:

On Foreign Relations—Mr. ALDRICH in place of Mr. Burnside, and Mr. LAPHAM in place of Mr. Conkling.
On Finance—Mr. ALDRICH in place of Mr. Platt of New York.
On Commerce—Mr. MILLER of New York in place of Mr. Conkling.
On Military Affairs—Mr. HAWLEY in place of Mr. Burnside.
On the Judiciary—Mr. TELLER in place of Mr. Conkling.
On Post-Offices and Post-Roads—Mr. MILLER of New York in place of Mr. Platt of New York.
On Education and Labor—Mr. ALDRICH in place of Mr. Burnside.
On Engrossed Bills—Mr. MILLER of New York in place of Mr. Conkling.
On Transportation Routes to the Seaboard—Mr. LAPHAM in place of Mr. Platt of New York.
On Enrolled Bills—Mr. SEWELL in place of Mr. Platt of New York.
On Privileges and Elections—Mr. LAPHAM in place of Mr. TELLER.

The PRESIDENT *pro tempore*. It is proper to state that the Chair understood in filling these vacancies he was not to designate any person as chairman of a committee. Mr. Burnside was chairman of the Committee on Foreign Relations and Mr. Conkling was chairman of the Committee on Commerce. Of course the Chair did not intend to make any appointment of these gentlemen to their places as chairmen. The Chair was told by some gentlemen of the Senate familiar with the rules that it is the custom for the Chair simply to fill vacancies and then the committee takes charge of the matter and selects its chairman.

Mr. MORRILL. I suggest to the Chair that the new appointees of course take their places at the foot of the committees.

The PRESIDENT *pro tempore*. It will be so ordered, if there is any question about it, that the new members now appointed will take their places at the foot of the list.

The standing committees for the present session are constituted as follows:

On Privileges and Elections—Messrs. Hoar, (chairman,) Cameron of Wisconsin, Sherman, Frye, Saulsbury, Hill of Georgia, Vance, Pugh, and Lapham.
On Foreign Relations—Messrs. Edmunds, (chairman,) Miller of California, Ferry, Johnston, Morgan, Hill of Georgia, Pendleton, Aldrich, and Lapham.
On Finance—Messrs. Morrill, (chairman,) Sherman, Ferry, Jones of Nevada, Allison, Bayard, Voorhees, Beck, McPherson, Harris, and Aldrich.
On Appropriations—Messrs. Allison, (chairman,) Logan, Dawes, Plumb, Hale, Davis of West Virginia, Beck, Ransom, and Cockrell.
On Commerce—Messrs. McMillan, (chairman,) Jones of Nevada, Kellogg, Conger, Ransom, Coke, Farley, Vest, and Miller of New York.
On Manufactures—Messrs. Conger, (chairman,) Hale, Sewell, McPherson, and Williams.
On Agriculture—Messrs. Mahone, (chairman,) Blair, Plumb, Van Wyck, Davis of West Virginia, Slater, and George.
On Military Affairs—Messrs. Logan, (chairman,) Cameron of Pennsylvania, Harrison, Sewell, Cockrell, Maxey, Grover, Hampton, and Hawley.
On Naval Affairs—Messrs. Cameron of Pennsylvania, (chairman,) Anthony, Rollins, Miller of California, Mahone, McPherson, Jones of Florida, Vance, and Farley.
On the Judiciary—Messrs. Edmunds, (chairman,) Logan, Ingalls, McMillan, Garland, Davis of Illinois, Bayard, Lamar, and Teller.
On Post-Offices and Post-Roads—Messrs. Ferry, (chairman,) Hill of Colorado, Sawyer, Mahone, Maxey, Saulsbury, Farley, Groome, and Miller of New York.
On Public Lands—Messrs. Plumb, (chairman,) Hill of Colorado, Blair, Van Wyck, McDill, Jones of Florida, Grover, Walker, and Morgan.
On Private Land Claims—Messrs. Bayard, (chairman,) Jonas, Call, Edmunds, and Allison.
On Indian Affairs—Messrs. Dawes, (chairman,) Ingalls, Saunders, Logan, Cameron of Wisconsin, Coke, Pendleton, Walker, and Slater.
On Pensions—Messrs. Teller, (chairman,) Platt, Blair, Mitchell, Edgerton, Groome, Slater, Jackson, and Camden.
On Revolutionary Claims—Messrs. Johnston, (chairman,) Jones of Florida, Hill of Georgia, Anthony, and Dawes.
On Claims—Messrs. Cameron of Wisconsin, (chairman,) Frye, Teller, Hoar, Conger, Pugh, Jackson, George, and Fair.
On the District of Columbia—Messrs. Ingalls, (chairman,) Rollins, McMillan, Hawley, McDill, Harris, Butler, Vance, and Gorman.
On Patents—Messrs. Platt, (chairman,) Hoar, Mitchell, Edgerton, Coke, Call, and Williams.
On Territories—Messrs. Saunders, (chairman,) Kellogg, McDill, Sawyer, Butler, Garland, and Vest.
On Railroads—Messrs. Kellogg, (chairman,) Teller, Saunders, Hawley, Sawyer, Sewell, Lamar, Grover, Williams, Jonas, and Brown.
On Mines and Mining—Messrs. Hill of Colorado, (chairman,) Jones of Nevada, Van Wyck, Miller of California, Hampton, Fair, and Camden.
On the Revision of the Laws—Messrs. McMillan, (chairman,) Platt, Hale, Davis of Illinois, and Pendleton.
On Education and Labor—Messrs. Blair, (chairman,) Morrill, Edgerton, Mahone, Maxey, Brown, George, Fair, and Aldrich.
On Civil Service and Retrenchment—Messrs. Hawley, (chairman,) Rollins, Jones of Nevada, Hill of Colorado, Butler, Walker, and Williams.
To Audit and Control the Contingent Expenses of the Senate—Messrs. Jones of Nevada, (chairman,) Platt, and Vance.
On Engrossed Bills—Messrs. Saulsbury, (chairman,) Call, and Miller of New York.
On Rules—Messrs. Frye, (chairman,) Hoar, Sherman, Call, and Gorman.
On the Improvement of the Mississippi River and Tributaries—Messrs. Mitchell, (chairman,) Kellogg, Van Wyck, Frye, Jonas, Cockrell, and Jackson.
On Transportation Routes to the Seaboard—Messrs. Harrison, (chairman,) Cameron of Pennsylvania, Blair, Beck, Voorhees, Camden, and Lapham.

JOINT COMMITTEES.

On Public Printing—Messrs. Anthony, (chairman,) Hawley, and Gorman.
On Enrolled Bills—Messrs. Rollins, (chairman,) Pugh, and Sewell.
On the Library—Messrs. Sherman, (chairman,) Hoar, and Voorhees.
On Public Buildings and Grounds—Messrs. Rollins, (chairman,) Morrill, Cameron of Wisconsin, Jones of Florida, and Vest.

EXECUTIVE SESSION.

Mr. INGALLS. If there is no further legislative business I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at twelve o'clock and forty minutes p. m.) the Senate adjourned until Friday, October 21.

FRIDAY, *October* 21, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Monday last was read and approved.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

SENATE DISBURSEMENTS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury in response to Senate resolution of the 14th instant relating to the payment or disbursement of money from the Treasury appropriated for the payment of Senators, the officers and employés of the Senate, and the contingent expenses of the Senate, &c.; which, on motion of Mr. SHERMAN, was referred to the Committee on the Judiciary, and ordered to be printed.

NEW YORK SENATORIAL ELECTIONS.

Mr. MCPHERSON. I hold in my hand a petition signed by members of the Legislature of the State of New York relating to the title of Senators MILLER and LAPHAM to seats in the Senate. I am requested to present the same to the Senate; and I move its reference to the Committee on Privileges and Elections together with a like petition presented by me on a former occasion.

The PRESIDENT *pro tempore*. Does the Senator desire to have the petition read?

Mr. MCPHERSON. I do not desire to have it read. Let it be printed and referred to the Committee on Privileges and Elections together with the other petition I presented on the first day of the present session.

Mr. INGALLS. Why print them? It is not usual to print petitions, Mr. President; and I can see no reason for departing from that rule in this case.

Mr. MCPHERSON. There is no occasion for printing the petitions for they are in print. Let them be referred as they are.

The PRESIDENT *pro tempore*. It is moved that the petition just presented, with the one formerly presented by the Senator from New Jersey, be referred to the Committee on Privileges and Elections. The question is on that motion.

The motion was agreed to.

ALLEGED TREASURY IRREGULARITIES.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the resolution submitted by me a few days ago.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to take up the resolution submitted by him on the 14th instant. It will be taken up unless there is objection to that procedure. The Chair hears no objection, and the resolution is before the Senate.

The Senate proceeded to consider the following resolution, submitted by Mr. SHERMAN on the 14th instant:

Resolved, That the Secretary of the Treasury is hereby directed to transmit to the Senate a copy of the report of James F. Meline and others made to the Treasury Department during the recess of the Senate, and of any papers received by him based upon such report.

Mr. FARLEY. Mr. President, I stated the other day that I should have no objection to the resolution coming up on this day for consideration. I understand that it relates to an investigation ordered by the Treasury Department without any authority of Congress whatever, and I cannot very well see what Congress has to do with the report. It was made by a commission appointed by the Secretary of the Treasury himself, without any motion on the part of any one in the Congress of the United States. I do not see what this extraordinary session has to do with such a report. I should like to hear from the Senator from Ohio in reference to that point. It seems to me that the Senate has nothing to do with it.

Mr. SHERMAN. I stated, on introducing this resolution, that the investigation was one of a character not usually communicated to Congress, but that certain public prints had contained unfounded imputations against several officers of the Government, and that there was something in the report which reflected on a member of this body formerly a Cabinet officer. Under the circumstances, as I was plainly the person referred to, having been Secretary of the Treasury at the time stated, I deemed it my right as well as my duty to my fellow-Senators to call out this information. If the statements contained in the papers be true, they are proper matters for the Senate to examine in every sense.

Mr. President, I have been accustomed to newspaper abuse all my life and very rarely notice it. This is probably the first time in my political life that I have ever read to this body a newspaper attack upon me or upon any one else; but when any paper or any man impugns in the slightest degree my official integrity I intend to have it investigated, and I wish it tested not only by the law but by the strictest rules of personal honor.

For this reason, when this imputation is made by a leading and prominent paper that there is on the files of the Treasury Department a document which reflects upon me, I think it right that it should be published to the world, and then the Senate can investigate it with the power to send for persons and papers. That is the only reason why I offered the resolution, and not so much in my own defense as in defense of those accused in this document. If the accusation is true it is the duty of the Senate to examine into the matter.

Mr. FARLEY. I had never seen the article referred to by the Senator from Ohio, and I did not know that any reflection had been cast upon that Senator by any newspaper article. This is the first time I have ever heard of that.

If the report has to come to this body at all, if this body has any jurisdiction over it, it being an *ex parte* report entirely, I suggest that the testimony taken before the commission appointed to make this investigation be also submitted with the report of the commission appointed to make the investigation. It appears to me that it would be entirely proper that the testimony taken before the commission should be sent up with the report. As it is a report authorized, not by Congress, but by the Treasury Department, as I understand, the testimony taken therewith would be entirely proper to be sent up with the report. I therefore move to amend the resolution so as to include the testimony taken before the investigating commission.

Mr. SHERMAN. The amendment of the Senator from California would involve the Senate in an unusual and remarkable proceeding. The information upon which this report is founded is not information obtained under oath with the sanction of law. There is no power to administer an oath in these cases. It is founded probably upon passing rumor, somewhat upon written statement, somewhat upon affidavits, made without the sanction of a legal oath. The Senate is too just a body to call forth and make public the class of information which is communicated every day to every Department of the Government. When the report which was made by subordinate officers of the Government shall come before the Senate, if the Senate then by its committee sees in that report anything that is necessary to be examined into, it will be its duty to make such examination. Senators may then see what foundation there is for accusation; and they may call before them witnesses and examine and cross-examine them; but the Senate I trust will never make itself the means of publishing mere scandal and *ex parte* statements that have been communicated to subordinate officers of the Treasury Department. When the report is made, the Senate can then examine the matter according to the rules of evidence, giving parties accused an opportunity to be heard, with the right to cross-examine witnesses and to administer an oath legally to parties who make these accusations.

I trust, therefore, that this amendment, which I believe is unexampled, to call out such a class of information, will not be added to this resolution, but that the report itself, which is made the basis of these newspaper attacks, may be published; and then if there is anything further that the Senate wish to examine about they can do it and guard at the same time the rights of private persons.

Mr. FARLEY. I have no feeling in this matter one way or another; but it had been suggested by some Senators, by one at least on the other side of the Chamber, that this report having been made by parties appointed by the Secretary of the Treasury the testimony ought to accompany the report, for the reason that if charges have been made against the Senator or others, the testimony would show that those charges were totally unfounded. I submit to the Senator from Ohio whether the testimony would not accomplish the very object that he seeks here, to remove the impressions which have been made by the public prints?

Mr. SHERMAN. What testimony is there? How can there be testimony in the legal sense of that word?

Mr. FARLEY. Could there be a report made without testimony? I understood the Senator to say that testimony was taken before this commission?

Mr. SHERMAN. What does the Senator mean by the word "testimony?" Does he mean the statement of a man who swears before a legal officer having the power to administer an oath? If so, then there is no testimony in this case.

Mr. FARLEY. If the parties who were appointed to make this investigation were not legally appointed, then we have nothing to do with their proceedings.

Mr. SHERMAN. They were legally appointed.

Mr. FARLEY. Then if they were legally appointed they were authorized to administer oaths.

Mr. SHERMAN. Not at all; that does not follow.

Mr. FARLEY. Then what could they base a report upon? Would it not be based upon testimony taken before the commission?

Mr. SHERMAN. Does not my friend from California know that the head of a Department examines into every complaint that is made, whether it be communicated verbally or in writing or in any form whatever? It may be even by innuendo; it may be even by an anonymous communication; but any information that is brought before him he has the right, and it is his duty, to examine into. But would any Senator spread before the public at large such communications made in this informal way? Why, sir, it has never been done. The Senate is too grave, too just, and too dignified a body to thus publish these reports. I do not know that there is any such information, for I do not know anything about it; but I say that I never would call for information of that kind.

Mr. FARLEY. The Senator says he calls for this report for the purpose of removing the impressions which have been made by the public prints, and I say, in order to do that effectually the testimony, in my judgment, would be necessary to that end. I do not know anything about the testimony; I do not know what it is; I never saw the report; and I never saw the articles in the newspapers which have been referred to by the honorable Senator from Ohio; but it strikes me that to accomplish the object the Senator has in view, to remove these impressions, if improper impressions have been made, the testimony taken before this commission would be proper to be sent up together with the report. I submit the matter; I have no feeling about it at all, but it seems to me the very object the Senator from Ohio seeks would be better accomplished by having the facts as taken before this commission sent to this body with the report which he now seeks to obtain by the resolution.

Mr. MORRILL. I think that we had better have the report printed first, and examine that and see whether there are any grave matters that ought to be further investigated. If there are, I shall certainly vote to investigate them; but this raking around through every Department to find if there are not some persons who will propagate scandal is a thing I certainly think it would be rather beneath the dignity of the Senate to lend its aid and assistance to. We may take the history of English statesmen for the last hundred years and read the correspondence that is published in their biographies, and we will find nearly every one of them set down as rascals—as men who would do almost anything for gain!

For one, I am not in the habit of taking much stock, so to say, in these constant rumors about the corruption of the War Department or of the Interior Department or of any of the Departments. I think we had better have some solid foundation before we publish to the world a lot of unauthenticated scandal.

Mr. DAWES. No one will shrink from any charge which the Senator from California will take the responsibility to make; but the charge which renders this call proper and which has prompted it is that there is something in a report made to the Secretary of the Treasury reflecting upon his predecessor, now a Senator in this body, and the Senator calls for the report which it is charged contains this damaging reflection. It is met by the Senator from California with a suggestion that something else be produced. Let that which is charged to be damaging to any Senator in this body be produced here, and if it calls for any further investigation or any further production of papers, no one will be slow to call for their production.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves that a copy of the report which James F. Meline has made to the Treasury Department be furnished to this body. The Senator from California [Mr. FARLEY] moves to add "together with the testimony taken in connection therewith." The question is upon the amendment offered by the Senator from California. Is the Senate ready for the question? Senators, as many as are in favor of the amendment proposed by the Senator from California will say "ay." [Putting the question.] By the sound the Chair is in doubt. The ayes will please rise.

There were, on a division—ayes 22, noes 26.

Mr. FARLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Kansas [Mr. PLUMB] on all political questions. If this is a political question, I shall feel constrained to withhold my vote. I should like the Senator's colleague [Mr. INGALLS] to state whether he thinks such a question is a political one.

Mr. INGALLS. I can tell better whether it is political after the roll-call has closed.

Mr. BUTLER. Then I shall withhold my vote for the present.

Mr. DAWES, (when his name was called.) I am paired with the Senator from Mississippi [Mr. LAMAR] on all questions upon which we should vote on opposite sides. I do not know how he would consider this vote. I shall withhold my vote, however.

Mr. GARLAND, (when his name was called.) I am paired generally with the Senator from Vermont, [Mr. EDMUNDS.] If he were here I should vote "yea" upon this proposition, but I shall withhold my vote.

Mr. GORMAN, (when Mr. GROOME's name was called.) My colleague [Mr. GROOME] is paired with the Senator from Pennsylvania [Mr. MITCHELL] on political questions.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Arkansas [Mr. WALKER] on all political questions. As this question seems to have taken that turn, I shall not vote.

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Maine, [Mr. FRYE.] If he were here I should vote "yea."

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.]

The roll-call was concluded.

Mr. SAUNDERS. My colleague [Mr. VAN WYCK] is paired with the Senator from Oregon, [Mr. GROVER.]

Mr. BUTLER. I beg to announce my pair with the Senator from Kansas, [Mr. PLUMB.] If he were present I should vote "yea."

Mr. DAWES. I desire to announce that my colleague [Mr. HOAR] and the Senator from Virginia [Mr. JOHNSTON] are paired.

Mr. LOGAN, (after having voted in the negative.) I wish to withdraw my vote. I did not notice that the Senator from North Carolina [Mr. RANSOM] was absent. He and I are paired for a few days when either is absent, and I ask to withdraw my vote.

The PRESIDENT *pro tempore*. The vote of the Senator from Illinois will be withdrawn.

Mr. FERRY, (after having voted in the negative.) I discover by the vote that there is a political division of the Senate, and the question being a political one, as I am paired with the Senator from Delaware [Mr. SAULSBURY] on political questions, I withdraw my vote.

Mr. BLAIR. I wish to announce the pair of my colleague [Mr. ROLLINS] with the Senator from Florida, [Mr. JONES.]

Mr. BECK, (after having voted in the affirmative.) I voted "yea" a little while ago thinking the Senator from Maine [Mr. HALE] was in his seat. I observe he did not vote, and therefore I ask leave to withdraw my vote. I am paired with him upon all political questions, and this seems to have taken that shape.

The result was announced—yeas 21, nays 23; as follows:

YEAS—21.

Bayard,	Davis of W. Va.,	Jackson,	Slater,
Brown,	Farley,	Jonas,	Vest,
Call,	George,	McPherson,	Williams.
Camden,	Gorman,	Maxey,	
Cockrell,	Hampton,	Morgan,	
Coke,	Harris,	Pendleton,	

NAYS—23.

Aldrich,	Conger,	Lapham,	Saunders,
Allison,	Davis of Illinois,	McDill,	Sawyer,
Anthony,	Harrison,	McMillan,	Sewell,
Blair,	Hawley,	Miller of Cal.,	Sherman,
Cameron of Pa.,	Ingalls,	Miller of N. Y.,	Teller.
Cameron of Wis.,	Kellogg,	Morrill	

ABSENT—32.

Beck,	Garland,	Jones of Florida,	Pugh,
Butler,	Groome,	Jones of Nevada,	Ransom,
Dawes,	Grover,	Lamar,	Rollins,
Edgerton,	Hale,	Logan,	Saulsbury,
Edmunds,	Hill of Colorado,	Mahone,	Vance,
Fair,	Hill of Georgia,	Mitchell,	Van Wyck,
Ferry,	Hoar,	Platt,	Voorhees,
Frye,	Johnston,	Plumb,	Walker.

So the amendment was rejected.

Mr. GARLAND. I wish to call the attention of the Senator from Ohio to the phraseology of his resolution:

That the Secretary of the Treasury is hereby directed to transmit to the Senate a copy of the report of James F. Meline and others made to the Treasury Department during the recess of the Senate, and of any papers received by him based upon such report.

It is to the latter part of the sentence that I call the attention of the Senator from Ohio. It would seem to presuppose that the report had been made public in some way or other and that some papers had come to the Secretary of the Treasury based upon the report. Am I correct in that interpretation?

Mr. SHERMAN. I am not apprised as to the facts. I only know the ordinary course would be that the report would be submitted to any officer whose conduct was criticised and who would be allowed to file his answer. That would be the ordinary way, without any testimony. I do not know whether that was done in this case or not.

Mr. GARLAND. That is the idea the Senator had, then, in using that language?

Mr. SHERMAN. Yes; that is if any person has been accused there, no doubt the Secretary of the Treasury would give him a chance to explain so far as he chose. I do not know whether that has been done or not, but I presume it has been, because that is the usual course.

Mr. GARLAND. The right of a Senator when he claims in his seat an investigation of himself, or his conduct, or of any insinuations upon him or any officials in this body, is unrestricted, and I am the last man in the world to desire to interfere with it either as to the time of that investigation or as to the mode and manner in which it shall proceed; but I wish to suggest to the Senator that, in addition to this, I think it would be well for the Secretary to transmit also to the Senate all the papers upon which this report is based. I recognize the distinction which the Senator drew a few moments ago as to the question of testimony, strictly speaking in a legal aspect; but, waiving that for the time, if there are any papers upon which this report is based, or upon which the report is supposed to have been made, I think it is well that those papers should come in for what they are worth. I make the suggestion to the Senator from Ohio, not desiring in the least to interfere in the matter, but to give him the fullest investigation, that these words be incorporated at the end of the sentence: "and also any papers upon which such report is founded."

Mr. SHERMAN. Personally I would say make it as broad as you choose, but I can see that letters, even anonymous letters, and slips from newspapers, statements made without the sanction of oath, or statements made under oath without the sanction of law, which are just as bad, and all sorts of communications that may be made in the administration of the Treasury Department, would be communicated under the amendment suggested by the Senator from Arkansas. I do not think it would be just to do so. Personally I do not care how much they send in of all kinds of papers, but I do not think it is just or right for the Senate to publish about any man, high or low, poor or rich, whatever may be his condition, any communication which is not something in the nature of an accusation that he can answer. That is the rule.

Therefore I must confess my surprise to see a vote of the Senate asked which may call for communications of an anonymous character or for slips from the public prints in a thousand forms. If there is any voucher, any public document or anything of that kind, or if the statements made by the report should be of such a character as to induce the Senate to look further into the matter, then as a matter of course there will be an opportunity to get any kind of proper testimony and to get the basis of these accusations, &c.

All I desire to call out is the report itself upon which the public comments have been made, and which it was said was suppressed by the Secretary of the Treasury. I know that the Secretary of the Treasury did not suppress this report any more than a thousand such reports have been suppressed by every head of every Department. That is, these reports are sent to him or to his subordinates, examined in a cursory way, and he has acted upon them, and it is not usual to communicate them to Congress. While there may be some force in the objection made by the Senator from Vermont, [Mr. EDMUNDS,] that this report ought not to be communicated to Congress simply because it is not of sufficient dignity for the Senate to examine it, I do not think so. I think when a report is made to the head of a Department impugning or criticising in any way the conduct of

any officer of the Government, it is proper for public information; but to go back of that and inquire into the basis of that report might do great injustice. Surely the Senate could have no motive to do injustice in this case.

I think, therefore, it would not be wise to extend the resolution beyond its present limits, and if the Senator desires it, after he sees the report, he can get any further information which he thinks it proper for the Senate to know. I do not choose to resist any motion made to extend the inquiry, but I will vote against it simply because I do not want to do injustice to anybody.

Mr. GARLAND. I shall not insist upon amending the resolution, because I want it to suit the Senator from Ohio. As I said before, I recognize to the fullest extent his right, and possibly his duty, under the circumstances, to have this investigation and to have it in the way that he desires; but now, to make myself perfectly understood, suppose the report comes in here and states that the investigator finds that a certain thing was done or should have been done, and that is based upon a statement made by Mr. A in writing or Mr. B, or by a letter from Mr. A or Mr. B. That report, in my judgment, is incomplete without such letter or statement or whatever it may be. That is the point that I make, because in the investigation the person who makes this report, it might be found out, had mistaken the conclusion of the letter or statement or anonymous letter, if you please, or anonymous statement, as the case might be. It is with a view of going directly to these facts and knowing precisely what we are proceeding upon that I have made the suggestion; but if the Senator from Ohio does not desire it, of course I shall not attempt to amend his own resolution, which he has a right to offer, and which it was his duty, I think, under the circumstances, to offer.

Mr. SHERMAN. One word more; I am sorry to detain the Senate so long about the matter, but I will say this: let any Senator who desires it make a motion (as a matter of course I could not make it myself) to raise a committee of investigation or that one of the standing committees of the Senate should investigate the matter. I have not felt at liberty to do it, because I could not, as a matter of course, act on such a committee, and I have taken this mode in order to meet the point that has been made. Then if the Senate choose to examine further they can do so.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the resolution of the Senator from Ohio, [Mr. SHERMAN?]

The resolution was agreed to.

LADIES' RETIRING-ROOM.

Mr. HARRIS submitted the following resolution; which was read:

Resolved, That the Architect of the Capitol be, and hereby is, instructed to cause the room at the north gallery of the Senate Chamber, now used as the ladies' retiring-room, to be converted into two rooms for the use of committees; and that the room on the basement floor of the Senate wing, now occupied by the Committee on Civil Service, be fitted up for and to be used hereafter as the ladies' retiring-room.

Mr. HARRIS. I move the reference of the resolution to the Committee on Public Buildings and Grounds. I beg to invoke the very early attention of that committee to it; and when in session I should like to go before the committee and explain the reasons why the resolution should be adopted, the prominent one of which is that there are two or three committees of this body who have no committee-room, and I think the arrangement suggested being approved by the Architect of the Capitol, the Sergeant-at-Arms, and others, the propriety of it will be perfectly obvious to the committee when the reasons are explained to them. I hope that the committee will at the very earliest hour possible assemble so that the matter may be explained.

Mr. HAWLEY. I think the Senator from Tennessee has made a slight mistake in the wording of his resolution. He refers to a room as occupied by the Committee on Civil Service. I suppose he intends the room that committee formerly occupied on the west side of the north and south corridor. The present room of the Committee on Civil Service is simply the rear or east room of the Committee on Public Lands. The Senator does not refer to that room, I suppose?

Mr. HARRIS. I would state to the Senator from Connecticut that at my request the resolution was drafted by the Architect of the Capitol. The Senator is perhaps right, and it is the room formerly occupied by that committee, but be that as it may, the Committee on Public Buildings and Grounds will correct any error, if there be one, in describing the room. That committee will be requested to go and look at the room, and it will be properly described. The committee will correct any mistake, if there be one, in the resolution.

Mr. DAWES. It is proposed to have the resolution referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS. My motion is to refer it. I do not ask for the action of the Senate upon the resolution, but that it be referred and considered by the committee, and I was begging the committee to take very prompt action upon the resolution, and it will report it back adversely or favorably as it thinks proper.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] to refer the resolution which he has submitted to the Committee on Public Buildings and Grounds.

The motion was agreed to.

REPORT ON COTTON-GOODS TRADE.

Mr. ANTHONY. Mr. President, I am instructed by the Committee on Printing, to which was referred a resolution to print 2,500 additional extra copies of the report of the Secretary of State upon "The Cotton-Goods Trade of the World," to report it back and ask to be discharged from its further consideration. The document is a very valuable one and the committee are in favor of a much larger publication than this; but we have already exhausted the authority of the law by ordering as many as can be printed for $500, and to repeat that order would seem to be an evasion of the law. The Senator from Alabama, [Mr. MORGAN,] who introduced the first resolution for the printing of this document, is a first-rate lawyer and I am none at all. If he has anything to say on the subject, I should like to have it said.

The PRESIDENT *pro tempore*. The Committee on Printing ask to be discharged from the further consideration of a resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. MORRILL on the 17th instant, as follows:

Resolved, That 2,500 additional extra copies of the report of the Secretary of State, now in press, upon "The Cotton-Goods Trade of the World," be printed for the use of the Senate.

Mr. MORGAN. The committee ought to be discharged, no doubt.

The PRESIDENT *pro tempore*. If there be no objection, the committee will be discharged. The Chair hears no objection, and that order is made.

EXECUTIVE SESSION.

Mr. FERRY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at one o'clock and twenty-five minutes p. m.) the Senate adjourned.

SATURDAY, *October* 22, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

LIST OF DEPARTMENT PUBLICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, which will be read.

The Chief Clerk read the communication, as follows:

TREASURY DEPARTMENT, *October* 20, 1881.

SIR: I have the honor to acknowledge the receipt of Senate resolution of the 24th of March last, reading as follows:

"*Resolved*, That the heads of each of the Executive Departments be, and hereby are, directed to report to the Senate, at the beginning of the next session of Congress, complete lists of any and all books, reports, documents, and pamphlets issued, printed, or published by their respective Departments, and by each and every bureau and officer thereof, from March 4, 1789, to March 4, 1881."

The records of this Department fail to give the information called for, as it is within a short time only that steps have been taken to preserve in consecutive order the various reports, documents, pamphlets, circulars, &c., issued therefrom.

A careful search through the State papers developes the fact that probably every important report or letter has been preserved in that collection, especially those referring to the financial and revenue operations of the Government.

Very respectfully,

W. WINDOM, *Secretary*.

To the PRESIDENT *pro tempore of the Senate of the United States*.

Mr. COCKRELL. Are there any accompanying papers with that communication?

The PRESIDENT *pro tempore*. There are none.

Mr. COCKRELL. Let the communication lie upon the table and be printed. It is in answer to a resolution that was passed at my instance at the last session.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and four minutes spent in executive session the doors were reopened, and (at two o'clock and sixteen minutes p. m.) the Senate adjourned.

MONDAY, *October* 24, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

ALLEGED TREASURY IRREGULARITIES.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, and ordered to lie on the table and be printed:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 22, 1881.

SIR: I am in receipt of the resolution of the Senate of the 21st instant, as follows:

"*Resolved*, That the Secretary of the Treasury is hereby directed to transmit to the Senate a copy of the report of James F. Meline and others made to the Treasury Department duriog the recess of the Senate, and of any papers received by him based upon such report."

In reply thereto I have the honor to transmit herewith a copy of the report called for, with the accompanying statements of Mr. J. K. Upton and J. T. Power, who occupied the position of chief clerk and *ex officio* superintendent of the Treasury building for the period covered by the report.

Soon after assuming the duties of Secretary of the Treasury my attention was called to alleged abuses in disbursement of the contingent fund of the Department which was under the immediate charge of a custodian, and under the general supervision of the chief clerk of the Department, and I appointed a committee to look into the matter, as had been the custom of the Department in such cases. The law, somewhat conflicting in its terms in relation to the relative duties of these two officers, will be found fully set forth in the report. On considering the report I became convinced that certain irregularities and abuses existed in this branch of the service, and as I had some doubts as to the legality of the appointment of a custodian I abolished that office June 17, 1881, and by general order of July 1, 1881, reorganized the office.

A copy of this order is herewith transmitted, from which it will appear that all the changes necessary to a complete and thorough correction of the irregularities and abuses referred to have been adopted.

It was my intention, as my more pressing public duties would permit, to have pursued this general policy in other branches of the Treasury, by the appointment of competent committees to collect the necessary data on which to base proper action to secure economy and promote the best interests of the public service, but the assassination of the President suspended further action in this direction.

Very respectfully,

WILLIAM WINDOM, *Secretary.*

Hon. DAVID DAVIS, *President of the Senate.*

SENATE DISBURSEMENTS.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to make a report upon a letter from the Secretary of the Treasury of the 17th instant in response to a Senate resolution of the 14th instant calling for certain information touching the methods and authority under which moneys have been disbursed for the payment of the salaries and compensation of Senators and officers of the Senate since the death of Mr. Burch. The Committee on the Judiciary was instructed to take this communication into consideration. The committee have considered it, but have not had the time to come to a final and definitive opinion upon the questions of law embraced in the transaction; but we have examined the subject far enough, I am instructed to say, to be of opinion that the present method of disbursement of the moneys appropriated for the expenses of the Senate, is, to say the least of it, open to extreme doubt in regard to its legality. We are all agreed that it is very doubtful, to say the least, whether the law will warrant the method that has been practiced since the death of Mr. Burch; and the committee were all of opinion that it was desirable we should report that conclusion so far to the Senate in order that the Senate might, if it chose, relieve itself of any acquiescence in this method of proceeding as lawful, by taking some steps to supply, for the time being or otherwise, the existing vacancy, so that the moneys appropriated for these purposes may be drawn in a way that we all agree is clearly lawful.

That ends what I am authorized to report from the committee—to call the attention of the Senate to the subject and to express what I have in behalf of the committee as to the doubtfulness of the present method.

The report was agreed to.

ELECTION OF ACTING SECRETARY.

Mr. EDMUNDS. Now, Mr. President, on my own individual responsibility as a Senator, and acting for no committee or no party or anybody else but myself, I offer a resolution, which I ask may be read, and then it may lie over for consideration, for aught I care.

The resolution was read, as follows:

Resolved, That Francis E. Shober, the Chief Clerk of the Senate, be and he is hereby appointed acting Secretary of the Senate until the vacancy caused by the death of John C. Burch, late Secretary of the Senate, shall be filled; and that said acting secretary be and he is hereby empowered to do and perform all official acts pertaining to the office of Secretary of the Senate and under the same responsibilities and after giving an official bond as such acting secretary.

Mr. PENDLETON. The Senator from Vermont [Mr. EDMUNDS] anticipated a resolution which I had upon my table to the same effect and almost in the same words as the resolution that he has offered. I hope that the Senate will consider it immediately and that it may be passed without a division.

The PRESIDENT *pro tempore*. The Senator from Ohio asks for the consideration of the resolution proposed by the Senator from Vermont appointing Mr. Francis E. Shober, the Chief Clerk of the Senate, to act as Secretary until the vacancy caused by the death of Mr. John C. Burch shall be filled. Senators, are you ready for the question? ["Question."] As many as favor the resolution will say "ay." [Putting the question.] The resolution is adopted unanimously.

On motion of Mr. EDMUNDS, it was

Ordered, That the President of the United States and the Secretary of the Treasury be notified of the election of Mr. Francis E. Shober, Chief Clerk, as acting Secretary of the Senate.

OFFICIAL REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 500 additional copies of the first volume of the Official Register, now in press, be printed and bound in cloth, for the use of the Senate.

INTEROCEANIC CANAL.

The PRESIDENT *pro tempore* laid before the Senate a communication from the President of the United States, transmitting, in response to a Senate resolution of the 14th instant, a report of the Secretary of State on the action taken by the Government since the adjournment of the last Congress toward protecting the rights and interests of the United States in the projected interoceanic canal at Panama.

Mr. EDMUNDS. I move that the communication be printed, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BECK. Would there be any objection to having the communication published in the RECORD? I hope not, for it is a very important one, I understand, and otherwise we may not see it for a good while.

Mr. EDMUNDS. I have no objection.

Mr. BECK. If there is no objection, let it be published in the RECORD.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the communication will be printed in the RECORD.

The communication is as follows:

To the Senate:

I transmit herewith the report of the Secretary of State in answer to the resolution of the Senate of October 14th, with accompanying document.

CHESTER A. ARTHUR.

DEPARTMENT OF STATE,
Washington, October 22, 1881.

To the President:

The following resolution of the Senate has by your order been referred to this Department:

IN THE SENATE OF THE UNITED STATES,
October 14, 1881.

Resolved, That the President be requested, if not in his judgment incompatible with the public interest, to advise the Senate whether any action has been taken by the Government since the adjournment of the last Congress towards protecting the rights and interests of the United States in the projected interoceanic canal at Panama.

Attest:

F. E. SHOBER,
Chief Clerk United States Senate.

In answer thereto the Secretary of State has the honor to report that having learned since the adjournment of Congress of the rejection by Colombia of the protocol negotiated by the representatives of the United States and that republic, which it was hoped would secure a treaty satisfactory to both, and being informed by the minister of the United States in Colombia that the Government of Colombia by its public acts was avowing its desire to terminate the treaty of 1846 and appeal to the powers of Europe for a joint guarantee of the neutrality of the Isthmus and the sovereignty of Colombia, this Department addressed the following letter of instruction to the United States minister in London.

An identic note was sent to each of the American ministers in Europe.

Very respectfully,

JAMES G. BLAINE.

No. 187.] DEPARTMENT OF STATE,
Washington, June 24, 1881.

SIR: It has fallen under the observation of the President, through the current statements of the European press, and other usual channels of communication, that the great powers of Europe may possibly be considering the subject of jointly guaranteeing the neutrality of the interoceanic canal now projected across the Isthmus of Panama.

The United States recognizes a proper guarantee of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama, and more than a third of a century ago this Government took every step that is deemed requisite in the premises. The necessity was foreseen and abundantly provided for long in advance of any possible call for the actual exercise of power.

In 1846 a memorable and important treaty was negotiated and signed between the United States of America and the Republic of New Grenada, now the United States of Colombia. By the thirty-fifth article of that treaty, in exchange for certain concessions made to the United States, we guaranteed "positively and efficaciously" the perfect neutrality of the Isthmus and of any interoceanic communications that might be constructed upon or over it for the maintenance of free transit from sea to sea; and we also guaranteed the rights of sovereignty and property of the United States of Colombia over the territory of the Isthmus as included within the borders of the State of Panama.

In the judgment of the President this guarantee given by the United States of America does not require re-enforcement or accession or assent from any other power. In more than one instance this Government has been called upon to vindicate the neutrality thus guaranteed, and there is no contingency now foreseen or apprehended in which such vindication would not be within the power of this nation.

There has never been the slightest doubt on the part of the United States as to the purpose or extent of the obligation then assumed by which it became surety alike for the free transit of the world's commerce over whatever landway or waterway might be opened from sea to sea, and for the protection of the territorial rights of Colombia from aggression or interference of any kind. Nor has there ever been room to question the full extent of the advantages and benefits naturally due to its geographical position and political relations on the Western Continent, which the United States obtained from the owner of the Isthmian territory in exchange for that far-reaching and responsible guarantee.

If the foreshadowed action of the European powers should assume tangible shape it would be well for you to bring to the notice of Lord Granville the provisions of the treaty of 1846 and especially of its thirty-fifth article, and to intimate to him that any movement in the sense of supplementing the guarantee contained therein would necessarily be regarded by this Government as an uncalled for intrusion into a field where the local and general interests of the United States of America must be considered before those of any other power, save those of the United States of Colombia alone, which has already derived and will continue to derive such eminent advantages from the guarantee of this Government.

The President deems it due to frankness to be still more explicit on this subject and to elucidate the views of the United States Government with somewhat of

detail to the end that no uncertainty shall subsist as to the integrity of our motives or the distinctness of our aims.

It is not the wish or the purpose of the United States to interfere with any commercial enterprise in which the citizens or subjects of any foreign power may see fit to embark under a lawful privilege. The fact of the stock and franchises of the Panama Canal or the Panama Railway being owned in Europe either in whole or principally is no more a subject of complaint on the part of the United States than is the circumstance that the stock of many of its own great lines of railway is largely held abroad. Such ownership, with its attendant rights, is in the United States amply secured by the laws of the land and on the Isthmus is doubly secured by the local laws of Colombia with the superadded guarantee of the United States.

Nor in times of peace does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway under the exclusive control of an American corporation. The extent of the privileges of American citizens and ships is measurable under the treaty of 1846 by those of Colombian citizens and ships. It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and national treatment.

It is as regards the political control of such a canal as distinguished from its merely administrative or commercial regulation that the President feels called upon to speak with directness and with emphasis. During any war in which the United States of America or the United States of Colombia might be a party, the passage of armed vessels of a hostile nation through the canal at Panama would be no more admissible than would the passage of the armed forces of a hostile nation over the railway lines joining the Atlantic and Pacific shores of the United States or of Colombia. And the United States of America will insist upon her right to take all needful precautions against the possibility of the Isthmus transit being in any event used offensively against her interests upon the land or upon the sea.

The two republics between which the guarantee of neutrality and possession exists have analogous conditions with respect to their territorial extension. Both have a long line of coast on either ocean to protect as well as to improve. The possessions of the United States upon the Pacific coast are imperial in extent and of extraordinary growth. Even at their present stage of development they would supply the larger part of the traffic which would seek the advantages of the canal. The States of California and Oregon and the Territory of Washington, larger in area than England and France, produce for export more than a ton of wheat for each inhabitant, and the entire freights demanding water transportation eastward, already enormous, are augmenting each year with an accelerating ratio. While the population and products of the Pacific slope are thus increasing upon a vast scale, the railway system connecting the Gulf of Mexico with the interior and with the great lakes is being rapidly extended, thus affording additional facilities for enlarging the commerce that must seek the coast line to the Pacific of which the projected canal at Panama will form a part and be as truly a channel of communication between the Eastern and far Western States as our own transcontinental railways. It is the perception of this domestic function of the long-sought water-way between the two seas that border the Republic which has caused the project to be regarded as of vital importance by this Government. The history of the enterprise is marked from the outset by the numerous expeditions which have, from time to time, been sent out by the United States at large expense to explore the various routes and thus facilitate the work when the time should be ripe and the vast capital be forthcoming for the undertaking.

If the proposed canal were a channel of communication near to the countries of the Old World, and employed wholly, or almost wholly, by their commerce, it might very properly be urged that the influence of the European powers should be large and justly commensurate with their interests. With the exercise of such influence the United States could find no fault, especially if assured of equal participation in the peaceable enjoyment of the commercial facilities so afforded. The case, however, is here reversed, and an agreement between the European states to jointly guarantee the neutrality and, in effect, control the political character of a highway of commerce, remote from them and near to us, forming substantially a part of our coast line, and promising to become the chief means of transportation between our Atlantic and Pacific States, would be an extraordinary procedure, and would necessarily be viewed by this Government with the gravest concern.

The policy of the United States is one of peace and friendly intercourse with every government and people. This disposition is frankly avowed and is moreover abundantly shown in the fact that our armaments, by land and sea, are kept within such limits as to afford no ground for distrust or suspicion of menace to other nations. The agreement entered into by this Government in 1846 was manifestly in the interest of peace, and the necessity imposed by circumstances upon the United States of America to watch over a highway between its two coasts was so imperative that the resultant guarantee was the simplest justice to the chief interests concerned. Any attempt to supersede that guarantee by an agreement between European powers, which maintain vast armies and patrol the sea with immense fleets, and whose interest in the canal and its operation can never be so vital and supreme as ours, would partake of the nature of an alliance against the United States, and would be regarded by this Government as an indication of unfriendly feeling. It would be but an inadequate response to the good-will we bear them and to our cheerful and constant recognition of their own rights of domestic policy, as well as of those resulting from proximity or springing from neighborly interest.

The great European powers have repeatedly united in agreements such as guarantees of neutrality touching the political condition of States like Luxembourg, Belgium, Switzerland, and parts of the Orient, where the localities were adjacent, or where the interests involved concerned them nearly and deeply. Recognizing these facts, the United States has never offered to take part in such agreements or to make any agreements supplementary to them. While thus observing the strictest neutrality with respect to complications abroad, it is the long-settled conviction of this Government that any extension to our shores of the political system by which the great powers have controlled and determined events in Europe would be attended with danger to the peace and welfare of this nation.

While the Government of the United States has no intention of initiating any discussion upon this subject, it is proper that you should be prepared, in case of concerted action, or conference, or exchange of opinions thereon, between the great powers of Europe, to communicate to the Government to which you are accredited the views of the President as frankly and as fully as they are herein set forth. And at suitable times, in your personal and friendly intercourse with your colleagues of the diplomatic body, at London, you may find it proper to give discreet expression to the policy and motives of your Government in the premises.

You will be careful in any conversation you may have not to represent the position of the United States as the development of a new policy or the inauguration of any advanced, aggressive steps to be taken by this Government. It is nothing more than the pronounced adherence of the United States to principles long since enunciated by the highest authority of the Government, and now, in the judgment of the President, firmly inwoven as an integral and important part of our national policy. In his address upon taking the oath of office, the President distinctly proclaimed the position which the Government of the United States would hold upon this question, and if the European cabinets have failed to observe or give due heed to the declarations then made it may be well for you on some proper occasion to call the attention of the minister of foreign affairs to the language used by the President.

I am, sir, your obedient servant, JAMES G. BLAINE.

JAMES R. LOWELL, Esq., &c., &c., &c., *London*.

THE ROCHAMBEAU PAPERS.

Mr. SHERMAN, from the Committee on the Library, reported the following resolution:

Resolved, That the Librarian of Congress be authorized to receive and carefully preserve the papers of the Count de Rochambeau, general in the French army in America, a catalogue of which is now with the Librarian, to await the action of Congress on the proposal of the Marquis de Rochambeau to sell and convey such papers to the United States.

PAYMENT OF SALARIES.

Mr. VOORHEES submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the salaries of the officers and employés of the Senate for the current month upon the adjournment of this special session of the Senate.

Mr. EDMUNDS. Let that go over for the present.

The PRESIDENT *pro tempore*. The resolution goes over under the rule.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty-eight minutes spent in executive session the doors were reopened, and (at three o'clock and fifteen minutes p. m.) the Senate adjourned.

TUESDAY, *October* 25, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

SWEARING IN OF ACTING SECRETARY.

The PRESIDENT *pro tempore*. The oath of office will now be administered to the Acting Secretary of the Senate, who will present himself for that purpose.

The oath of office was administered by the President *pro tempore* to Mr. FRANCIS E. SHOBER, who was yesterday chosen Acting Secretary of the Senate.

WITHDRAWAL OF PAPERS.

Mr. EDMUNDS. I ask leave to move that the Secretary be instructed to transmit to the Commissioner of Pensions the affidavits and papers relating to the claim of Horace S. Spear for a pension, now on the files of the Secretary's office. The case was a pension case in the Department that was rejected. Then application was made to the Senate, supported by additional affidavits taken for use here, and the Senate passed a bill, which was not reached in the House of Representatives. Since that time the Pension Office, I understand, has reopened the case there, and I am advised by the Commissioner that the affidavits taken for use in the Senate may be used there if they can be transmitted. I therefore move that the Secretary be directed to transmit the papers.

The PRESIDENT *pro tempore*. There was no adverse report in the case?

Mr. EDMUNDS. It was an affirmative report, sir.

The PRESIDENT *pro tempore*. The order will be made.

On motion of Mr. RANSOM, it was

Ordered, That the petition and papers in the claim of Edward H. Wilson be withdrawn from the files of the Senate, there being no adverse report.

THE ROCHAMBEAU PAPERS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the resolution reported by me yesterday from the Committee on the Library in regard to the papers of the Marquis de Rochambeau.

The motion was agreed to; and the Senate proceeded to consider the following resolution reported by Mr. SHERMAN from the Committee on the Library on the 24th instant:

Resolved, That the Librarian of Congress be authorized to receive and carefully preserve the papers of the Count de Rochambeau, general in the French army in America, a catalogue of which is now with the Librarian, to await the action of Congress on the proposal of the Marquis de Rochambeau to sell and convey such papers to the United States.

Mr. SHERMAN. Mr. President, the purchase of the papers of the Count de Rochambeau, who commanded the land forces of the French in the Revolutionary War, has been under consideration for a number of years by the Committee on the Library. A proposition of that kind first came, I believe, through the minister of the United States to France, which I now hold in my hand. A catalogue of these papers was then furnished, some four years ago, which I also hold in my hand.

The Committee on the Library, I am informed, (I was not at that time a member of it,) has been uniformly in favor of the purchase of these papers; they are of very great value; but the committee thought that the purchase or any movement towards the purchase should be postponed until the papers themselves could be inspected, and the Marquis de Rochambeau was requested to send them to this country for inspection. Fortunately he was himself invited as the guest of the nation to attend the ceremonies at Yorktown, and he brought the papers here. They are now in this city. They have been carefully inspected by the Librarian of Congress, by several Senators and by other distinguished persons, and so far as I know every one who has

inspected them appreciates their immense value and thinks that the Government of the United States ought without hesitation to become the owner of them.

The papers consist of about fourteen hundred original letters and military papers from the hands of Washington, Rochambeau, Montbarey, Lauzun, Vaudreuil, Tallmadge, Greene, Viomenil, and other French and American officers. Of these about fifty only out of the fourteen hundred have ever been published. The collection contains also the original letter-books of the Count de Rochambeau. It further embraces sixty-nine original maps drawn by engineers of the French army, representing numerous forts, battle-fields, camps, &c., occupied by the allied armies from Newport to Yorktown. The schedule is very full, and the catalogue has been compared with the original documents now in the city.

The Committee on the Library, feeling that they had no power to commit the Government to purchase this valuable property or to make any contract to bind the Government, agreed to report the resolution which I submitted yesterday, and which is now before the Senate. The facts in regard to the negotiations which have been had are much more familiar to the Senator from Indiana, [Mr. VOORHEES,] who was formerly chairman of the Committee on the Library, than to me.

I hope that the Senate will, without objection, adopt the resolution, which simply requests the Marquis de Rochambeau to leave the papers here in the possession of the Librarian of Congress to await the further action of Congress, without committing the Government to their purchase; but as a matter of course this request does involve to some extent an indication on the part of the Senate, if it adopts the resolution, that it will purchase the papers.

Mr. COCKRELL. Is there any estimate of their value?

Mr. SHERMAN. Yes; the estimate put upon them is $20,000.

Mr. INGALLS. That is the usual sum!

Mr. COCKRELL. Would it be exactly right that the Senate should be committed to purchase papers costing that much without knowing anything about them?

Mr. SHERMAN. The Senate is not committed further than in the manner I have stated.

Mr. COCKRELL. I understood the Senator to say that the adoption of the resolution would be an admission of liability on the part of the Government to purchase the papers.

Mr. SHERMAN. I think unless we had some favor for the proposition of purchase we probably would not ask to have the papers left here. The papers are here and have been brought here at the request of the Committee on the Library; they are of immense value; and I think if the Senator himself would inspect them he would see the importance of the Government of the United States having these papers. I was very much impressed by them.

Mr. COCKRELL. Have the papers ever been examined by any committee?

Mr. SHERMAN. They have been examined by Senators, so far as they could examine them. Two members of the Committee on the Library are not here, but all the members of the committee are in favor of the purchase. The Librarian of Congress examined the papers very carefully, and we have a full catalogue of all the papers.

Mr. COCKRELL. I have no objection to the resolution provided there is no obligation, moral, legal, or equitable, on the part of the Senate to purchase these papers unless we shall think we want them when we come to examine them.

Mr. VOORHEES. I would be in favor of the resolution if there was the highest obligation, moral, equitable, and legal, implied in it to purchase these papers. For some two or three years the subject was before the Committee on the Library when I was chairman of it, and I became familiar with it. I regard these papers, embracing the correspondence of the parties to them, of inestimable value. They constitute a rich mine of historical literature. I also regard the price spoken of by the Senator from Ohio as very cheap for such papers. They have been examined by those in whose judgment I have more confidence than in my own, although I have given the subject as much attention as I could.

As to the scope of this resolution, I will say to Senators that these papers are here now in the possession of the Marquis de Rochambeau, who has visited this country under the invitation of the United States. When I learned that fact I was anxious that they should not be taken back to Europe. The Senate alone being in session, we were not prepared to take up the subject and purchase them. Consequently I labored somewhat to devise a method by which they might be retained in the United States until the two Houses of Congress were in session, when we could negotiate upon the subject. Of course we are not bound to any price by what we are doing now. At the same time, I am very free to declare that I for one should be willing to give the price indicated by the Marquis who has them in possession. Indeed he says, with the characteristic generosity on the part of that family toward the United States, that if he was able to do so he would be glad to make them a present to us. We ought not to accept them on any such basis. We are rich and powerful, and they contain a revelation of inside history that will be vastly interesting to the present generation and to future generations that will come after us. I regard it as most fortunate that the papers are here, as by this resolution we may retain them and take custody of them, and then bring the subject up when Congress meets and procure them for our use. I will only say this much at this stage of the proceedings.

Mr. EDMUNDS. I was once a member of the Committee on the Library and heard a good deal about the Rochambeau papers, and have been curious to see them. I should be inclined to vote at the proper time and in the proper way for the purchase of the papers at what, after a careful investigation, should be thought a fair price; but I should be glad to have the chairman of the Committee on the Library, or some other Senator, inform me where the Senate at its present session gets the authority to authorize the Librarian of Congress to do anything whatever. That is what I should like to be told. We have no control by law over the Librarian of Congress. We have no more right to authorize him, in my humble judgment—(I shall be glad to be corrected if I am wrong)—to receive these papers than we have to authorize him to receive the government bonds of one of the South American republics for safe-keeping, or any other property; and we have no more authority to authorize him to do it than any one or two of us would have if we met him down in the street. At least I am unable to see where we get any such power. He is not our officer.

I say this the more freely from the circumstance that I should be glad, for one, from what I have heard of these papers heretofore when a member of the Library Committee, to vote (if they turn out to be what they are represented,) a proper sum for their purchase; but my difficulty is that we are undertaking to do a thing in this form for which I know of no constitutional or lawful authority in this body. There is the trouble.

Undoubtedly under the direction of the Committee on the Library this gentleman can leave the papers in the custody of the Librarian as a private individual, representing security and all that, in this Capitol, which is supposed to be somewhat secure from fire; or certainly he might deposit them in the office of the Secretary of State for safe-keeping until the question of their purchase could be determined; but for this body, acting in its character as a body, to undertake to assume that it has the power and authority to authorize the Librarian to do anything, or not to do anything, either way, about it, I think would be a mistake in respect of our rights.

That is the thing that troubles me about it; and that is the only reason why I shall feel obliged, unless I get more light, to vote against the resolution in this form.

Mr. ANTHONY. I would suggest, in order to meet the constitutional objection of my friend, that the resolution be modified so that the Committee on the Library be authorized to receive and deposit these papers with the Librarian. The subject of purchasing these papers has been before the Senate for several years. I had the honor to introduce a resolution instructing the Committee on the Library to inquire into the expediency of their purchase. A very full catalogue has been furnished, but the Committee on the Library very properly desired to inspect the papers before making a recommendation with regard to their purchase. The papers are now here, and those Senators who have seen them, I among the number, find them among the most precious materials of American history. They certainly ought to belong to the archives of the Government. As the Senator from Indiana said, the Marquis de Rochambeau would be very willing, if he could afford it, to make a gift of these papers to the Government; but he cannot afford it, and it would not be becoming in us to accept them without compensation. I think if the resolution were modified in the way I have suggested it would overcome the objection of the Senator from Vermont, and I offer that amendment.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Rhode Island [Mr. ANTHONY] will be read at the desk.

The ACTING SECRETARY. It is proposed to amend the resolution by striking out the words "Librarian of Congress" and inserting "Committee on the Library," and to insert after "receive" the words "and to deposit in the Library of Congress;" so as to read:

Resolved, That the Committee on the Library be authorized to receive and to deposit in the Library of Congress and carefully preserve the papers of the Count de Rochambeau, general in the French army in America, a catalogue of which is now with the Librarian, to await the action of Congress on the proposal of the Marquis de Rochambeau to sell and convey such papers to the United States.

The PRESIDENT *pro tempore*. Does the Senator from Ohio [Mr. SHERMAN] accept the amendment?

Mr. SHERMAN. I see no objection to it; the resolution will be the same. I will say, however, that there is this difficulty: the Committee on the Library is a joint committee and the members of it on the part of the House have not yet been named. I would move that the resolution refer to the Senate part of the Library Committee, if adopted.

The PRESIDENT *pro tempore*. It being a Senate resolution the Chair supposes that it refers to the Committee on the Library here.

Mr. INGALLS. Mr. President, after the explanation that has been made by the Senator from Ohio, the Senate may as well understand that if this resolution passes the Senate is committed to a proposition to purchase these papers for the sum of $20,000. That is the plain English of it, in black and white; it means that and nothing more; and if the Senate is prepared without any inspection of these papers, without any information of what they contain other than that which has been communicated by the statement of the Senator from Ohio and the Senator from Rhode Island, to say that we will agree, so far as we are concerned, to pay the sum of $20,000 for these papers, then it is proper the resolution should pass; otherwise not.

The Senator from Rhode Island stated that the Marquis de Rochambeau would present these papers to the United States if he could afford to do it. That is an extraordinary attitude in which to place the guest of the nation at this time before the country. I presume the Marquis de Rochambeau can as well afford to present these papers to the Government as he can to keep them; they would be worth just as much in the one case as they would in the other.

It appears to me, after these gentlemen have been invited hither as the guests of the nation, and entertained at the nation's expense, that it smells a little of the pawnbroker's shop, a little of dealers in second-hand clothing, to place the most distinguished of these guests in the attitude of asking the nation to make him a benefaction of $20,000.

Mr. SHERMAN. I hope my friend does not understand that to be the case.

Mr. INGALLS. The friends of the Marquis de Rochambeau are placing him in a very unfavorable attitude, which I believe he will be unwilling to occupy.

Mr. SHERMAN. I wish simply to state that he brings these papers here at the request of the Committee on the Library.

Mr. INGALLS. The Committee on the Library have not been authorized by the Senate or by Congress to ask the Marquis de Rochambeau to submit papers here for purchase by Congress.

Mr. ANTHONY. Will the Senator allow me to interrupt him?

Mr. INGALLS. Certainly.

Mr. ANTHONY. The Committee on the Library has been instructed to inquire into the expediency of purchasing them.

Mr. INGALLS. Very true.

Mr. ANTHONY. And as a method of finding out whether it was proper to purchase them or not the committee asked the Marquis de Rochambeau to submit them to inspection.

Mr. HOAR. And before he was our guest. It was an independent transaction.

Mr. INGALLS. That does not change the statement I have made that the Committee on the Library had not been instructed either by the Senate or by Congress to have these papers brought here for the purpose of committing Congress to their purchase at the sum of $20,000. There has been a great deal too much of a sort of flatulent sentimentality about old swords and old papers for the last few years, indeed so long as I have been in the Senate. I believe that the sum of $10,000 has been fixed upon as the price of a sword and $20,000 for a collection of old papers. Now, I have no doubt that there may be value about this collection; I am aware that collections of private papers are the fountains of history; but if these gentlemen desire that Congress shall purchase these papers their proper plan would be to deposit them with the Secretary of State who should call the attention of Congress to their value and make suggestions about them.

I repeat, sir, with all due respect, that the declarations made here have placed the French guests in an attitude before the nation that I am unwilling to believe they desire to occupy. I hope that this matter may be further considered before a resolution is adopted committing the Senate to the purchase of these papers from the Marquis de Rochambeau upon the assumption that it is a charity bestowed upon him because he is too poor to present them, as he would otherwise be glad to do, to the American people.

Mr. VOORHEES. Mr. President, as the Senator from Kansas has seen fit to indulge in strictures on the conduct of the Library Committee in connection with these papers, I have a word to say.

Mr. INGALLS. Nothing was further from my intention.

Mr. VOORHEES. This matter was referred to the Committee on the Library with instructions to inquire into the expediency and propriety of purchasing these papers. With that care and circumspection which becomes a committee of this body we determined not to proceed in the matter until we could see and inspect them. For that purpose a request was made that the papers be transmitted here.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. VOORHRES. Yes.

Mr. JONES, of Florida. Were these papers brought to this country at the request of any official of this Government?

Mr. VOORHEES. I will answer the question how they came. I repeat that under the authority of a resolution of the Senate instructing us to inquire into the expediency and propriety of purchasing these papers, as one of the steps in the discharge of that duty imposed upon us and in the exercise of what we deemed a sound discretion we determined not to purchase them until we saw them, and therefore requested them to be transmitted here.

Now, to the Senator from Kansas I will say that they came here without any expense to us. It so happened that the ancestor of the present Marquis de Rochambeau was in this country one hundred years ago and we invited his descendant to come to the recent centennial celebration at Yorktown, and in coming he put into his trunk these papers in response to the request of the Senate committee; and thus they are here in no spirit of pawnbroking or selling of old clothes. I think there is nobody on this floor who has placed that distinguished member of a distinguished family of France in a false attitude except the Senator from Kansas, for, to repeat myself, I say they came here in response to a request made by a committee charged with a duty in regard to purchasing them. They desired them here, and they came in a very natural and simple manner, in the custody of their owner who had been invited to this country, and he is ready to take them away when he leaves the city, which I do not want him to do. For that reason I concurred with the chairman of the committee, the Senator from Ohio, in indicating on the part of the Senate a desire to him to leave them here with a view to negotiating for them hereafter.

There is no indelicacy on the part of the Marquis de Rochambeau in this matter at all. There is no impropriety on the part of the committee. I agree with the Senator from Kansas to this extent, that there is a certain implied obligation on our part to purchase these papers if we pass this resolution, and I am glad that it will be so for I want to purchase them.

Now, a word in regard to what inspection they have had. As a matter of course we know that every Senator cannot individually examine every subject upon which we pass. It would be quite impossible for every Senator to inspect these papers. The Senator from Rhode Island, the senior member of this body, [Mr. ANTHONY,] is more familiar with these papers, perhaps, than any member of the Senate, and I take what he says in regard to their value as true. I have talked within the last few days with the Assistant Secretary of State who has gone over the papers, thoroughly inspected them, and he informs me that their value is even greater than I had supposed. I give credence to human testimony. I take the word of honorable men. I believe what they tell me and believing that I feel that this is a proper step to take. The purchase of the papers hereafter will be a subject for consideration with a certain sense of implied obligation.

In regard to the value of old papers and old swords people may differ. I think the accomplished Senator from Kansas is quite as much indebted for his brilliance of rhetoric and his wide range of historic knowledge to the possession of old papers as anybody else on this floor, and I think a moment's reflection will make him desire to withdraw his strictures upon the value of old papers. As to old swords, that is another subject. Doubtless the Senator in his debates here would prefer to use a fresh blade, but still there is a value attached to old swords. However, we are not discussing that subject. As to old papers of historic value, they cannot be put away with a sneer or a jibe. They are of great and incalculable value, and I hope the resolution as modified on the suggestion of the Senator from Vermont may be passed, and we will take care of this subject hereafter.

Mr. INGALLS. Mr. President, I am sure the Senator from Indiana will believe me when I say that in the observations I made nothing was further from my purpose than to cast any imputation on the Library Committee. I stated that no instructions had been given by the Senate to the Library Committee to bring these papers here which should commit the Senate to their purchase. Neither have I said anything that could be construed as in derogation of the value of these papers. I said that personal archives were the fountain-head of history, and that for all the information I had these papers might possess exceptional and extraordinary value. But without information, without knowing what portion of these papers has already been printed and what are original, without information about the character of the archives we are called upon to purchase, I submit that, in view of the declaration of the Senator from Indiana himself if we pass this resolution the Senate is committed to a proposition to purchase these papers for the sum of $20,000, we have not advice sufficient to authorize us to take that course.

Mr. VOORHEES. The Senator has stated my position a little broader than I stated it myself. I say there is in a certain sense an implied obligation to purchase these papers, but not at any fixed price. As a matter of course their value would be determined on a full inspection. I have no doubt, however, I say frankly, that they are worth that sum of money and I expect more.

Mr. INGALLS. After these papers have survived the vicissitudes of one hundred years, there is no probability that they will be specially damaged or injured by remaining in their present custody until December; and inasmuch as if we pass this resolution we commit ourselves to the proposition irrevocably to purchase them at the price fixed by the Marquis de Rochambeau, I submit to the Senator from Indiana whether we ought not to have more information.

Now, Mr. President, without expressing any opinion whatever about their value, without casting any imputation upon them, having faith that they are worth a large sum of money, I move, to test the sense of the Senate, that this resolution be committed to the Committee on the Library so that they may advise the Senate more fully and definitely as to the proposition to which they desire to commit us.

The PRESIDENT *pro tempore*. The motion is to recommit. The resolution is a report from the Library Committee.

Mr. INGALLS. The rules, if the Chair will pardon me for referring to that subject, recognize only a motion to commit. The motion to recommit is not recognized by Rule 43.

Mr. SHERMAN. Mr. President, the Committee on the Library has given to the Senate all the information that we can possibly communicate to the Senate unless we bring the books and papers here in the presence of the Senate. We have examined them and many other persons besides members of the committee have examined them—officers of the Department of State, the Librarian of Congress, whose judgment is worth more than that of all the Senators combined in regard to their value. We have the schedule itself, furnished to us four years ago, which has been carefully compared with the papers now exhibited. Unless the Senator from Kansas desires the Committee on the

Library to send a carriage and bring these books and papers here into our presence and present them to him, we can furnish no further evidence than we have done.

Mr. VOORHEES. Allow me to ask the Senator from Ohio whether he has not himself personally examined these papers?

Mr. SHERMAN. I have examined them; but I consider my opinion as much less valuable than the opinion of the Librarian or the Secretary of State; and every person who has seen these papers is convinced of their great historical importance. The Senator from Rhode Island [Mr. ANTHONY] went with me; we examined them together. We saw the original documents, saw papers in the handwriting of Washington. There are fourteen hundred of them, many of them quite large volumes, letter-books, copy-books, original letters; they would fill a large trunk. The Senator from Indiana made only one mistake, and that is he said the Marquis put them in the trunk. They were put in a very large trunk and brought here carefully and in very good condition.

I trust the Senate will do what is right in this matter. No Senator need feel bound to pay $20,000 unless he thinks they are worth that when the subject is more fully presented. I hope, therefore, we shall have a vote.

Mr. INGALLS. Mr. President, I desire, lest the observations I made might have seemed to imply that I desired in any way whatever to reflect upon the conduct of the Marquis de Rochambeau or the French guests, to say that nothing was further from my intention. I have no doubt that these papers were brought here at the request of those whom the Marquis de Rochambeau believed to have had the authority to invite him to do so. I merely intended to say that the action of the Senate in passing this resolution for the reasons that had been advanced by the Senator from Vermont and others would place the Marquis and his friends in an attitude that I did not believe they themselves desired to occupy.

Mr. MORRILL. Mr. President, there are some things that, if done at all, ought to be done gracefully. Now I think there is not a Senator here who will look over one-quarter part of this catalogue that will not give his judgment that the papers are of great value. My own inspection of them has been very brief, but at the same time I see that they are from General Washington, from Lafayette, and from various parties, and only a very small number have ever yet been in print.

Now, for one, I expect to be committed to pay $20,000 for these papers if we pass this resolution; and I am very glad to be committed to that project. I think that they are cheap, and it would be the part of higgling, a picayune kind of economy, for us to pretend that these papers ought to be further examined after having been examined by the Secretary of State, by the Librarian, and by more than one member of the Committee on the Library, who have given their judgment unanimously, so far as I know, that these papers ought to be purchased. We do not, of course, commit the House of Representatives, but we do commit so many of the Senate as vote for this resolution. I hope it will be unanimously adopted on the part of the Senate.

Mr. MAXEY. Mr. President, the Count de Rochambeau undoubtedly was in a situation commanding a corps six thousand strong in 1780–1781 during the Revolutionary War to give the American people a volume of information of immense value in respect to the closing years of the Revolution. The papers of that distinguished officer properly kept would pour a flood of light on that period of our Revolutionary War. I am one of those who believe that the epoch of the Revolution should be kept in reverence by the American people, and I believe that the youth of our country should be taught to revere the men who took part in that great Revolutionary War, which established, and I hope forever, the independence of this people. With me the question of a few dollars in the purchase of papers which may throw a great flood of light on that wonderful period not only in the history of this country, but the world's history of man's successful struggle for freedom, self-government, and independence, will be of infinitely more worth than the money contemplated for the purchase of these papers. I want these papers placed in the possession of the Committee on the Library, whose intelligence and culture we all admit, and if they inform the Senate that these papers are valuable to a thorough understanding of American history, unquestionably they ought to be purchased at a fair and reasonable price. The American people will gladly sustain Congress in such contribution to American history.

Mr. BUTLER. Let the resolution be reported, Mr. President.

The PRESIDENT *pro tempore*. The resolution will be read again for the information of the Senate.

The Acting Secretary read the resolution as modified.

Mr. ANTHONY. Mr. President, while I have no hesitation in committing myself, so far as the declaration of my present opinion is concerned, to the purchase of these papers at $20,000, I do not conceive that this resolution commits the Senate; and we cannot, of course, commit the other House. The papers are here at the request of a committee charged with inquiring into the expediency of purchasing them, and after that committee has examined them and reported upon them we are not committed to the purchase, nor then unless we vote for it.

Mr. BUTLER. May I inquire further whether the resolution comes from the Committee on the Library?

The PRESIDENT *pro tempore*. It does. The question is on the motion of the Senator from Kansas, [Mr. INGALLS,] to commit this resolution to the Committee on the Library.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the resolution as amended.

The resolution was agreed to.

EXECUTIVE MESSAGE.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

TREASURY CONTINGENT EXPENSES.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. Before that is done I propose to submit a resolution which may lie over until morning if it is desired.

Mr. GARLAND. I withdraw the motion.

Mr. SHERMAN submitted the following resolution; which was read:

Resolved, That the Finance Committee of the Senate be, and they are hereby, authorized and directed to investigate the accounts for the expenditure of the several appropriations for contingent expenses of the Treasury Department since July 1, 1871, including the methods of making such disbursements, the character and disposition of the purchases made, and the employment of labor paid from such appropriations, and to report on the subject at as early a day as practicable, and whether any further legislation is necessary to secure the proper disbursement of such appropriations; and that the committee have leave to send for persons and papers.

The PRESIDENT *pro tempore*. The resolution will lie over under the rules.

Mr. VOORHEES. Before the Senator from Arkansas proposes his motion I should be glad to call up the resolution I offered yesterday on the subject of the pay of the employés of the Senate.

Mr. MORRILL. Was any objection made to the resolution offered by the Senator from Ohio, [Mr. SHERMAN?]

The PRESIDENT *pro tempore*. It goes over. He offered it, but did not ask for its present consideration.

Mr. MORRILL. I did not hear any one object.

The PRESIDENT *pro tempore*. No objection was made.

Mr. MORRILL. The Senator asked for present action, did he not?

The PRESIDENT *pro tempore*. The Senator from Ohio, the Chair understands, asks for the present consideration of the resolution introduced by him.

Mr. HARRIS. Let it be reported again.

Mr. DAVIS, of West Virginia. I think the Senator from Ohio had better allow it to be printed. There may be a slight amendment necessary. I am in favor of the resolution if he desires it passed. Let it go over and be printed.

Mr. SHERMAN. I have no objection.

The PRESIDENT *pro tempore*. The resolution will be printed and laid over.

PAYMENT OF SALARIES.

The Senate proceeded to consider the following resolution submitted yesterday by Mr. VOORHEES:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the salaries of the officers and employés of the Senate for the current month upon the adjournment of this special session of the Senate.

Mr. VOORHEES. A single word, Mr. President, in explanation. The sole object of the resolution is to enable the Secretary to pay the employés of the Senate when we adjourn to-day or to-morrow, rather than require them to wait till the end of the month. Some of them want to go home. It is simply to anticipate the amount that will be due them at the close of the month.

Mr. EDMUNDS. Let the resolution be read again.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Acting Secretary read the resolution.

Mr. EDMUNDS. Does that mean this calendar month of October?

Mr. VOORHEES. Yes, sir.

Mr. EDMUNDS. Then I suggest to add, to save all possible questions, "ending 31st instant" so that there shall not be any question about the running month.

Mr. VOORHEES. I accept that.

The PRESIDENT *pro tempore*. The resolution will be so modified.

The resolution, as modified, was agreed to

LADIES' RETIRING-ROOM.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred a resolution submitted by Mr. HARRIS on the 21st instant, reported it with an amendment to strike out "now" and insert "formerly" before the word "occupied."

The resolution, as amended by the committee, was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Architect of the Capitol be, and hereby is, instructed to cause the room at the north gallery of the Senate Chamber, now used as the ladies' retiring-room, to be converted into two rooms for the use of committees; and that the room on the basement floor of the Senate wing, formerly occupied by the Committee on Civil Service, be fitted up for and to be used hereafter as the ladies' retiring-room.

EXECUTIVE SESSION.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and four minutes spent in executive session the doors were reopened, and (at two o'clock and fifty minutes p. m.) the Senate adjourned.

WEDNESDAY, *October* 26, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

POTOMAC RIVER FRONT.

Mr. RANSOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the power and authority vested in the Committee on Commerce by the resolution adopted May 9, 1881, with reference to an inquiry into the condition of the Potomac River front of the city of Washington, be continued during the ensuing recess of the Senate; and that the report of the committee be made in December next.

AGRICULTURAL REPORT FOR 1880.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent:

Resolved, That the Committee on Printing be, and is hereby, instructed to inquire and report why the reports from the Commissioner of Agriculture for the year 1880 have not been delivered to Congress for distribution.

Mr. BECK. I desire to vote for the adoption of the resolution, but I hope the committee will further inquire why it is that there are over 40,000 copies of the Agricultural Report for the year 1879 which have not yet been delivered to the Senate, and why it is that reports of every sort go to all the Executive Departments before they come here. I am told the Paris Exposition Report was delivered to the State Department a good while ago, although we cannot get any copies.

Mr. BUTLER. I will state in this connection that I am informed the reports for 1880 have not been printed; they are nearly two years behind; and it seems to me if those reports will do any good at all Congress ought to have them at once. Hence I have introduced a resolution of inquiry.

The resolution was agreed to.

DEPARTMENTAL EXPENSES.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the resolution I offered yesterday.

The motion was agreed to; and the Senate proceeded to consider the following resolution submitted yesterday by Mr. SHERMAN:

Resolved, That the Finance Committee of the Senate be, and they are hereby, authorized and directed to investigate the accounts for the expenditure of the several appropriations for contingent expenses of the Treasury Department since July 1, 1871, including the methods of making such disbursements, the character and disposition of the purchases made, and the employment of labor paid from such appropriations, and to report on the subject at as early a day as practicable, and whether any further legislation is necessary to secure the proper disbursement of such appropriations; and that the committee have leave to send for persons and papers.

Mr. SHERMAN. I desire to modify the resolution.

The PRESIDENT *pro tempore*. The modifications submitted by the Senator from Ohio will be reported.

The ACTING SECRETARY. Strike out in line 1 the word "Finance" and insert after the word "Committee" the words "on Appropriations;" and in the fourth line strike out the words "Treasury Department" and insert "several Executive Departments;" so as to read:

Resolved, That the Committee on Appropriations of the Senate be, and they are hereby, authorized and directed to investigate the accounts for the expenditure of the several appropriations for contingent expenses of the several Executive Departments since July 1, 1871, including the methods of making such disbursements, the character and disposition of the purchases made, and the employment of labor paid from such appropriations, and to report on the subject at as early a day as practicable, and whether any further legislation is necessary to secure the proper disbursement of such appropriations; and that the committee have leave to send for persons and papers.

Mr. SHERMAN. I suggest also that the words "since July 1, 1871," be stricken out, so that the investigation may be unlimited.

The PRESIDENT *pro tempore*. The mover can modify his resolution in that regard. The words "since July 1, 1871," are stricken out.

Mr. DAVIS, of West Virginia. I should be glad to have the attention of the Senator from Ohio for a moment. I am aware that the mover of a resolution of this character should be largely consulted and therefore I have no wish to offer an amendment not agreeable to the Senator from Ohio, but I know he would not object to anything which he believed proper to carry out the intention of the resolution. I was about to ask the Senator from Ohio, before he submitted the modification to change the investigation from the Committee on Finance to the Committee on Appropriations, to refer the matter to the Committee on Civil Service and Retrenchment, but if he prefers the Committee on Appropriations I have no objection at all.

Mr. SHERMAN. It seems to me it should go to the Committee on Appropriations, that being the only committee which has the ordinary charge of such appropriations.

Mr. DAVIS, of West Virginia. I think probably the Senator is right.

Mr. SHERMAN. I desire to say that I made the modification because I am a member of the Finance Committee and do not wish the investigation referred to that committee.

Mr. DAVIS, of West Virginia. For the same reason, I, being a member of the Committee on Appropriations, prefer that it should be sent to some other committee. But I suggest to the Senator, would it not be better to include other appropriations as well as those which are contingent? For instance, the committee might run against some particular payment and not be able to go outside of the contingent fund to investigate it. I suggest to the Senator whether it would not be well to say "contingent or other appropriations."

Mr. SHERMAN. I supposed that the investigation ought to be confined to the subject-matter, but I have no objection to its being extended to any other appropriation.

Mr. DAVIS, of West Virginia. Then if the Senator has no objection let that modification be also made.

Mr. MORRILL. I hope that the Senator from West Virginia will not include so much that no result will follow from the examination. My impression is that all the contingent funds of the several Executive Departments need to be thoroughly examined, and if the committee shall find time to go through with all the different Executive Departments upon that subject they will perform a valuable service. I hope they will not be embarrassed by so much work that nothing will result from it.

Mr. DAVIS, of West Virginia. I agree with both the Senators, but as I have supposed the case, the first thing that may present itself while the committee is examining as to certain appropriations or as to certain methods of paying money is that the payment did not come out of the contingent fund but out of some other fund. I do not think it would give any additional work at all, and I believe that other appropriations had as well be included.

Mr. SHERMAN. I have no objection to that.

Mr. DAVIS, of West Virginia. I offer such an amendment, by the consent of the Senator from Ohio.

The PRESIDENT *pro tempore*. The Senator will reduce his amendment to writing so that the Senator from Ohio may accept it.

Mr. SHERMAN. It is simply to insert the words "or other" at the proper place; that is all.

The PRESIDENT *pro tempore*. That modification will be made.

Mr. EDMUNDS and Mr. BECK addressed the Chair.

Mr. BECK. I wish to suggest——

The PRESIDENT *pro tempore*. The Senator from Vermont caught the eye of the Chair first.

Mr. EDMUNDS. I move to amend the resolution by adding "and have leave to sit during the recess of the Senate."

Mr. BECK. That is precisely the motion I rose to make.

Mr. EDMUNDS. The object the Senator from Ohio has chiefly in view is to have reflections upon his conduct as Secretary of the Treasury and upon officers there investigated at the earliest possible moment. Although the resolution now is so broad as to cover all other contingent expenses everywhere, which is very proper of course, the committee would desire, as the Senator from Ohio would desire, that their attention should be directed to this matter which led to the introduction of the resolution. In order to accomplish that speedily, I think they ought to have authority to sit during the recess of the Senate.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to amend the resolution by adding that the committee have authority to sit during the recess of the Senate. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the resolution as amended.

Mr. ALLISON. I ask that the resolution may be reported now as amended.

The PRESIDENT *pro tempore*. The resolution will be read.

The Acting Secretary read as follows:

Resolved, That the Committee on Appropriations of the Senate be, and they are hereby, authorized and directed to investigate the accounts for the expenditure of the several appropriations for contingent or other expenses of the several Executive Departments, including the methods of making such disbursements, the character and disposition of the purchases made, and the employment of labor paid from such appropriations, and to report on the subject at as early a day as practicable, and whether any further legislation is necessary to secure the proper disbursement of such appropriations; and that the committee have leave to send for persons and papers, and have leave to sit during the recess of the Senate.

The resolution, as amended, was agreed to.

Mr. SHERMAN. I now move that the letter of the Secretary of the Treasury, with the accompanying papers, sent to us the other day, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAVIS, of West Virginia. I suggest that the resolution be printed as amended, so that the committee may have it before them.

Mr. EDMUNDS. It will be printed, as a matter of course.

The PRESIDENT *pro tempore*. The resolution, as agreed to, will be printed for the use of the committee.

OFFICIAL REGISTER.

Mr. ANTHONY, from the Committee on Printing, to which was referred a resolution to print 500 copies of the first volume of the Official Register, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That 500 additional copies of the first volume of the Official Register, now in press, be printed and bound in cloth, for the use of the Senate.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-nine minutes spent in executive session the doors were reopened, and (at one o'clock and nine minutes p. m.) the Senate adjourned.

THURSDAY, *October* 27, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PAYMENT OF EMPLOYÉS.

Mr. BECK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to pay to the pages and the employés of the Senate who do not receive an annual salary full pay for the month of October, 1881, the same to be paid out of the miscellaneous items of the contingent fund of the Senate.

DEPARTMENTAL EXPENSES INVESTIGATION.

Mr. ALLISON submitted the following resolution; which was read:

Resolved, That the Committee on Appropriations may conduct the investigation ordered by the resolution of the 26th instant by a sub-committee of its members, if it so orders, and that each member of such sub-committee shall have power to administer oaths. Said committee shall have power to employ a stenographer during said investigation; and the expenses of conducting the same shall be paid out of the appropriations for select and special committees.

Mr. EDMUNDS. I think that had better lie over to be examined, for I do not quite see (and I believe we have so thought before) how the Senate can authorize a sub-committee of a committee to administer oaths, inasmuch as the statute has attempted to regulate that, stating that the chairmen of committees, and so on, may do it. Therefore I think the resolution had better be looked into a little before it is acted upon.

The PRESIDENT *pro tempore*. The resolution will lie over.

COMMITTEE ON THE JUDICIARY.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the authority vested in the Committee on the Judiciary by the resolution adopted April 26, 1881, be continued during the ensuing recess of the Senate, with power to report in December next.

REMOVAL OF RAILROAD DEPOTS.

Mr. MORRILL submitted the following resolution; which was read:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency and propriety of some measures for the immediate removal of the railroad depot and tracks on Sixth street of the Baltimore and Potomac Railroad, and also for the removal of the depot of the Baltimore and Ohio Railroad.

Mr. MORRILL. Let the resolution be referred to the Committee on Public Buildings and Grounds.

Mr. EDMUNDS. Why not have it adopted?

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Public Buildings and Grounds, there being no objection.

Mr. MORRILL. I will ask that it be adopted.

Mr. INGALLS. Let it lie over until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont has asked that the resolution be referred, the Chair understands.

Mr. INGALLS. I understood the Senator to ask that the resolution be adopted.

The PRESIDENT *pro tempore*. No, referred.

Mr. INGALLS. Then I misunderstood the Senator from Vermont.

Mr. MORRILL. I merely ask to have the committee authorized to make this inquiry.

Mr. COCKRELL. That requires the adoption of the resolution; and I object to it if that is the case.

The PRESIDENT *pro tempore*. The resolution lies over until to-morrow.

GENERAL LAND OFFICE.

Mr. MORGAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the powers and authority conferred on the Committee on Public Lands by the resolution of the Senate adopted May 19, 1881, be continued, with leave to said committee to sit during the recess of the Senate.

Mr. EDMUNDS. What are those powers?

Mr. MORGAN. I will send the Senator a copy of the original resolution.

Mr. EDMUNDS. The Senator can state in a moment what they are.

Mr. MORGAN. I have sent the resolution to the Senator's desk.

Mr. EDMUNDS. All right. I have no objection to the resolution, Mr. President.

Mr. MORGAN. I ask for the present consideration of the resolution.

Mr. CONGER. I should like to have the original resolution referred to read.

Mr. MORGAN. I send a copy of the original resolution to the Clerk's desk.

The PRESIDENT *pro tempore*. The original resolution will be read.

The Acting Secretary read the following resolution adopted on the 19th of May, 1881:

Resolved, That the Committee on Public Lands is instructed to take into consideration the condition of the General Land Office with respect to the classification of the officers and employés thereof, the convenient arrangement and security of the files and records of said office, and the provision of additional room for the transaction of the business thereof.

2. That said committee have leave to sit during the recess of the Senate, to employ a stenographer, and to send for persons and papers.

The resolution was considered by unanimous consent, and agreed to.

INTERNATIONAL COTTON EXPOSITION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a telegraphic message received from the governor of Georgia; which will be read.

The Acting Secretary read as follows:

ATLANTA, GEORGIA, *October* 26, 1881.

Hon. DAVID DAVIS,
President pro tempore United States Senate, Washington, D. C.:

The officers and executive committee of the International Cotton Exposition tender to you a most cordial invitation to visit the exposition at your earliest convenience; also, through you, extend this invitation to all members of the Senate. If you will advise when you can leave Washington, we will see that special accommodations are arranged for your journey.

ALFRED H. COLQUITT,
Governor and President of the Exposition.
H. I. KIMBALL,
Director-General.

Mr. HARRIS. Let the communication lie upon the table.

Mr. ANTHONY. And be printed.

Mr. HARRIS. Yes, printed.

The PRESIDENT *pro tempore*. That order will be made.

EXECUTIVE SESSION.

A message, in writing, was received from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

Mr. HARRIS. If there be no further business in open session, I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours and thirty-two minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-seven minutes p. m.) the Senate adjourned.

FRIDAY, *October* 28, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS.

The PRESIDENT *pro tempore* presented the petition of the Pecan Valley Bank, of Brownwood, Texas, and the petition of the Taylor County Bank, of Abilene, Texas, in favor of the repeal of the taxes now levied by the General Government upon the business of bankers, banks, and banking institutions, and recommending that the petty annoyance to which the public are subjected by the two-cent stamp upon bank-checks be also removed; which were referred to the Committee on Finance.

REMOVAL OF RAILROAD DEPOTS.

Mr. MORRILL. Mr. President, I observe that the resolution introduced by me yesterday was not referred. I understand from a member of the Committee on the District of Columbia that the matter has heretofore been referred to that committee for consideration and that they have made examination and received several reports from different branches of the Government, and perhaps from the railroad companies. I merely desire to call the attention of the Senate to the obstinate procrastination on the part of the Baltimore and Potomac Company against doing anything in relation to the removal of the depot here.

The PRESIDENT *pro tempore*. The Senator will allow the resolution to be read.

Mr. MORRILL. Certainly. I ask to have the resolution read.

The Acting Secretary read the following resolution, submitted yesterday by Mr. MORRILL:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency and propriety of some measures for the immediate removal of the railroad depot and tracks on Sixth street of the Baltimore and Potomac Railroad, and also for the removal of the depot of the Baltimore and Ohio Railroad.

The PRESIDENT *pro tempore*. The resolution went over yesterday on an objection, and it is now before the Senate for consideration.

Mr. MORRILL. I desire to say that the Baltimore and Potomac Railroad Company have violated all the privileges which were given to them originally; that is to say, they have built a track upon Sixth street where they constantly leave freight cars and other cars, wholly obstructing that street and making it impossible on account of the number of trains which are passing and repassing to make any use of the public Mall as it was originally designed to be. Then, again,

they were to have built an elevated bridge across the track that was to cost $75,000 to enable those who visit the park to get across the track without danger. That they have not done.

Heretofore some of the agents and representatives of the company thought Congress would be willing to do all that they ought to require; that is to say, to give them an equal amount of land in the open squares south of the Capitol, being as much land as they now occupy, and that the Government, perhaps, would be willing to buy the building at whatever it might be worth for the uses of the District or for some other purpose; and yet they are going on at the present time erecting an iron shed there 300 feet long and 40 feet wide, as I understand, showing their determination to remain there in spite of the opinions of Congress and in spite of anything that can be done on the part of the District.

I wish to call the attention of the District Committee to this matter. I have no desire that it should be in the hands of more than one committee, but I think it is a matter that requires early and serious attention.

As I understand, the Baltimore and Ohio Railroad Company are quite willing to remove their depot if any mutual arrangement can be had with the other company; and if not, it has been proposed heretofore (and I suppose it will be again) that that depot shall be removed north of Massachusetts avenue; but at all events both of these depots are nuisances of large magnitude, standing where they now do, and I trust that the Committee on the District of Columbia will give their early attention to the subject.

Mr. INGALLS. Mr. President, the resolution offered by the Senator from Vermont yesterday proposed to instruct the Committee on Public Buildings and Grounds to inquire into the expediency and propriety of the removal of the Baltimore and Ohio and the Baltimore and Potomac depots. I objected primarily to the consideration of the resolution at that time, because the Committee on the District of Columbia have always had jurisdiction of that subject, and the matter has been before them for the past year. They have taken a large amount of evidence, have received suggestions from surveyors and engineers, and have been considering the advisability of providing for a union depot which both companies may use, under the supervision of Congress. It was on that account that I objected to the further instruction to another committee to consider a subject that had already been deliberately considered by the Committee on the District of Columbia. There can be no question——

Mr. HARRIS. If the Senator from Kansas will allow me to suggest a fact that he seems not to have remembered, I will say that, in addition to the facts which the Senator has stated, the commissioners of the District of Columbia are now under instruction to thoroughly investigate and to report to us at the next session of Congress in December the best location for a union depot, to which both of these depots can be transferred; and they are prosecuting that investigation to-day.

Mr. INGALLS. That is true.

Mr. MORRILL. And yet, Mr. President, some District authority has given the Baltimore and Potomac Railroad Company the right to erect an iron shed of the vast dimensions I have stated.

Mr. INGALLS. As I understand the matter, that is a temporary arrangement, the sheds having been brought down here from Philadelphia to be used while other arrangements were being made, the present accommodations for the traveling public being obviously unsatisfactory and insufficient. But I beg to assure the Senator from Vermont that no person with whom I am acquainted has any doubt about the advisability and propriety of removing both of these railroad depots, nor is there any question that there ought to be a union depot which both these companies may use under regulations provided by Congress.

I agree with the Senator in thinking that the original permission given to the Baltimore and Potomac Company to lay their track through the Mall or public reservation was a great mistake. It never ought to have been tolerated; it would not have been tolerated under any other circumstances than those which prevailed when the permission was given; and its continued use up to this time has been an annoyance, an inconvenience, and to a certain extent a disgrace to this city.

I hope that we shall be able at the next session of Congress to report some measures by which both these depots and the tracks of both corporations may be removed from their present unsightly and inconvenient location to some point where they will afford union depot facilities to the people of this District and the traveling public.

The PRESIDENT *pro tempore*. The question is upon the adoption of the resolution.

Mr. MORRILL. After the explanation made by the Senator from Kansas, I move that the resolution be referred to the Committee on the District of Columbia.

Mr. HARRIS. I suggest to the Senator from Vermont that he modify his resolution.

Mr. MORRILL. I will modify the resolution so as to refer the inquiry to the Committee on the District of Columbia.

Mr. EDMUNDS. It ought to be an instruction to the Committee on the District of Columbia, I think. Strike out "Public Buildings and Grounds" and insert "the District of Columbia;" so that the District Committee may be instructed to take this matter into consideration.

Mr. INGALLS. They have already been instructed to do so.

The PRESIDENT *pro tempore*. The resolution is a resolution of instruction.

Mr. INGALLS. With the modification proposed there is no objection to it.

Mr. CONGER. Let the resolution be read as modified.

The Acting Secretary read as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency and propriety of some measures for the immediate removal of the railroad depot and track on Sixth street of the Baltimore and Potomac Railroad, and also for the removal of the depot of the Baltimore and Ohio Railroad.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as modified.

The resolution, as modified, was agreed to.

DEPARTMENTAL EXPENSES INVESTIGATION.

Mr. ALLISON. I desire to call up a resolution that I offered yesterday, and I propose a modification of it. I ask the Secretary to read the resolution as modified.

The Acting Secretary read as follows:

Resolved, That the Committee on Appropriations may conduct the investigation ordered by the resolution of the 26th instant by a sub-committee of its members, if it so orders. Said committee shall have power to employ a stenographer during said investigation; and the expenses of conducting the same shall be paid out of the appropriations for select and special committees.

The PRESIDENT *pro tempore*. The Senator from Iowa calls for action on the resolution, the Chair understands.

Mr. ALLISON. Yes; I ask that it be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as modified.

The resolution, as modified, was agreed to.

AGRICULTURAL REPORT FOR 1880.

Mr. ANTHONY. The Committee on Printing, instructed to inquire into the cause of delay in the publication of the Agricultural Reports for 1879 and 1880, have directed me to make a verbal report.

The number of copies deficient of the report of 1879 is only 3,890 odd, and these are kept back while waiting for the reprint of a portion of the illustrations which were spoiled in packing.

The delay in printing the Report of the Commissioner of Agriculture for 1880 is owing to the fact that the copy has not yet all been received. I will state that this is not the fault of the present Commissioner of Agriculture, who desires that the reports shall be made quarterly, so that they may be fresher. I think that the suggestion is worthy of consideration. It has been the custom for the Commissioner of Agriculture to keep back the copy of his report until a very late period. That has been the custom for a number of years.

Mr. DAVIS, of West Virginia. Do I understand from the Senator that the report of the Commissioner is not yet furnished to the Public Printer?

Mr. ANTHONY. It is not yet all furnished to the Public Printer.

Mr. DAVIS, of West Virginia. It is not?

Mr. ANTHONY. Not the report for 1880.

Mr. DAVIS, of West Virginia. Not yet furnished?

Mr. ANTHONY. Not yet furnished to the Public Printer.

Mr. DAVIS, of West Virginia. Then I think the Commissioner of Agriculture ought to be stirred up a little, and I hope he will be. I want the report printed and sent here as soon as possible.

Mr. ANTHONY. The report was made by the ex-Commissioner of Agriculture, not by the present Commissioner.

Although not instructed to investigate the matter, the Senator from Kentucky [Mr. BECK] hoped the committee would also inquire into the cause of the delay in supplying to Senators the report of the Paris exposition, copies of which had been sent to the State Department, but not distributed to members of Congress. The commissioner to the exposition, Governor McCormick, was desirous of resigning, and before resigning wished to distribute the number of copies assigned to the State Department so far as he had control over them. Therefore the Public Printer, not anticipating this special session of the Senate, first supplied the copies to which the State Department was entitled. The report will be supplied very soon to Senators.

Mr. DAVIS, of West Virginia. Upon the subject of the Report of the Commissioner of Agriculture, I think the country suffers greatly by the delay in furnishing the copy to the Public Printer and also by the Public Printer delaying it so long. For instance, the year 1881 is nearly closed and the report for 1880 is not yet furnished, so that whatever information there is in the report of use to the farmer will be stale by the time he gets his copy, and probably of no service to him. Generally it is perhaps eighteen months or two years from the time the fiscal year commences before the report for the previous year can be distributed to the country. I hope this discussion may call the attention of both the Public Printer and the Commissioner of Agriculture to the late period at which the Agricultural Report is given to the country. I think it is delayed much longer than is necessary.

Mr. ANTHONY. There is no need of calling the attention of the Public Printer to the delay in not printing a document the copy of which has not been furnished to him. As soon as the copy is furnished to him, it will doubtless be printed.

Mr. DAVIS, of West Virginia. My impression is that this subject was before the Senate last year and that both the Public Printer and

the Commissioner of Agriculture were questioned as to the cause of the delay; that they differed, one saying that the copy had been furnished in time and the other thinking it had not; and that finally, upon inquiry, the delay was found to be the fault perhaps of both, some plates or something of the kind having been delayed, but the whole of the matter to be printed being in the hands of the Public Printer, as I was told.

Mr. ANTHONY. The chief clerk of the Public Printer writes me: "As to the report for 1880, I would say that all the copy has not yet been sent to this office by the Agricultural Department." Of course, there is no need to inquire into the reason why the Printer delays printing a document when he has not received the copy.

Mr. DAVIS, of West Virginia. I hope, at any rate, let the fault be where it will, it will not be repeated, as has been the case for several years.

COMMITTEE ON PRINTING.

Mr. ANTHONY. While I am on the floor, I move that the Committee on Printing have leave to sit during the recess of the Senate.

The PRESIDENT *pro tempore*. It is moved by the Senator from Rhode Island that the Committee on Printing have leave to sit during the recess of the Senate. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen hours and twenty-five minutes spent in executive session the doors were reopened, and (at two o'clock and fifty-three minutes a. m., Saturday) the Senate adjourned.

SATURDAY, *October* 29, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

APPOINTMENTS TO OFFICE.

Mr. HILL, of Georgia, submitted the following resolution; which was read:

Resolved, That appointments to offices under the Federal Government ought not to be made to control or influence elections in the several States; and appointments made with such intent are unwise, unpatriotic, and contrary to the spirit of our political institutions, and if continued without rebuke by the people will become dangerous to the perpetuity of our institutions.

Mr. HILL, of Georgia. I ask for the present consideration of the resolution.

Mr. McMILLAN. I object to the consideration of the resolution at the present time.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

Mr. HILL, of Georgia. I ask that it be printed.

Mr. ALLISON. Of course.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over.

PAYMENT OF EMPLOYÉS.

Mr. MORGAN. Mr. President, within two days past, I think it was, a resolution was adopted which was offered by the Senator from Kentucky who is not now in his seat, [Mr. BECK,] providing for the pay of employés of the Senate. It seems that there is some difficulty which the Comptroller of the Treasury has discovered in the form of the resolution, and under it he does not feel authorized to pay, because the date of payment prescribed in that resolution commences before the session of the Senate. It was intended to give a month's pay to the employés, and by some unfortunate wording of the resolution I understand the Comptroller of the Treasury does not feel authorized to pass accounts under it.

I therefore move that the vote adopting that resolution be reconsidered with a view of offering a substitute.

The PRESIDENT *pro tempore*. Is there any objection to the reconsideration of the resolution asked for by the Senator from Alabama? The Chair hears no objection, and the vote is reconsidered.

Mr. MORGAN. I will allow the matter to remain now until the Senator from Kentucky comes into the Chamber.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. HOAR. I offer a resolution to which I believe there will be no objection, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Printing be directed to consider what improvements may be made in the existing system of distributing public documents, and providing for a more prompt and perfect supply of the same to public libraries, and that said committee have power to report at the next session of the Senate.

Mr. HOAR. Mr. President, I desire to be permitted to say one word about the resolution. The public documents, especially the scientific documents, published by this Government, are of increasing value year by year, and are very eagerly sought for by scientific men and others, and by the custodians of public libraries in order to enable them to supply the demand from such persons. The system which now prevails is imperfect and awkward; it involves great delay in furnishing the public documents whose value depends on their being promptly accessible. For instance, to take one illustration, I am informed as to the Nautical Almanac that the computations are made up and the document printed three years in advance; that is, the Nautical Almanac for 1884 is to come out about this time, and those almanacs are to be sent to Senators and Representatives for distribution.

Mr. COCKRELL. They never have been sent in advance heretofore?

Mr. HOAR. They never have been sent heretofore in advance, but that is the arrangement for the future. Now, it is a burden which no Senator or Representative ought to be required to undertake, and which very few Senators and Representatives are competent to undertake, to determine among the various applicants for such a document as that where the copies shall be sent, and it puts Senators and Representatives in a very awkward position.

A great many persons, under the old practice, regarded it as a sort of compliment to receive a document occasionally from his Senator or Representative, especially if he was a personal or political friend, and the member of Congress who discontinues that practice gives offense to a great many men. Here is some very respectable person who has been in the habit of receiving from his Representative the public documents as they come out. He never reads them; they go on his shelf; but he regards their reception as a mark of respect and as adding to his dignity. A new Representative or Senator comes in who sends them elsewhere and the person feels that he is neglected; that the recognition of his importance and consequence which used to exist no longer exists. That is a very disagreeable thing for the member of Congress to have occur with respect to a constituent.

I had in my old district in Massachusetts, when I left the representation of that district, twenty-seven, I will not say all of them large, but growing, well-established public libraries, most of them now ample and valuable libraries for the supply of the scholarship of the neighborhood where they exist, all of them certain to become such libraries. With the exception of the Agricultural Report, the average number of documents which I used to get as a Representative was about fifteen, so that it was impossible for me to supply the wants of these various libraries in that district, without sending any documents to individuals whatever. The number that I now get is about forty, and I presume there are of such libraries in the Commonwealth of Massachusetts, to say the least, two hundred and fifty or three hundred to whom the possession of the documents published by this Government would be extremely valuable. In the States which have lately been the scene of civil war and in the new States, I believe there is nothing which could be a more useful and ornamental institution than well-established public libraries. They grow. It is wonderful with what rapidity a small collection of books becomes a large collection; and it is wonderful how many young men in the neighborhood of such collections become scholars, investigators, fitted for public life, by having access to these collections. It seems to me it ought to be considered as improper for a man to use one of these public documents for the sake of gaining personal favor with a friend to the deprivation of a public library as if he used the public money for a purpose to subserve his individual ambition or his individual friendship.

I hope the accomplished chairman of the Committee on Printing, who is so fit to deal with a question of this character, will see that the education and scholarship of this country have a very deep interest in this matter. I have in my pocket at this moment a letter from the astronomer of Harvard University, the director of that amply endowed and famous school of astronomical science, saying that no provision is made by law by which that observatory can obtain either the Nautical Almanac or the volumes of astronomical calculations which have been recently published of which there are two or three of great value, and applying to me. I was entitled to but one of the publications, having the power to send out a single copy, but that had already been sent to the library of Harvard University.

Mr. HAWLEY. Mr. President, as a member of the Committee on Printing I should like to make just a bare suggestion or two for the consideration of thoughful men. The resolution directs the Printing Committee to inquire what improvements in the system of distributing public documents can be devised and applied. Let me state a fact or two. We have already the largest public or private printing establishment in the world, and I think really perhaps the best. Notwithstanding all the cheap abuse that is from time to time lavished upon the Government Printing Office, it does admirable work and is the largest and best organized in the world. Now, if we are going to answer the demands suggested by the Senator from Massachusetts, we must enlarge that establishment, making it still larger. There is before us the necessity of more money and more work, or of a less ambitious scheme.

I have a very serious doubt as to the proper scope of our work in supplying all manner of instruction to the people in agriculture and general scientific attainments. We are sliding into the idea that the public libraries and the people of the country need not publish and buy for themselves a large class of valuable works.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. HAWLEY. Yes, sir.

Mr. HOAR. The question I wish to put the Senator is, if he does not agree with me that so far as we do print these documents they

ought to go into such directions as I have indicated rather than into the waste-basket?

Mr. HAWLEY. I suppose so; but I doubt, I say, whether it be the duty of the Federal Government to undertake to be a general publisher and instructor for the whole country. There is a very large range of valuable works which we publish now, and we undertake to give to the country all that it needs. We are not printing alone for our Government uses, but for general instruction. I venture to say there is not a single Senator here (unless possibly some one has noticed a discussion we had in the other House upon this matter) who knows how much we are doing. The Government Printing Office found itself about two years ago with a deficiency of something like half a million dollars, and great fault was found. We were directed in the House, a sub-committee of us, to inquire into the matter. With the help of the Public Printer and the Congressional Librarian, I made this estimate, a careful and correct one: In two sessions of Congress we had ordered printing enough to make ten times the Congressional Library. I made the comparison because people think that a vast library, and it is something visible. They see there those vast alcoves, the walls and alleys crowded with books. In two sessions we ordered books enough printed to make ten times that Library, and that did not include by any means the printing of ordinary circulars and blanks for the various Departments; it included practically only volumes and large unbound tracts. I say we are running into an enormous extravagance, and in my opinion attempting to cover a field that the Government ought not to try to cover.

I make the suggestion that we can very much extend the use and effect and application of a law we have now upon the books. We say now that if a man desires any of the books printed by the Government he may before they go to press order as many as he pleases, which he shall have at cost, with ten per cent. added; but there is practically very little done with that. The people do not know that a certain book is coming out; they know very little about it. They find one, they hear of one given out by their Member or Senator, and they write to him for a copy of it.

I am not one of those who are everlastingly thinking that the British Government does things better than we do; but in this particular they have taught their people much more than we have taught ours. Every British Government publication is put out at a very low price, and upon the title-page in large clear print is "One shilling sixpence," or "two shillings sixpence," or whatever is the price of that book, and they are easily to be got at government and other offices, so that no man has any excuse for besetting the public officers to give him those volumes. No library has an excuse, because very large books like our reports of the Agricultural Department and all that sort of thing can be obtained for twenty-five, thirty-five, or forty cents. Ours cost us really but about forty cents.

I say, then, we must either make up our mind to vastly enlarge what is the largest government or private printing office in the whole world or to withdraw somewhat our ambitious ideas about feeding and educating the entire people of the country in the vast range of scientific works.

Mr. PENDLETON. Mr. President, I am very glad that the Senator from Massachusetts [Mr. HOAR] has introduced the pending resolution, for I think its scope and purpose will be to attain the end which the Senator from Connecticut [Mr. HAWLEY] has so well said we ought to seek to attain. I agree with him, not as to the excellence of the printing establishment, because I know nothing about that, but that the amount of matter printed has passed all proper limits, and I think that has arisen from an improper mode of distributing the documents which are printed.

I think the Senator from Massachusetts has described a great evil that has grown up in this Government, by which members of Congress are expected to compliment their friends and constituents by sending a volume here and a volume there of costly books and not keeping them together so that they would form one set for the use of the community. I know it has happened to me constantly that applications are made for books the publication of which runs over three or four years, a volume or two being issued perhaps every year; and before the last volume is issued the persons who have received the first have passed out of mind or have died, and their books are scattered, or perhaps another member of the House of Representatives or of the Senate has the distribution of the books.

I believe if a system can be adopted such as that indicated in brief by the Senator from Massachusetts we shall attain the dissemination of public information such as that which is given by the Government, much more extensively among the people, and diminish at the same time largely the cost of printing.

I hope, therefore, that the resolution of the Senator from Massachusetts will be adopted as a means of economy in our printing and to secure the wider distribution of public information.

Mr. ANTHONY. Mr. President, the Committee on Printing is not responsible for the enormous editions that have been printed of public documents. We have uniformly reported in favor of a reduction of the numbers that have been fixed by the other House, and we have been uniformly voted down by the Senate. I do not see the Senator from West Virginia [Mr. DAVIS] in his chair, but he has constantly antagonized the committee in its attempt to reduce the edition of the Agricultural Report; and he is the especial guardian of the Treasury.

Twice I have had the honor to introduce a bill here providing for the sale of public documents at cost, and it has passed the Senate but has not met the approbation of the other House. The present law, as the Senator from Connecticut says, allowing purchasers to apply in advance of the publication for documents and to have them at cost with the addition of 10 per cent., is of very little practical use, because, as he says, people do not know that a book is to be printed until it has been printed.

We have several times added to resolutions for printing documents for distribution a provision that a certain number shall be printed for sale, but it has always gone through the Senate by a very reluctant vote, and a very small number has been allowed, although the editions for sale of some of the books that have been printed under such a provision have been exhausted.

I agree fully with the remarks of the Senator from Massachusetts and the other Senators who have spoken upon this subject. It is not the fault of the Committee on Printing; it is not the fault of the Senate; and I suppose it is not proper to impute any fault to the other House. The other House has not seen fit to concur with us in the bills that we have passed for the purpose indicated.

Mr. RANSOM. Mr. President, I have listened with great attention to the thoughtful remarks made by the Senator from Massachusetts, [Mr. HOAR,] the Senator from Connecticut, [Mr. HAWLEY,] and my friend from Ohio, [Mr. PENDLETON.] If nothing had been said in reference to this resolution I should not have risen in regard to it. No doubt there can be and there should be a very great improvement in reference to the distribution of public documents; but I beg leave at the threshold of this discussion to enter, for one, my protest against any step or measure which looks to the diminution of the dissemination of public documents among the people of this country. At a time when all the means of information and knowledge are being multiplied and enlarged, when new light is going hourly to every home and every spot in this great Republic, I beg leave for one to say that I do not think this is the hour to curtail in any way the distribution of the information which is derived from public documents.

I shall have no objection whatever to seeing a provision made that all the public libraries may be furnished with these documents, and that a sufficient number of a valuable document shall be kept on hand to supply the needful wants of individuals and of public institutions; but right here I beg leave to make my protest against any step which looks to the diminution of the distribution of the public documents among the people of this country.

Without pandering to any public sentiment on that question, I must say that when I look abroad upon this great hemisphere and see, as every Senator here sees, what progress, what development, what grand results have emanated from the fact of each man in this great Republic pursuing his own happiness in his own way under the law, I for one am not willing to take any step which proposes to curtail that principle, even in the remotest degree.

Sir, I can conceive of no method by which so much good can be done to mankind generally and to individuals in particular as the general distribution of our great public documents in the way that they have been distributed for the last quarter of a century.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the resolution? The question is, Shall the resolution be agreed to?

The resolution was agreed to.

PAYMENT OF EMPLOYÉS.

Mr. MORGAN. I now ask to submit a resolution as a substitute for the resolution of the Senator from Kentucky, [Mr. BECK.] I believe we had progressed to the stage that the Senate agreed to reconsider the resolution of the Senator from Kentucky. The resolution to which mine applies was adopted on the 27th day of this month, and ordered the payment of a per diem to the employés of the Senate from the beginning of the month. I ask that the resolution which I offer as a substitute for that be now read.

The PRESIDENT *pro tempore*. The resolution of the Senator from Kentucky having been reconsidered is before the Senate, and the substitute proposed by the Senator from Alabama will be read.

The Acting Secretary read as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay the per diem employés of the Senate one month's pay, reckoning from the 10th day of October instant; the same to be paid out of the contingent fund of the Senate.

Mr. EDMUNDS. Let that go over, Mr. President.

Mr. MORGAN. I will inform the Senator from Vermont that this is a sustitute for the resolution of the Senator from Kentucky, which was agreed to by the Senate but which at my request was reconsidered this morning. A resolution was adopted on the 27th day of this month paying the per diem employés of the Senate for the month of October. That resolution was reconsidered by the Senate this morning and is now before the Senate. I offer this as a substitute for that. The purpose of the substitute is to secure to the per diem employés of the Senate a month's pay—the precise object that was sought to be attained by the original resolution, but the original resolution provided for the payment of those employés for the month of October, and one of the Comptrollers of the Treasury, as I understand it, holds that the employés cannot be paid for the month of October prior to the session of the Senate, and thereby the employés would lose one-third of the money that was intended to be applied to them by the

original resolution, so that it becomes necessary to give them a month's pay, (the very purpose of the original resolution,) reckoning from the 10th day of October. That is the whole thing, merely to change the language of the original resolution so that the employés of the Senate may get what the Senate has actually voted to give them.

Mr. EDMUNDS. Why should they get more than for the time they have served?

Mr. MORGAN. It was the pleasure of the Senate to do that, and I suppose upon the idea of allowing for the time occupied by the boys and other employés of the Senate to come here from their homes and to return. We do not know precisely what time the Senate will adjourn, but granting that we may adjourn to-day or Monday, still the object of the original resolution as moved by the Senator from Kentucky was, as I understand it, to give them a month's pay because it was supposed to be their desert, they having been drawn from home to serve the Senate, and with the time required to return home, it certainly would cover, with the time we were in session, at least a month on an average; and I believe also that it has been the practice of the Senate to vote them a month's pay.

Mr. BECK. They have been here a month now, lacking ten days.

Mr. MORGAN. I know; and taking the time required for them to return home, most of them will be a full month in service including the time required for coming and returning.

Mr. BECK. What is the trouble with the present resolution?

Mr. MORGAN. None that I hear. The honorable Senator from Vermont made some inquiry about it and I have explained it.

Mr. BECK. What is the trouble with the former resolution?

Mr. MORGAN. The Comptroller of the Treasury refuses to allow the payment of the money from the commencement of the month to the 10th of October.

Mr. EDMUNDS. There is certainly a great deal of force in what the Senator from Alabama says concerning making good to the young gentlemen who are employed, as the phrase is, the time necessary to be covered in getting here and going away again, and I do not know that ten days or two weeks would be too much. If the compensation is so slender that we ought to add extra compensation to make up for the time employed in coming and going, or allow mileage, then of course in some way we ought to provide for it; but if the compensation is so great, as the compensation of Senators is supposed to be, that it leaves a very handsome and profitable margin for men with families that might be thought to be sufficient to cover the obvious necessity of persons who are Senators or employés in coming here to attend to their duties, excepting those Senators and employés who choose to be somewhere else of course, in which case perhaps they ought to be paid double!

Therefore I am not inclined to oppose this extension of time. It will be for the Treasury officers, of course, to decide whether this resolution of the Senate, not being a law, will justify the expenditure of public money. If the appropriation bills that have passed contain appropriations for the general contingent expenses of the Senate to be paid at its discretion by way of extra compensation to employés, or for time that they were not employed, then, of course, this resolution will be adequate to the end proposed; but if the appropriation bills for the contingent fund of the Senate provide for that fund by items and classes, with other provisions of law fix the salaries of the persons in question and provide them for the time actually employed, &c., then I am a little afraid that the Treasury officers may not find it easy to pass such accounts to be paid out of the contingent fund of the Senate. But of course, if the Senate shows its disposition to do this act, in case it should fail now on account of the want of a suitable appropriation, very likely at the next session of Congress both Houses may be got to assent to a law which will make it right.

Mr. SHERMAN. I should like to ask the Senator from Alabama whether there is not a prohibition of law against the payment by either House of extra compensation? I have not the statute before me.

Mr. MORGAN. Does the Senator ask whether there is not a general clause?

Mr. SHERMAN. Yes, a general law prohibiting the payment of money from the Treasury except under an appropriation by law.

Mr. MORGAN. I will say to the Senator from Ohio that an appropriation is made for the contingent expenses of the Senate, and this resolution authorizes the disbursing officer of the Senate to pay this allowance out of that fund.

Mr. SHERMAN. Has the Senate the power to authorize the disbursing officer to make the payment? I think there is some provision of law in regard to the conduct of the disbursing officer in such a case.

Mr. MORGAN. Unquestionably the Senate has a right to direct the payment of the contingent fund for any legitimate purpose to which it sees proper to apply the money.

Mr. SHERMAN. I have not examined the law recently.

Mr. HOAR. The Senator from Alabama will recollect that a proposition the same in principle as this was made at the close of the last session, and on the question being raised by some Senator an examination was made—I think the Senator from Kentucky [Mr. BECK] will recollect the circumstance—and it was discovered that there was such a prohibition and that the money could only be voted by the authority of both Houses.

Mr. HILL, of Georgia. That is true. If the Senator will look at the RECORD of the last session he will find the whole matter discussed there.

Mr. HOAR. I think such a statute was produced then.

Mr. HILL, of Georgia. On one of the last days of the last session you will find that this very question was up and determined. The Senator from Ohio at the last session produced the law, I remember.

Mr. SHERMAN. Mr. President, there are two sections of the Revised Statutes relating to this matter, which I remember now to have directed the attention of the Senate to at the last called session. I will read them:

SEC. 1764. No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

Then follows another section:

SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

Mr. MORGAN. I was aware of those statutes, but they have no application here.

Mr. SHERMAN. I do not know. I have not examined the subject fully.

Mr. MORGAN. These are not officers, but mere per diem employés; and then, again, this is not an extra compensation or allowance; it is a mere definition by resolution of the Senate of the period of time during which certain employés may draw pay and during which they shall be considered as in the employment of the Senate. It is intended by the resolution to extend that to one month so as to cover their actual service in coming and going and being in attendance on the Senate. That is the purport of the resolution; and, as I understand it, the Senate has never refused to pass a resolution fixing the period of time during which its employés might be paid by its disbursing officer. That is the whole purport of the resolution and it is not at all in conflict with the statutes.

Mr. SHERMAN. If the law fixes the price that shall be paid to pages and other employés at so much per day, I do not think it is within the power of the Senate under the statutes to enlarge that provision except by an act of appropriation agreed to by both Houses of Congress, which, to that extent, repeals these sections. However, if the Senate should pass this order it would be the duty of the First Comptroller to raise the question of law; and I trust that, unless the Senator is fully satisfied about the right of the Senate to do it, he will not undertake to do what is prohibited by law. I have not examined the question sufficiently to pass an opinion.

Mr. MORGAN. I have no doubt in my own mind of the power of the Senate to fix the pay of these employés and fix the term of service during which they shall be paid. We can employ them for ten days after the session adjourns and can pay them for that time. It makes no difference how long the recess is, we can fix the term of their service. I think there is no difficulty in the question at all. The Senate in adopting the resolution I now propose as a substitute is only following what it did a few days ago. It passed the same resolution, but it was in an imperfect form; and the object of this reconsideration is merely to get that difficulty out of the way respecting the time for the payment.

Mr. BECK. Mr. President, I introduced the resolution the other day which seems to be defective, because it reads:

Resolved, That the Secretary of the Senate be directed to pay to the pages and the employés of the Senate who do not receive an annual salary full pay for the month of October, 1881, the same to be paid out of the miscellaneous items of the contingent fund of the Senate.

That passed. The difficulty I understand now is, that, as the Senate did not meet until the 10th day of October, the Comptroller of the Treasury, or some officer of that Department, has decided we could not pay in advance of the meeting. We all agree that the men who are receiving per diem pay, as the pages here, should certainly be considered as employed for a month. They have been in actual service now twenty days, I believe, and they have been coming here in our service, and will require time to go home. The necessary time for that makes up the thirty days. That seems to be agreed. We are not giving them any extra compensation; we are saying they have been in our employ for thirty days, and surely they have been or will be from the time they left their respective homes until they shall reach them again.

The Senator from Alabama very well said we can direct them to stay a week longer if we like, to clean up these halls and wait upon members and committees that may sit during the recess, or for any other purpose. It is simply a provision that the limit of their pay shall be thirty days though the Senate may not be in session for that length of time, though it comes very near it. If we adjourn to-day it is only ten days short, and many of them will necessarily be here some days afterwards, so that the thirty days will certainly be covered.

In addition to that, there is this to say about it: It is a great deal more meritorious case than the organization of thirty-nine committees that we have authorized at this session when not over ten of them have had anything to do, and thirty-odd clerks are drawing six

dollars a day for committees that have never met and the members of which perhaps are not here. Thus we have all the machinery of thirty-odd useless committees. There is no complaint about that. Nearly $3,000 a day is taken out of the public Treasury in that way, and not a gentleman on the other side has found any fault with it. They have those clerks now, their own appointees for their own personal convenience, and I see no reason why the boys who are working as pages all the time should not be given this allowance.

Mr. SHERMAN. I have no objection to the passage of the resolution, because I think the pages ought to be paid for thirty days. I have not the slighest objection to the passage of the resolution if the Senate has the power to order the money to be paid. Unless Senators can see from the fair reading of the laws I have quoted that the Senate has the power by its own resolution to change the pay of officers whose pay is fixed by law, then, as a matter of course, we ought not to pass the resolution. We have the power, of course, to say how many committees shall employ clerks. There is no question of power there; it may be a question of propriety; the Senator from Kentucky stated it pretty strongly; but as to the other question whether this resolution should pass, that does not affect it. If we have no power to change the pay of pages, or to authorize them to be paid for time when they were not employed, we ought not to pass the resolution, because it is expressly prohibited by the plain language of the law. They are certainly employés or other persons engaged in the public service.

The PRESIDENT *pro tempore*. The question before the Senate is on the amendment proposed to the resolution by the Senator from Alabama [Mr. MORGAN] in the nature of a substitute.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The resolution having been read twice is in Committee of the Whole and still subject to amendment.

The resolution was reported to the Senate as amended, and the amendment was concurred in.

The resolution was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. What is the further pleasure of the Senate?

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty minutes spent in executive session the doors were reopened.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed by the presiding officer to wait upon the President of the United States and inquire if he has any other business to lay before the Senate.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN and Mr. BAYARD as the committee.

THANKS TO PRESIDENT PRO TEMPORE.

Mr. BAYARD submitted the following resolution; which was considered by unanimous consent:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. DAVID DAVIS for the courtesy, impartiality, and ability with which he has performed his duties as President *pro tempore* of the Senate.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the resolution.

The resolution was unanimously agreed to.

ADJOURNMENT SINE DIE.

On motion of Mr. MAXEY, it was

Ordered, That when the Senate adjourns to-day it adjourn without day.

FINAL ADJOURNMENT.

Mr. SHERMAN, from the committee appointed to wait upon the President of the United States and inform him that unless he may have some further communication to make the Senate is ready to adjourn without day, reported that the committee had performed the duty assigned them and that the President had replied that he had no further communication to make.

The PRESIDENT *pro tempore*, having resumed the chair, said: Senators, I am touched by the generous expressions in the resolution which it has pleased the Senate to pass in my honor; and I am grateful for the courteous co-operation which has been extended to me from all sides in administering the duties of presiding officer of this high and enlightened body.

Hoping that every member of the Senate will return happily and safely to his home and be permitted to resume his duties here at the next meeting of Congress, it only remains for me to declare the Senate adjourned without day.

The Senate thereupon (at four o'clock and thirty minutes p. m.) adjourned without day.

INDEX TO THE PROCEEDINGS.

PAGE

Admission to Floor
Order that privilege be extended to French and German visitors to Yorktown centennial celebration, offered by Mr. Anthony and passed ... 523

Agriculture
Annual report on: resolution instructing Committee on Printing to investigate delay in distribution of report for 1880, offered by Mr. Butler and passed ... 534
reported on ... 536

Alabama
Senators from, attended: John T. Morgan, James L. Pugh. 505

Aldrich, *Nelson W.* (*a Senator from Rhode Island*)
Attended ... 515
Appointed on standing committees: Foreign Relations; Finance; Education and Labor ... 525
Credentials presented ... 505

Allison, *William B.* (*a Senator from Iowa*)
Attended ... 505
Motions made by, for executive sessions ... 528, 540
Resolution offered by, to authorize Committee on Appropriations to conduct investigation ordered, of expenditures in Executive Departments, by sub-committee. Passed ... 535, 536

Anthony, *Henry B.* (*a Senator from Rhode Island*)
Attended ... 505
Appointed on special committee to wait on President ... 515
President of Senate *pro tempore:* resolution of Mr. Edmunds to elect him, as amendment to Mr. Pendleton's resolution to elect Mr. Bayard. Rejected ... 514

Motions made by
Adjourn: to ... 517
Committee on Printing: leave to sit during recess. Passed ... 537
Recess: to take ... 523

Papers presented by
Resolutions of City Council of Providence on death of Senator A. E. Burnside ... 517

Remarks by, on
Burnside, Senator A. E.: death of ... 517
Cotton Goods Trade: resolution of Mr. Morgan to print 2,500 copies of report of Secretary of State on ... 523, 524
Public documents: system of distributing ... 538
Rochambeau Papers: depositing in library of Congress. 531–533

Reports made by
FROM COMMITTEE ON PRINTING
Agricultural Reports: delay in printing ... 536
Biennial Register: printing 500 additional copies ... 534
Cotton Goods Trade: printing 2,500 copies of report of Secretary of State on ... 524
———: printing 2,500 additional copies of report of Secretary of State on ... 528

Resolutions offered by
Biennial Register: to print 500 additional copies of first volume. Referred, reported back and passed ... 529, 534
Yorktown centennial celebration: that privileges of floor be extended to French and German visitors to. Passed. 523

PAGE

Appointments to Office. *See* CIVIL SERVICE

Arkansas
Senators from, attended: Augustus H. Garland, James D. Walker ... 505

Attorney General
Report by, of list of officers, clerks and employés in Department of Justice (S. Ex. Doc. 2) ... 522

Baltimore and Ohio Railroad
Resolution instructing Committee on District of Columbia to consider removing their depot, offered by Mr. Morrill, debated and passed ... 535, 536

Baltimore and Potomac Railroad
Resolution instructing Committee on District of Columbia to consider removing their depot and tracks from Sixth street, offered by Mr. Morrill, debated and passed ... 535, 536

Bankruptcy
Resolution continuing authority for Committee on Judiciary to investigate subject, offered by Mr. Ingalls and passed ... 535

Bayard, *Thomas F.* (*a Senator from Delaware*)
Attended ... 505
Appointed on special committee to wait on President ... 540
President of Senate *pro tempore:* resolution that he be elected, offered by Mr. Pendleton, debated and passed. 505–514
———: resolution of thanks to him for manner in which he discharged duties as, offered by Mr. Edmunds and passed ... 521

Motions made by
Recess: to take ... 523

Remarks by, on
President of Senate *pro tempore:* on assuming chair ... 514
———: declining to vote on resolution to elect Mr. Davis of Illinois as ... 521
Yorktown centennial celebration: welcoming foreign visitors to ... 523

Resolutions offered by
Thanks: to Mr. Davis of Illinois for manner in which he has discharged duties of President of Senate *pro tempore.* Passed ... 540

Beck, *James B.* (*a Senator from Kentucky*)
Attended ... 505
Remarks by, on administering oath to senators elect before appointing President of Senate *pro tempore* ... 509, 511
———, on delay in printing public documents ... 534
———, on Mr. Morgan's resolution to pay one month's pay to employés of Senate who do not receive annual salary ... 539
Resolution offered by, to pay for month of October those employés of Senate who do not receive annual salary. Passed ... 535

Biennial Register
Resolution to print 500 extra copies of first volume, offered by Mr. Anthony and referred to Committee on Printing ... 529
reported back and passed ... 534

PAGE

Blair, *Henry W.* (*a Senator from New Hampshire*)
Attended ... 505

Brown, *Joseph E.* (*a Senator from Georgia*)
Attended ... 505

Burch, *John C.*
Statement of settlement of his accounts as Secretary of Senate (S. MISC. DOC. 3) ... 515

Burnside, *Ambrose E.* (*a Senator from Rhode Island*)
Death of: resolutions of City Council of Providence and remarks of Mr. Anthony on ... 517

Butler, *M. C.* (*a Senator from South Carolina*)
Attended ... 505
Resolution offered by, instructing Committee on Printing to investigate delay in printing Agricultural Report for 1880. Passed ... 534

California
Senators from, attended: James T. Farley, John F. Miller ... 505

Call, *Wilkinson* (*a Senator from Florida*)
Attended ... 505

Camden, *Johnson N.* (*a Senator from West Virginia*)
Attended ... 505

Cameron, *Angus* (*a Senator from Wisconsin*)
Attended ... 505

Cameron, *James Donald* (*a Senator from Pennsylvania*)
Attended ... 505

Cincinnati, *Ohio*
Resolution to investigate rules governing appointments in post-office at, referred to Committee on Post-Offices and Post-Roads ... 522

Civil Service
Appointments in: resolution to investigate rules governing, in Cincinnati post-office, referred to Committee on Post-Offices and Post-Roads ... 522
———: resolution declaratory, that they should not be made with object of influencing State elections, offered by Mr. Hill of Georgia ... 537

Cockrell, *Francis M.* (*a Senator from Missouri*)
Attended ... 505
Remarks by, on depositing Rochambeau papers in library of Congress ... 531
Resolution offered by, that hour of meeting be 12 m. Passed ... 515

Coke, *Richard* (*a Senator from Texas*)
Attended ... 505

Colorado
Senators from, attended: Nathaniel P. Hill, Henry M. Teller ... 505

Committee on Appropriations
Expenditures: resolution directing committee to investigate expenditures of executive departments, offered by Mr. Sherman and passed ... 533, 534
resolution authorizing sub-committee to conduct investigation, offered by Mr. Allison and passed ... 535, 536

Committee on Commerce
Mr. Miller of New York appointed to fill vacancy on ... 525
Resolution continuing power for committee to investigate condition of Potomac River front of Washington, offered by Mr. Ransom and passed ... 534

Committee on District of Columbia
Resolution instructing committee to consider removing depots of Baltimore and Potomac, and Baltimore and Ohio Railroads in Washington, offered by Mr. Morrill, debated and passed ... 535, 536

Committee on Education and Labor
Mr. Aldrich appointed to fill vacancy on ... 525

PAGE

Committee on Engrossed Bills
Mr. Miller of N. Y. appointed to fill vacancy on ... 525

Committee on Enrolled Bills
Mr. Sewell appointed to fill vacancy on ... 525

Committee on Finance
Mr. Aldrich appointed to fill vacancy on ... 525

Committee on Foreign Relations
Mr. Aldrich and Mr. Lapham appointed to fill vacancies on ... 525

Committee on Judiciary
Mr. Teller appointed to fill vacancy on ... 525
Bankruptcy: resolution continuing authority for committee to investigate subject, offered by Mr. Ingalls and passed ... 535
Extradition: resolution instructing committee to investigate subject of, and case of Vicenzo Rebello, offered by Mr. Edmunds and passed ... 522
Senate expenditures: report of committee on provisions made for, after death of Secretary of Senate ... 529

Committee on Military Affairs
Mr. Hawley appointed to fill vacancy on ... 525

Committee on Post-Offices and Post-Roads
Mr. Miller of N. Y. appointed to fill vacancy on ... 525

Committee on Printing
Given leave to sit during recess ... 537
Reports made by
Agricultural Reports: delay in printing ... 536
Biennial Register: printing 500 additional copies ... 534
Cotton Goods Trade: on printing 2,500 copies of report of Secretary of State on ... 524
———: on printing 2,500 additional copies of report of Secretary of State on ... 528

Committee on Privileges and Elections
Mr. Teller excused from service on ... 525
Mr. Lapham appointed to fill vacancy on ... 525

Committee on Public Buildings and Grounds
Report on resolution of Mr. Harris to convert ladies' retiring room into two committee rooms ... 533

Committee on Public Lands
Resolution continuing authority for committee to investigate business of land office, offered by Mr. Morgan and passed ... 535

Committee on Transportation Routes to Seaboard
Mr. Lapham appointed to fill vacancy on ... 525

Committee Rooms
Resolution to convert ladies' retiring room into two rooms for use of committees, offered by Mr. Harris and referred to Committee on Public Buildings and Grounds ... 528
reported back and passed ... 533

Committees
Special
To notify President that quorum assembled and T. F. Bayard elected President *pro tempore*: Mr. Pendleton and Mr. Anthony ... 515
To notify President of election of David Davis as President *pro tempore* of Senate: Mr. Logan and Mr. Pendleton ... 521
To wait on President and inquire if he has further business to submit: Mr. Sherman and Mr. Bayard ... 540
Standing
Appointment of: resolution that those of last session be continued, offered by Mr. Edmunds ... 515
debated ... 516, 517, 518
amendment to limit appointment to specified committees, offered by Mr. Garland, debated and rejected ... 517, 518
resolution passed ... 519
Vacancies on: appointments made to fill ... 525

Conger, *Omar D.* (*a Senator from Michigan*)
Attended ... 505

PAGE

Connecticut
Senators from, attended: Joseph R. Hawley, Orville H. Platt 505

Cotton Exposition
Invitation to Senate to visit International Cotton Exposition at Atlanta, Georgia 535

Cotton Goods Trade
Resolution to print 2,500 copies of report of Secretary of State on, offered by Mr. Morgan, referred to Committee on Printing, reported back and passed 523, 524
Resolution to print 2,500 additional copies, offered by Mr. Morrill and referred to Committee on Printing 525
reported back adversely 528

Davis, *David* (*a Senator from Illinois*)
Attended 505
President of Senate *pro tempore*: resolution that he be elected, offered by Mr. Logan, debated and passed.. 519–521
———: resolution of thanks to him for manner in which he discharged duties as, offered by Mr. Bayard and passed 540
Remarks by, on assuming chair as President of Senate *pro tempore* 521
———, in reply to resolution of thanks for manner in which he has discharged duties of President of Senate *pro tempore* 540

Davis, *Henry G.* (*a Senator from West Virginia*)
Attended 505
Remarks by, on Mr. Sherman's resolution to investigate expenditures in Executive Departments 534
———, on delay in printing Agricultural Reports 536

Dawes, *Henry L.* (*a Senator from Massachusetts*)
Attended 505
Remarks by, on resolution of Mr. Sherman calling for copy of report of investigation of expenditures in Treasury Department 527

Delaware
Senators from, attended: Thomas F. Bayard, Eli Saulsbury 505

Department of Justice
Officers, clerks and employés of: list of, reported by Attorney General (S. Ex. Doc. 2) 522

Edgerton, *Alonzo J.* (*a Senator from Minnesota*)
Attended 505

Edmunds, *George F.* (*a Senator from Vermont*)
Attended 505
Presents credentials of Mr. Lapham and Mr. Miller as Senators from N. Y. and of Mr. Aldrich as Senator from R. I. 505

Motions made by
Executive sessions: for 517, 523, 530, 535, 537
Senators elect: that oath be administered to them by Mr. Anthony 506
———: that oath be administered to Mr. Aldrich 514
———: that oath be administered to Mr. Aldrich 515
———: that oath be administered to Mr. Lapham and Mr. Miller 515
Spear, Horace S.: that papers in his case be transmitted to Commissioner of Pensions. Passed 530
Thanks: to Mr. Bayard for manner in which discharged duties of President of Senate *pro tempore* 521

Remarks by, on
Committees: appointment of 516, 517, 518
Executive Departments: resolution of Mr. Sherman to investigate expenditures in 534
President of Senate *pro tempore*: tenure of office of 509–514
Rochambeau Papers: depositing in library of Congress.. 531
Senate employés: resolution to pay one month's pay to those who do not receive annual salary 539
Senators elect: administering oath to them before appointing President of Senate *pro tempore* 506–514
Treasury Department: resolution of Mr. Sherman calling for copy of report of investigation of expenditures in 523

Reports made by
Senate expenditures: from Committee on Judiciary on provisions made for, after death of Secretary of Senate. 529

PAGE

Edmunds—*Continued.*

Resolutions offered by
Committees: that standing committees of last session be continued. Debated and passed 515–518
Extradition: that Committee on Judiciary investigate subject of, and case of Vicenzo Rebello. Passed 522
President of Senate *pro tempore*: that Mr. Bayard be elected for one day, as amendment to Mr. Pendleton's resolution for his election. Debated and rejected.... 509–514
———: that Mr. Anthony be elected, as amendment to Mr. Pendleton's resolution that Mr. Bayard be elected. Rejected 514
Secretary of Senate: that F. E. Shober, chief clerk, be appointed to act until vacancy filled. Passed 529
———: that the President and the Secretary of Treasury be notified of Mr. Shober's appointment. Passed 529
Senators elect: that oath be administered to them, as amendment to Mr. Pendleton's resolution to elect President of Senate *pro tempore*. Debated and rejected.. 506–509
Yorktown centennial celebration: that Sergeant-at-arms provide for reception in rotunda of Capitol of French and German visitors to. Passed 523

Employés. *See* SENATE.

Executive Departments
Expenditures of: resolution directing Committee on Appropriations to investigate, offered by Mr. Sherman and passed 533, 534
resolution authorizing investigation to be conducted by sub-committee, offered by Mr. Allison and passed.. 535–536

Expenditures
Executive Departments: resolution directing Committee on Appropriations to investigate, offered by Mr. Sherman and passed 533, 534, 535, 536
Senate: statement of, from July 1, 1880, to July 3, 1881, (S. Misc. Doc. 3) 515
———: report of Secretary of Treasury on orders given relative to, after death of Secretary of Senate (S. Ex. Doc. 3) 525
———: report of Committee on Judiciary on mode of making, after death of Secretary of Senate 529
Treasury Department: report of committee appointed by Secretary of Treasury to investigate (S. Ex. Doc. 6)... 529

Extradition
Resolution requesting information from President relative to extradition of Vicenzo Rebello, offered by Mr. Kellogg and passed 516, 521
Resolution instructing Committee on Judiciary to investigate subject of, and case of Vicenzo Rebello, offered by Mr. Edmunds and passed 522

Fair, *James G.* (*a Senator from Nevada*)
Paired with Mr. Platt for the session 506

Farley, *James T.* (*a Senator from California*)
Attended 505
Motion made by, to postpone consideration of Mr. Sherman's resolution calling for copy of report of investigation of expenditures in Treasury Department. Passed 525
Remarks by, on resolution of Mr. Sherman calling for copy of report of investigation of expenditures in Treasury Department 525, 526
Resolution offered by, that Secretary of Treasury transmit with report of investigation of expenditures in Treasury Department a copy of testimony taken, as amendment to Mr. Sherman's resolution calling for copy of report. Rejected 526, 527

Ferry, *Thomas W.* (*a Senator from Michigan*)
Attended 505
Motion made by, for executive session 528

Florida
Senators from, attended: Wilkinson Call, Charles W. Jones 505

Frye, *William P.* (*a Senator from Maine*)
Attended 505

Garfield, *James A.*
Death of; resolution to consider making medal to commemorate, with letter from Mrs. E. B. Johnston on subject, referred to Committee on Library 521
Death of: statement by Mr. Sherman that would defer until regular session formal announcement of 522

PAGE

Garland, *Augustus H.* (*a Senator from Arkansas*)
Attended ... 505
Motions made by
Adjourn: to ... 516
Executive session: for ... 524, 533
Remarks by, on
Committees: appointment of ... 516, 517, 518
President of Senate *pro tempore*: tenure of office of ... 509
Senators elect: administering oath to them before appointing President of Senate *pro tempore* ... 507
Treasury Department: resolution of Mr. Sherman calling for copy of report of investigation of expenditures in ... 527, 528
Resolutions offered by
Committees: that certain specified committees be not appointed for special session, as an amendment to Mr. Edmunds' resolution to appoint all. Rejected ... 517, 518

Geneva Convention of 1864
Proceedings of: transmitted by President (S. Ex. Doc. 1). 516

George, *James Z.* (*a Senator from Mississippi*)
Attended ... 505

Georgia
Senators from, attended: Joseph E. Brown, Benjamin H. Hill ... 505

Gorman, *Arthur P.* (*a Senator from Maryland*)
Attended ... 505

Groome, *James B.* (*a Senator from Maryland*)
Attended ... 505

Grover, *La Fayette F.* (*a Senator from Oregon*)
Attended ... 505

Hale, *Eugene* (*a Senator from Maine*)
Attended ... 505

Hampton, *Wade* (*a Senator from South Carolina*)
Attended ... 505

Harris, *Isham G.* (*a Senator from Tennessee*)
Attended ... 505
Calls Senate to order and takes chair on opening of session ... 505
Motion made by, to take recess ... 515
——, to adjourn ... 522
——, for executive session ... 535
Resolution offered by, that ladies' retiring room be converted into two committee rooms. Referred, reported back and passed ... 528, 533

Harrison, *Benjamin* (*a Senator from Indiana*)
Attended ... 505

Hawley, *Joseph R.* (*a Senator from Connecticut*)
Attended ... 505
Appointed on standing committee: Military Affairs ... 525
Motion made by, to take recess ... 523
Remarks by, on the system of distributing public documents ... 537, 538

Hill, *Benjamin H.* (*a Senator from Georgia*)
Attended ... 505
Resolution offered by, that appointments to Federal offices ought not to be made with view to influencing State elections ... 537

Hill, *Nathaniel P.* (*a Senator from Colorado*)
Attended ... 505

Hoar, *George F.* (*a Senator from Massachusetts*)
Attended ... 505
Remarks by, on system of distributing public documents. 537
——, on resolution to pay one month's pay to Senate employés who do not receive annual salary ... 539
Resolution offered by, that Committee on Printing consider mode of improving system of distributing public documents. Passed ... 537, 538

Illinois
Senators from, attended: David Davis, John A. Logan ... 505

PAGE

Indiana
Senators from, attended: Benjamin Harrison, Daniel W. Voorhees ... 505

Ingalls, *John J.* (*a Senator from Kansas*)
Attended ... 505
Motion made by, for executive session ... 525
Remarks by, on depositing Rochambeau papers in library of Congress ... 531–533
——, on requiring removal of railroad depots in Washington ... 536
Resolution offered by, to continue authority for Committee on Judiciary to investigate subject of bankruptcy ... 535

International Cotton Exposition
Invitation to Senate to visit ... 535

International Sanitary Conference. *See* GENEVA CONVENTION.

Inter-Oceanic Canals
Resolution requesting information from President whether any action taken to protect interests of U. S. in proposed Panama Canal, offered by Mr. Lamar and passed ... 517, 522
report made and referred to Committee on Foreign Relations. (S. Ex. Doc. 5) ... 529

Iowa
Senators from, attended: William B. Allison, James W. McDill ... 505

Jackson, *Howell E.* (*a Senator from Tennessee*)
Attended ... 505

Johnston, *Elizabeth Bryant*
Letter proposing medal to commemorate death of James A. Garfield, late President, referred to Committee on Library ... 521

Johnston, *John W.* (*a Senator from Virginia*)
Attended ... 505

Jonas, *Benjamin F.* (*a Senator from Louisiana*)
Attended ... 505

Jones, *Charles W.* (*a Senator from Florida*)
Attended ... 505
Remarks by, on tenure of office of President of Senate *pro tempore* ... 519

Jones, *John P.* (*a Senator from Nevada*)
Attended ... 505

Kansas
Senators from, attended: John J. Ingalls, Preston B. Plumb ... 505

Kellogg, *William Pitt* (*a Senator from Louisiana*)
Attended ... 505
Resolution offered by, that Secretary of State transmit documents relative to arrest and extradition of Vicenzo Rebello. Passed ... 516, 521

Kentucky
Senators from, attended: James B. Beck, John S. Williams. 505

Lamar, *Lucius Q. C.* (*a Senator from Mississippi*)
Attended ... 505
Resolution offered by, requesting information from President whether any action taken to protect interests of U. S. in Panama Canal. Passed ... 517, 522

Land Office
Resolution continuing authority for Committee on Public Lands to investigate business of, offered by Mr. Morgan and passed ... 535

Lapham, *Elbridge G.* (*a Senator from New York*)
Attended ... 515
Appointed on standing committees: Foreign Relations; Transportation Routes to Seaboard; Privileges and Elections ... 525
Credentials presented ... 505
Petition of members of New York legislature relative to his election. Referred to Committee on Privileges and Elections ... 515, 526

PAGE

Logan, *John A. (a Senator from Illinois)*
Attended 505
Appointed on special committee to wait on President 521
Resolution offered by, that Mr. Davis of Illinois be elected President of Senate *pro tempore*. Passed 519-521
———, to appoint committee to notify President of election of Mr. Davis as President of Senate *pro tempore* 521

Louisiana
Senators from, attended: Benjamin F. Jonas, William Pitt Kellogg 505

McDill, *James W. (a Senator from Iowa)*
Attended 505

McMillan, *Samuel J. R. (a Senator from Minnesota)*
Attended 505

McPherson, *John R. (a Senator from New Jersey)*
Attended 505
Petition presented by, of members of New York legislature relative to election of Mr. Lapham and Mr. Miller as Senators from New York 515, 526

Mahone, *William (a Senator from Virginia)*
Attended 505

Maine
Senators from, attended: William P. Frye, Eugene Hale. 505

Maryland
Senators from, attended: Arthur P. Gorman, James B. Groome 505

Massachusetts
Senators from, attended: Henry L. Dawes, George F. Hoar 505

Maxey, *Sam. Bell (a Senator from Texas)*
Attended 505
Motion made by, that adjournment be without day 540
Remarks by, on depositing Rochambeau papers in library of Congress 533

Michigan
Senators from, attended: Omar D. Conger, Thomas W. Ferry 505

Miller, *John F. (a Senator from California)*
Attended 505

Miller, *Warner (a Senator from New York)*
Attended 515
Appointed on standing committees: Commerce; Post-Offices and Post-Roads; Engrossed Bills 525
Credentials presented 505
Petition of members of New York legislature relative to his election. Referred to Committee on Privileges and Elections 515, 526

Minnesota
Senators from, attended: Alonzo J. Edgerton, Samuel J. R. McMillan 505

Mississippi
Senators from, attended: James Z. George, Lucius Q. C. Lamar 505

Missouri
Senators from, attended; Francis M. Cockrell, George G. Vest 505

Mitchell, *John I. (a Senator from Pennsylvania)*
Attended 505

Morgan, *John T. (a Senator from Alabama)*
Attended 505

Remarks by, on
Cotton Goods Trade: resolution to print 2,500 copies of report of Secretary of State on 523, 524
President of Senate *pro tempore*: tenure of office of 512, 513
Senate employés: resolution to pay one month's pay to those who do not receive annual salary 538, 539
Senators elect: administering oath to them before appointing President of Senate *pro tempore* 510, 512

PAGE

Morgan—*Continued.*

Resolutions offered by
Committee on Public Lands: to continue their authority to investigate business of Land Office. Passed 535
Cotton Goods Trade: to print 2,500 copies of report of Secretary of State on. Passed 523, 524
Senate employés: to reconsider resolution passed to pay for month of October those who do not receive annual salary. Passed 537
———: to pay one month's pay from October 10th to those who do not receive annual salary. Debated and passed 538-540
Senate expenditures: that Secretary of Treasury report orders given by him relative to. Passed 522

Morrill, *Justin S. (a Senator from Vermont)*
Attended 505

Remarks by, on
Cotton Goods Trade: resolution of Mr. Morgan to print 2,500 copies of report of Secretary of State on 524
Executive Departments: resolution of Mr. Sherman to investigate expenditures in 534
Railroad depots in Washington: resolution relative to their removal 535, 536
Rochambeau papers: on depositing them in library of Congress 533
Treasury Department: resolution of Mr. Sherman calling for copy of report of investigation of expenditures in. 526

Reports made by
Committee rooms: from Committee on Public Buildings and Grounds on resolution of Mr. Harris to convert ladies' retiring room into 533

Resolutions offered by
Cotton Goods Trade: to print 2,500 additional copies of report of Secretary of State on. Referred and reported back adversely 525, 528
Railroad depots in Washington: that Committee on District of Columbia consider removing them. Debated and passed 535, 536

Nebraska
Senators from, attended: Alvin Saunders, Charles H. Van Wyck 505

Nevada
Senators from, attended: John P. Jones 505
paired for the session, James G. Fair 506

New Hampshire
Senators from, attended: Henry W. Blair, Edward H. Rollins 505

New Jersey
Senators from, attended: John R. McPherson, William J. Sewell 505

New York
Senators from, attended: Elbridge G. Lapham, Warner Miller 515
———: petition of members of legislature of New York relative to title of Mr. Lapham and Mr. Miller to seats in Senate, presented by Mr. McPherson and referred to Committee on Privileges and Elections 515, 526

North Carolina
Senators from, attended: Matt. W. Ransom, Zebulon B. Vance 505

Ohio
Senators from, attended: George H. Pendleton, John Sherman 505

Oregon
Senators from, attended: La Fayette Grover, James H. Slater 505

Pendleton, *George H. (a Senator from Ohio)*
Attended 505
Appointed on special committees to wait on President. 515, 521

Motions made by
Adjourn: to 514
Lay on table: the motion of Mr. Edmunds that oath be administered to senators elect. Passed 506

PAGE

Pendleton—*Continued.*

Remarks by, on
Public documents: system of distributing 538

Resolutions offered by
Committee: to appoint one to wait on President. Passed. 515
President of Senate *pro tempore:* to appoint Mr. Bayard 505
debated and passed 505–514

Pennsylvania
Senators from, attended: James Donald Cameron, John I. Mitchell 505

Petitions and Memorials
New York, members of legislature of: title of Mr. Lapham and Mr. Miller to seats in Senate 515, 526
Pecan Valley Bank, of Texas: repeal of bank and stamp taxes 535
Taylor County Bank, of Texas: repeal of bank and stamp taxes 535

Platt, *Orville H.* (*a Senator from Connecticut*)
Attended 505

Plumb, *Preston B.* (*a Senator from Kansas*)
Attended 505

Potomac River
Resolution continuing power for Committee on Commerce to investigate condition of river-front of Washington, offered by Mr. Ransom and passed 534

President of Senate *pro tempore*
Bayard, Thomas F.: resolution to appoint him, offered by Mr. Pendleton 505
amendment to administer oath to senators-elect, offered by Mr. Edmunds, debated and rejected 506–509
amendment that his appointment be for one day, offered by Mr. Edmunds, debated and rejected 509–514
amendment to substitute name of Mr. Anthony, offered by Mr. Edmunds and rejected 514
resolution passed 514
Davis, David: resolution to appoint him, offered by Mr. Logan and passed 519–521
Election of: debate on rules and precedents governing 506–514, 519–521
Thanks to: resolution expressing, to Mr. Bayard for manner in which he discharged duties, offered by Mr. Edmunds and passed 521
——: resolution expressing, to Mr. Davis of Illinois for manner in which he discharged duties, offered by Mr. Bayard and passed 540

President of United States
Proclamation of: convening special session of Senate ... 505

Messages from
Geneva convention: transmitting copy of proceedings of (S. Ex. Doc. 1) 516
Panama Canal: transmitting report of Secretary of State relative to (S. Ex. Doc. 5) 529

Requests to
Panama Canal: for information whether any action taken to protect interests of U. S. in. Passed 517, 522
Rebello, Vicenzo: for information relative to arrest and extradition of 516, 521

Proclamation of President
Convening special session of Senate 505

Providence, *Rhode Island*
Resolutions of City Council on death of Senator Burnside 517

Public Documents
Catalogue of: letter from Secretary of Treasury in reply to resolution directing him to report list of publications of Treasury Department. (S. Ex. Doc. 4) 528
Distribution of: resolution directing Committee on Printing to consider improving system of, offered by Mr. Hoar, debated and passed 537, 538

PAGE

Public Documents—*Continued.*

Printed for Distribution
Biennial Register: resolution to print 500 extra copies of first volume, offered by Mr. Anthony and referred to Committee on Printing 529
reported back and passed 534
Cotton Goods Trade: resolution to print 2,500 copies of report of Secretary of State on, offered by Mr. Morgan, referred to Committee on Printing, reported back and passed 523, 524
——: resolution to print 2,500 additional copies, offered by Mr. Morrill and referred to Committee on Printing 525
reported back adversely 528

Pugh, *James L.* (*a Senator from Alabama*)
Attended 505

Ransom, *Matt. W.* (*a Senator from North Carolina*)
Attended 505
Remarks by, on system of distributing public documents 538
Resolution offered by, leave to withdraw papers of Edward H. Wilson. Passed 530
——, to continue authority for Committee on Commerce to investigate condition of river-front of Washington. Passed 534

Rebello, *Vicenzo*
Resolution requesting information from President relative to arrest and extradition of, offered by Mr. Kellogg and passed 516, 521
Resolution instructing Judiciary Committee to investigate proceedings in extradition of, offered by Mr. Edmunds and passed 522

Rhode Island
Senators from, attended: Henry B. Anthony 505
Nelson W. Aldrich 515

Rochambeau Papers
Resolution authorizing them to be deposited in library of Congress to await action on proposition to sell to U. S., reported by Committee on Library 530
debated and passed 530–533

Rollins, *Edward H.* (*a Senator from New Hampshire*)
Attended 505

Salaries. *See* SENATE.

Saulsbury, *Eli* (*a Senator from Delaware*)
Attended 505

Saunders, *Alvin* (*a Senator from Nebraska*)
Attended 505

Sawyer, *Philetus* (*a Senator from Wisconsin*)
Attended 505

Secretary of Senate
Accounts of: statement of settlement of accounts of John C. Burch, deceased (S. Misc. Doc. 3) 515
Appointment of: resolution appointing F. E. Shober, chief clerk, as acting Secretary until vacancy filled, offered by Mr. Edmunds and passed 529, 530

Secretary of State
Geneva Convention: transmits report of proceedings of (S. Ex. Doc. 1) 516
Panama Canal: report of measures taken to protect interests of U. S. in (S. Ex. Doc. 5) 529

Secretary of Treasury

Communications from
Public documents: letter in reply to resolution directing him to report catalogue of those published by Treasury Department (S. Ex. Doc. 4) 528
Senate expenditures: report on mode adopted for making, after death of Secretary of Senate (S. Ex. Doc. 3) 525
Treasury Department: transmitting copy of report of investigation of expenditures of contingent fund of (S. Ex. Doc. 6) 529

PAGE

Secretary of Treasury—*Continued.*

Orders to

Senate expenditures: resolution directing him to report orders given by him, after death of Secretary of Senate, to govern, offered by Mr. Morgan and passed..... 523
Treasury Department: resolution directing him to transmit copy of report of investigation of expenditures in, offered by Mr. Sherman and passed.....522, 528

Senate

Committee rooms: resolution to convert ladies' retiring room into two rooms for, offered by Mr. Harris and referred to Committee on Public Buildings and Grounds..... 528
reported back and passed..... 533
Employés of: resolution to pay their salaries for current month on adjournment of Senate, offered by Mr. Voorhees and passed.....530, 533
——: resolution to pay those who do not receive annual salary full pay for month of October, offered by Mr. Beck and passed..... 535
reconsidered..... 537
substitute that be paid for one month from October 10, offered by Mr Morgan, debated and passed....538, 539, 540
Expenditures for: statement of, from July 1, 1880, to July 3, 1881 (S. MISC. DOC. 3)..... 515
——: resolution directing Secretary of Treasury to report orders given by him to govern, after death of Secretary of Senate, offered by Mr. Morgan and passed. 523
report made and referred to Committee on Judiciary (S. EX. DOC. 3)..... 525
reported on by committee..... 529
Hour of meeting: resolution passed fixing at 12 m..... 515

Senators

Admission of: debate on admitting new senators before President of Senate elected.....506–514

Sewell, *William J.* (*a Senator from New Jersey*)

Attended..... 505
Appointed on standing committee: Enrolled Bills..... 525

Sherman, *John* (*a Senator from Ohio*)

Attended..... 505
Appointed on special committee to wait on President.... 540

Motions made by

Adjourn over: to..... 524
Executive session: for..... 519
Treasury Department: that report of Secretary of Treasury on investigation of expenditures in, be referred to Committee on Appropriations. Passed..... 534

Remarks by, on

Executive Departments: resolution to investigate expenditures in..... 534
Garfield, James A.: that formal announcement of his death will be deferred until regular session..... 522
Rochambeau Papers: depositing in library of Congress.530–533
Senate employés: resolution to pay one month's pay to those who do not receive annual salary.....539, 540
Treasury Department: investigation of expenditures in. 522, 525, 526, 527, 528

Resolutions offered by

Committee: to appoint one to wait on President..... 540
Executive Departments: that Committee on Appropriations investigate expenditures in. Passed.....533, 534
Rochambeau Papers: to authorize their deposit in library of Congress. Reported from Committee on Library, debated and passed.....530–533
Treasury Department: that Secretary of Treasury transmit copy of report of his investigation of expenditures in. Debated and passed.....522, 523, 525–528

Shober, *Francis E.* (*Chief Clerk*)

Resolution appointing him acting Secretary of Senate until vacancy filled.....529, 530

Slater, *James H.* (*a Senator from Oregon*)

Attended..... 505

South Carolina

Senators from, attended: M. C. Butler, Wade Hampton.. 505

Spear, *Horace S.*

Leave to withdraw his papers: resolution offered by Mr. Edmunds and passed..... 530

PAGE

Taxes

Petitions for repeal of bank and stamp taxes, referred to Committee on Finance..... 535

Teller, *Henry M.* (*a Senator from Colorado*)

Attended..... 505
Appointed on standing committee: Judiciary..... 525
Excused from service on Committee on Privileges and Elections..... 525

Tennessee

Senators from, attended: Isham G. Harris, Howell E. Jackson..... 505

Texas

Senators from, attended: Richard Coke, Samuel Bell Maxey..... 505

Treasury Department

Expenditures in: resolution directing Secretary of Treasury to transmit copy of report of investigation of, offered by Mr. Sherman..... 522
debated.....522, 523, 525, 526, 527, 528
amendment that he transmit copy of testimony, offered by Mr. Farley and rejected.....526, 527
resolution passed..... 528
report made (S. EX. DOC. 6)..... 529
report referred to Committee on Appropriations..... 534

Van Wyck, *Charles H.* (*a Senator from Nebraska*)

Attended..... 505

Vance, *Zebulon B.* (*a Senator from North Carolina*)

Attended..... 505

Vermont

Senators from, attended: George F. Edmunds, Justin S. Morrill..... 505

Vest, *George G.* (*a Senator from Missouri*)

Attended..... 505
Remarks by, on administering oath to senators elect before appointing President of Senate *pro tempore*.....513, 514

Virginia

Senators from, attended: John W. Johnston, William Mahone..... 505

Voorhees, *Daniel W.* (*a Senator from Indiana*)

Attended..... 505

Remarks by, on

Rochambeau Papers: depositing in library of Congress.531, 532

Resolutions offered by

Cincinnati post-office: that Committee on Post-Offices and Post-Roads investigate rules governing appointments in. Referred..... 522
Garfield, James A.: that Committee on Library consider expediency of a medal to commemorate death of. Referred..... 521
Senate employés: to pay their salaries for current month on adjournment of Senate. Passed.....530, 533

Walker, *James D.* (*a Senator from Arkansas*)

Attended..... 505

Washington, *D. C.*

River front: resolution continuing power for Committee on Commerce to investigate condition of, offered by Mr. Ransom and passed..... 534

West Virginia

Senators from, attended: Johnson N. Camden, Henry G. Davis..... 505

Williams, *John S.* (*a Senator from Kentucky*)

Attended..... 505

Wilson, *Edward H.*

Leave to withdraw his papers: resolution offered by Mr. Ransom and passed..... 530

Wisconsin

Senators from, attended: Angus Cameron, Philetus Sawyer..... 505

PAGE

Withdrawal of Papers

Spear, Horace S 530
Wilson, Edward H 530

Yea and Nay Votes

Adjourn: motion for 515
Committees: Mr. Edmunds' resolution that those of last session be continued 519
——: amendment of Mr. Garland that only portion of committees be organized 518
President of Senate *pro tempore:* resolution of Mr. Pendleton that Mr. Bayard be elected 514
——: amendment of Mr. Edmunds that Mr. Bayard be elected for one day 514
——: amendment of Mr. Edmunds that Mr. Anthony be elected 514

PAGE

Yea and Nay Votes—*Continued.*

President of Senate *pro tempore:* resolution of Mr. Logan that Mr. Davis of Illinois be elected 521
Senators elect: lay on table motion of Mr. Edmunds that oath be administered to 506
——: resolution of Mr. Edmunds that oath be administered to 509
Treasury Department: that Secretary of Treasury transmit copy of testimony taken in investigating expenditures in, Mr. Farley's amendment to Mr. Sherman's resolution calling for copy of report 527

Yorktown Centennial Celebration

Foreign visitors to: reception of, by the Senate 523

~~1769~~ X

1757


8-75

